ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. vii.

An Act for more effectually repairing the Road from the *Golden Farmer*, near *Bagshot*, in the County of *Surrey*, to *Hertfordbridge Hill*, and from thence to *Basingstoke* and *Odiham*, and from *Odiham* to the Great Western Road at *Bartley Heath* in the County of *Southampton*; and also from *Odiham* aforesaid to a Place called the *Bull Inn*, in the Parish of *Swallowfield*, in the County of *Wilts*, on the Turnpike Road leading from the Town of *Reading*, in the County of *Berks*, to *Basingstoke* aforesaid.

[23d *March* 1819.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road from* Hertfordbridge Hill *to the Town of* Basingstoke, *and also the Road from* Hertfordbridge Hill *aforesaid to the Town of* Odiham *in the County of* Southampton: And whereas another Act was passed in the Twenty-first Year of the Reign of His said late Majesty King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Tenth Year of the Reign of His present Majesty, for repairing the Road from* Hertfordbridge Hill *to the Town* 10 G. 2. c. 12. 21 G. 2. c. 16.

of Baſingſtoke, *and alſo the Road from* Hertfordbridge Hill *aforeſaid to the Town of* Odiham *in the County of* Southampton, *and for making the ſaid Act more effectual:* And whereas another Act was paſſed in the Thirtieth Year of the Reign of His ſaid late Majeſty King *George* the Second, in-
30G.2.c.61. tituled *An Act for repairing the Road from a Place called the* Golden Farmer, *near* Bagſhot *in the County of* Surrey, *to* Hertfordbridge Hill *in the County of* Southampton: And whereas another Act was paſſed in the Thirteenth Year of the Reign of His preſent Majeſty King *George* the
13G.3.c.94. Third, intituled *An Act for enlarging the Terms and Powers of Two Acts of the Tenth and Twenty-firſt Years of the Reign of His late Majeſty King* George *the Second, for repairing the Road from* Hertfordbridge Hill *to the Town of* Baſingſtoke, *and alſo the Road from* Hertfordbridge Hill *aforeſaid to the Town of* Odiham *in the County of* Southampton: And whereas another Act was paſſed in the Seventeenth Year of the Reign of His pre-
17G.3.c.84. ſent Majeſty, intituled *An Act for enlarging the Term and continuing the Powers granted by an Act paſſed in the Thirtieth Year of the Reign of His late Majeſty King* George *the Second, for repairing the Road from a Place called the* Golden Farmer, *near* Bagſhot *in the County of* Surrey, *to* Hertfordbridge Hill *in the County of* Southampton: And whereas another Act was paſſed in the Twenty-ninth Year of the Reign of His preſent Majeſty,
29G.3.c.88. intituled *An Act for continuing and rendering more effectual ſeveral Acts for repairing the Road from* Hertfordbridge Hill *to the Town of* Baſingſtoke, *and alſo the Road from* Hertfordbridge Hill *aforeſaid to the Town of* Odiham *in the County of* Southampton; *and for extending the Limits of the ſaid laſt-mentioned Road, from the preſent Termination thereof in the ſaid Town of* Odiham, *to the Road leading from thence through the ſaid Town to the Great Weſtern Road at* Bartley Heath *in the ſaid County:* And whereas another Act was paſſed in the Thirty-eighth Year of the Reign of
38G.3.c.67. His preſent Majeſty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, and rendering more effectual, ſeveral Acts for repairing the Road from the* Golden Farmer, *near* Bagſhot *in the County of* Surrey, *to* Hertfordbridge Hill *in the County of* Southampton, *and from thence to* Baſingſtoke *and* Odiham; *both in the ſaid County of* Southampton; *and for repairing and widening the Road from the Southern Extremity of* Northwarnborough Lane, *near* Odiham *aforeſaid, over* Northwarnborough Common, Hook Common, *and* Bartley Heath, *and through the Pariſhes of* Rotherwick, Mattingley *and* Heckfield, *to a Place called the* Bull Inn, *in the Pariſh of* Swallowfield, *on the Turnpike Road leading from the Town of* Reading, *in the County of* Berks, *to* Baſingſtoke *aforeſaid:* And whereas the reſpective Truſtees appointed to put the ſaid Acts into Execution, have proceeded in the Repair of the ſaid Roads, and have borrowed ſeveral Sums of Money on the Credit of the reſpective Tolls thereby granted, which cannot be repaid, nor the ſaid Roads effectually amended and kept in Repair, unleſs the Term and Powers granted by the ſaid recited Acts are enlarged and made more effectual; and it would be more convenient to the Truſtees, and beneficial to the Roads, if the Proviſions of the ſaid Acts were to be conſolidated and comprized in one Act: But as the ſame cannot be done without the Authority of Parliament, 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 Com-

mons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral herein-before recited Acts ſhall be and the ſame are hereby repealed; and the Tolls by this Act 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 by the ſaid ſeveral recited Acts, or any of them, on the ſaid 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. Recited Acts repealed.

II. And be it further enacted, That Sir *Henry St. John Carew St. John Mildmay* Baronet, Sir *John Cope* Baronet, the Honourable *Thomas Powlett Orde Powlett*, the Mayor of *Baſingſtoke* for the Time being, *William Chute*, *Thomas Freeman Heathcote*, *John Peter Addenbrooke*, *William Apletree*, *John Baſtard* Clerk, *Wither Bramſton*, *Bartholomew Arlett*, *Thomas Bacon*, *John Burgeſs*, *John Hanbury Beaſoy*, *Richard Birt*, *George Bainbridge*, *John Broughton*, *John Blackburn*, *Thomas Burningham*, the Reverend *Jonathan Hilkiah Bricknell*, the Reverend *James Blatch*, *Charles Frederick Brooke*, *Paul Legas Burnet*, *William Robert Burgeſs*, *John Reading Bird*, *Richard Booth*, the Reverend *George Carter*, *George Stredwick Camden*, *Henry Collins*, *Francis Chaſe*, *John Chambers*, the Reverend *Peter Debary*, *Francis Digweed*, *William Ellis*, *John Gale*, *James Giblett* ſenior, *James Giblett* junior, *Thomas Giblett*, *Thomas Gregory*, *Joſeph Grave*, *James Goulding*, *George Green*, *Henry William Toovey Hawley*, *John Halhed*, *Robert Halhed*, *Richardſon Harriſon*, the Reverend *Richard Hunter*, the Reverend *Arthur Atherley Hammond*, the Reverend *John Hewer*, *John Huſband*, *Thomas Huſband*, *Thomas Haſker*, *John Arundell Hodgskin*, *John Horne*, *Charles Thomas Howard*, *George Purefoy Jervoiſe*, the Reverend *Lancelot Jefferſon*, *John Keep*, *Charles Shaw Lefevre*, *Charles Shaw Lefevre* junior, *John George Shaw Lefevre*, *Henry Francis Shaw Lefevre*, *Edward Lane*, the Reverend *John Henry George Lefroy*, the Reverend *Gilbert Henry Langdon*, *Paulet St. John Mildmay*, *Jonathan George Micklethwaite*, the Reverend *Thomas Matthews*, *Chriſtopher Muſgrave*, *Thomas May*, *Charles May*, *Edward May* of *Crookham*, *John Norris*, *Nathanael Nicholls*, the Reverend *John Orde*, *George Pindar*, *William Belſher Parfett*, *James Parker*, *Brown George Rouviere*, *Tipping Thomas Rigby*, *Henry Ruſh*, *Joſeph Ruſſell*, the Reverend *John Richards*, *William Lutley Sclater*, the Reverend *Thomas Salmon*, the Reverend *Thomas Smith*, the Reverend *John Robert Smythies*, the Reverend *Henry Ellis St. John*, the Reverend *Edward St. John*, *Charles Shebbeare*, *William Seymour*, *John Norris Thompſon*, *William Tyndale*, *Stephen Terry*, *William Trimmer*, *William Pole Tylney Long Welleſley*, *Valentine Henry Wilmot*, *Thomas Moore Wayne*, the Reverend *Thomas Alſton Warren*, *James Webb*, and their Succeſſors, to be elected in manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act in Execution, and for repairing and maintaining the ſaid Roads leading from the *Golden Farmer*, near *Bagshot* in the County of *Surrey*, to *Hertfordbridge Hill* in the County of *Southampton*, and from thence to *Baſingstoke* and *Odiham*, both in the ſaid County of *Southampton*, and from *Odiham* aforeſaid to the Great Weſtern Road at *Bartley Heath* in the ſaid County of *Southampton*; and alſo from *Odiham* Appointment of new Truſtees.

Odiham aforesaid, to a Place called the *Bull Inn*, in the Parish of *Swallowfield*, in the County of *Wilts*, on the Turnpike Road leading from the Town of *Reading*, in the County of *Berks*, to *Basingstoke* aforesaid.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Ten in the Whole, to be Trustees for executing this Act, in addition to the Trustees hereby mentioned; and that such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed in and by this Act.

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

IV. And be it further enacted, That when and so often as any Trustee or Trustees hereby appointed or to be appointed by virtue of this Act, shall die or remove to a greater Distance than Ten Miles from any Part of the said Roads, unless such Trustee or Trustees shall be seized or possessed of Property in Lands or Tenements of the clear yearly Value of Fifty Pounds or upwards, situate in some Parish through which some of the said Roads run, or become disqualified for any of the Reasons hereinafter mentioned, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands, to elect and appoint some other Person in the Room of each Trustee so dying, removing, 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, by affixing the same in Writing on all the Turnpike Gates which by virtue of this Act shall be then continued or erected on the said Roads, at least Ten Days before such Meeting, and also by Advertisement to be inserted in some Newspaper usually circulated in the Neighbourhood where the said Roads lie; and all and every Person and Persons who shall be so elected and appointed, shall immediately upon such Election and Appointment be a Trustee or Trustees for the Purposes of this Act, and after taking and subscribing the Oath hereby prescribed, shall be vested with the same Powers and Authorities for carrying this Act into Execution, as if he or they had been herein nominated and appointed a Trustee or Trustees.

Qualification of Trustees.

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 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, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, situate within the United Kingdom of *Great Britain* and *Ireland*, either Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seized of a Real Estate, in Lands, Tenements, or Hereditaments, situate as last aforesaid, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of or entitled to a Personal Estate to the Amount of Four thousand Pounds, nor until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath or Affirmation in the following Form of Words,

and

Odiham aforesaid, to a Place called the *Bull Inn*, in the Parish of *Swallowfield*, in the County of *Wilts*, on the Turnpike Road leading from the Town of *Reading*, in the County of *Berks*, to *Basingstoke* aforesaid.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Ten in the Whole, to be Trustees for executing this Act, in addition to the Trustees hereby mentioned; and that such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed in and by this Act.

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

IV. And be it further enacted, That when and so often as any Trustee or Trustees hereby appointed or to be appointed by virtue of this Act, shall die or remove to a greater Distance than Ten Miles from any Part of the said Roads, unless such Trustee or Trustees shall be seized or possessed of Property in Lands or Tenements of the clear yearly Value of Fifty Pounds or upwards, situate in some Parish through which some of the said Roads run, or become disqualified for any of the Reasons hereinafter mentioned, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands, to elect and appoint some other Person in the Room of each Trustee so dying, removing, 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, by affixing the same in Writing on all the Turnpike Gates which by virtue of this Act shall be then continued or erected on the said Roads, at least Ten Days before such Meeting, and also by Advertisement to be inserted in some Newspaper usually circulated in the Neighbourhood where the said Roads lie; and all and every Person and Persons who shall be so elected and appointed, shall immediately upon such Election and Appointment be a Trustee or Trustees for the Purposes of this Act, and after taking and subscribing the Oath hereby prescribed, shall be vested with the same Powers and Authorities for carrying this Act into Execution, as if he or they had been herein nominated and appointed a Trustee or Trustees.

Qualification of Trustees.

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 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, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, situate within the United Kingdom of *Great Britain* and *Ireland*, either Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seized of a Real Estate, in Lands, Tenements, or Hereditaments, situate as last aforesaid, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of or entitled to a Personal Estate to the Amount of Four thousand Pounds, nor until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath or Affirmation in the following Form of Words,

and

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 to adminiſter; (that is to ſay),

'I do ſwear, [*or, being one of the People called Quakers,* do ſolemnly affirm], That I truly and *bonâ fide*, am, in my own Right [*or*, in the Right of my Wife], in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, ſituate within the County [*or* Counties] of of the clear yearly Value of One hundred and fifty Pounds above Reprizes, [*or*, am poſſeſſed of or entitled to a Perſonal Eſtate of the Value of Four thouſand Pounds], [*or*, am Heir Apparent of who to the beſt of my Knowledge is ſeized of a Real Eſtate in Lands, Tenements, or Hereditaments, ſituate within the County [*or* Counties] of of the clear yearly Value of One hundred and fifty Pounds, [*as the Caſe may happen.*] So help me GOD.' [*or, being a Quaker, omit the Words,* 'So help me GOD.']

Nor ſhall any Perſon be capable of acting as a Truſtee in the Execution of this Act, in any Caſe wherein he ſhall be perſonally intereſted other than as a Creditor, nor while he holds any Place of Profit under this Act, or who ſhall ſell any Wine, Cider, Ale, Beer, or Spirituous Liquors by Retail, or who ſhall be intereſted or concerned in any Contract under this Act, other than ſuch Contract as may be made by the Overſeers of any Pariſh, for keeping the ſaid Roads, or any Part thereof, in Repair, or who ſhall be Leſſee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Perſon not being qualified as aforeſaid, or being diſqualified by any of the Cauſes aforeſaid, ſhall nevertheleſs act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and the Perſon ſo ſued or proſecuted for the Want of ſuch Qualification as aforeſaid, ſhall prove that he is qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; provided nevertheleſs, that ſuch Acts and Proceedings as ſhall have been done and performed by any ſuch Perſon, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall on that Account be deemed unqualified to act as a Truſtee in the Execution of this Act; provided alſo, that ſuch of the ſaid Truſtees hereby nominated, or to be appointed by virtue of this Act, as is, are, or ſhall be in the Commiſſion of the Peace for any County or Place in which any Part of the ſaid Roads is ſituate, ſhall not by reaſon of being ſuch Truſtee or Truſtees, be deemed diſqualified from acting as a Juſtice or as Juſtices of the Peace in the Execution of this Act, except only in ſuch Caſes where he or they ſhall be individually intereſted.

Penalty on Truſtees acting not being qualified.

Truſtees being Juſtices, may act as ſuch.

Meetings of Truſtees.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of *Thomas Perkins*, being the *White Lion Inn* in *Hartley Wintney*, in the ſaid County of *Southampton*, if then open, or otherwiſe at ſome other Inn or Public Houſe, on the Third *Thurſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, and proceed in the Execution of this Act, and ſhall then, and from Time to Time after, adjourn and meet again at ſuch Time and Place as they ſhall think proper; and that Two Truſtees preſent at any Meeting ſhall be ſufficient for the Purpoſe of adjourning; and that if at any Meeting there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day, or in caſe the Truſtees at any Time aſſembled ſhall omit to adjourn, then and in every ſuch Caſe the Clerk to ſuch Truſtees ſhall adjourn the Meeting to ſuch uſual Place of Meeting, and to ſuch Time as he ſhall think fit, not being more than Sixty Days, nor leſs than Twenty Days from the laſt Meeting or intended Meeting, and ſhall thereof give Notice, by Writing affixed on all the Turnpikes then erected by virtue of this Act, at leaſt Ten Days before the Day of ſuch intended Meeting; and in caſe no Adjournment, Notice or Appointment ſhall be made or given as aforeſaid, then it ſhall be lawful for any Three or more of ſuch Truſtees, although not aſſembled at a Meeting, to cauſe Notice in Writing to be affixed on all the Turnpikes which ſhall be then continued or erected by virtue of this Act, and alſo to be inſerted in ſome public Newſpaper uſually printed or circulated in that Part of the Country in which the ſaid Roads lie, appointing the Truſtees to meet at ſuch Time as ſuch Three or more Truſtees ſhall think proper, not exceeding Fifteen Days, nor leſs than Eight Days from the Time of affixing ſuch Notice, and at ſome uſual Place of Meeting; and the Truſtees ſhall at all their ſeveral Meetings pay their own Expences; provided, that all Orders and Determinations of the Truſtees in the Execution of this Act ſhall be made at Meetings conſiſting of not leſs than Five Truſtees, to be held in purſuance thereof, and not otherwiſe, except in Caſes hereby particularly provided for; and that no Order or Determination ſhall be valid, unleſs the major Part of the Truſtees preſent at ſuch Meeting ſhall concur therein; and that no Order made by Five or more of the ſaid Truſtees ſhall be revoked or altered at any ſubſequent Meeting where leſs than Nine Truſtees ſhall be preſent, nor without the actual Concurrence of a greater Number of ſuch Truſtees than the Number by whom ſuch original Order was made, nor unleſs Fifteen Days Notice at the leaſt of ſuch intended Alteration ſhall have been given at a previous Meeting of the Truſtees, and entered in the Book of Proceedings, and alſo affixed on all the Turnpikes which by virtue of this Act ſhall be then continued or erected on the ſaid Roads, and inſerted in ſome ſuch Paper as aforeſaid, Six Days at leaſt before ſuch Meeting; and in all Caſes where any Juſtice or Juſtices of the Peace is or are by this Act authorized or required to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and empowered, to adminiſter ſuch Oath.

Meetings on Emergencies.

VII. Provided always, 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 that an earlier Day of Meeting ſhould be appointed than the Day to which ſuch Meeting ſhall be adjourned, the Clerk, by an Order in Writing, ſigned by Three or more of ſuch Truſtees (although not aſſembled

at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, by Notice in Writing affixed on all the Turnpikes then continued or erected by virtue of this Act, such Time not being less than Six Days after such Notice, and also by Advertisement published Three Days at least before such Meeting in some Newspaper circulated in the Neighbourhood of such Roads; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment; and such Meetings, or any of them, may be adjourned, and every Adjournment of any such earlier Meeting shall be considered as an Adjournment of the regular Meeting under this Act.

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 their Orders and Proceedings shall be regularly entered, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, which Book or Books so to be kept by such Clerk, shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors of the Tolls, without Fee or Reward; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors, or any of them, to inspect such 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, to be levied and recovered in Manner hereinafter mentioned.

Accounts to be kept 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 produced 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, or paid and received, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted without Fee or Reward; and the said Trustees and Creditors or any of them shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Books to be admitted in Evidence.

X. Provided always, and it is hereby declared and enacted, That such Book or Books, and also the Book or Books herein directed to be kept for registering Mortgages and Assignments, and all and every Book and Books heretofore kept of Accounts and Proceedings under the said recited Acts or any of them, or Transcripts thereof respectively, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

XI. And

Appointment of Officers.

XI. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may from Time to Time at any of their Meetings, by Order entered in their Book of Proceedings, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Roads, and any other Officers which ſuch 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 others in their Stead; and Eight Days Notice of the Intention of ſuch Appointment ſhall be given in Writing affixed on all the Turnpikes then continued or erected by virtue of this Act, and by Advertiſement to be inſerted as aforeſaid, of every Meeting where any ſuch Appointment ſhall be made; and the ſaid Truſtees, or any Seven or more of them, 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, for their Services in or about the making, amending, diverting, widening, altering, ſtraightening, improving, and keeping in Repair the ſaid Roads, or any Part thereof, or otherwiſe in carrying this Act into Execution, as ſuch 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 Wine, Cyder, Ale, Beer, or Spirituous Liquors by retail; provided alſo, that each and every Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the ſaid recited Acts, or any of them, for or in reſpect of the ſaid Roads, 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, Treaſurer, 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.

Perſons ſelling Wine, &c. not capable of holding Places of Profit.

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

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

Truſtees may appoint temporary Collectors.

XIII. Provided always, and be it further enacted, That when and ſo often as any Collector or Receiver of the Tolls ſhall refuſe, neglect, or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it

it ſhall be lawful for any Five 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, ſuch Truſtees as aforeſaid ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the Tolls, in the Room or Stead of the Collector or Receiver who ſhall be ſo diſcharged, or ſhall die, to continue until the ſaid Truſtees ſhall, at a Meeting holden in purſuance of this Act, confirm ſuch Appointment, or appoint a Collector or Receiver of ſuch Tolls in his Room or Stead; and the ſame Truſtees ſhall and they are hereby required, immediately on ſuch Diſcharge, to cauſe Notice in Writing to be given of ſuch Meeting, in the Manner herein-before directed, for the Purpoſe of nominating and appointing a proper Perſon to be a Collector or Receiver of the Tolls; which Perſon ſo nominated and appointed by the ſaid Truſtees ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all Reſpects as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his ſaid Office by virtue of this Act, or the Wife or Widow, or any of the Children or Family, or other Repreſentative of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building, with the Appurtenances, to be continued or erected by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpoſe, by any Three or more of the ſaid Truſtees; then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace, acting within their reſpective Juriſdictions, where the Toll Houſe or Building ſhall be ſituate, 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 Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, 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 ſuch Truſtees, or any Three of them reſpectively, or their new appointed Officer, into the Poſſeſſion thereof.

Officers to account.

XIV. And be it further enacted, That all ſuch Officers and all other Perſons already appointed, or who ſhall be appointed under or by virtue of this Act, ſhall from Time to Time, when thereunto required by the ſaid Truſtees for executing this Act, or any Five or more of them reſpectively, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall reſpectively for that Purpoſe appoint, a true and perfect Account in Writing, under the reſpective Hands of ſuch Officers or Perſons, of all Monies which ſhall have been by them reſpectively had, collected, or received by virtue of this Act; 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, to pay all ſuch Monies as, upon the Balance of ſuch Account or Accounts, ſhall appear to be in his or their Hands, to ſuch Perſon or Perſons as ſuch Truſtees, or any Five or more of them reſpectively, 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

relating to the ſame, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforeſaid; or if any ſuch Officers or other Perſons ſhall refuſe or neglect to deliver up to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by ſuch Truſtees, or any Five or more of them reſpectively, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power, any ways 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 for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live and reſide, by any Five or more of 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, Perſon or Perſons, to appear before him, and in caſe of his or their not appearing 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 (no reaſonable Cauſe or Cauſes being ſhewn for ſuch Non-appearance), to iſſue his Warrant or Warrants for his or their Apprehenſion; and upon his or their appearing upon ſuch Summons, or being apprehended and brought before ſuch Juſtice by virtue of ſuch Warrant, or having abſconded or not being to be found, it ſhall be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Officer or Officers, 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 collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame; or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before ſuch Juſtice in the Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid 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 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 either 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, Perſon or Perſons, to the Common Gaol of the County or Place where he or they ſhall live and 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 or 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 in that Reſpect have been made, or until he or they ſhall have compounded with ſuch Truſtees, or any Nine or more of them reſpectively, for the ſame, and paid the Compoſition Money to ſuch Truſtees, or to ſuch Perſon or Perſons as they, or any Nine or more of them reſpectively, ſhall appoint to receive the ſame (and which Compoſition the ſaid Truſtees, or any Nine

or more of them respectively, 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 such Trustees; but no such Officer or other Person who shall be committed for Default of sufficient Distress only, shall be detained in Prison by virtue of this Act, for any longer Space of Time than Three Calendar Months.

Treasurer, &c. to give Security.

XV. And be it further enacted, That the said Trustees, or any Five or more of them respectively, shall and they are hereby authorized, directed and required to take sufficient Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due and faithful Execution of his or their Office or Offices; and may also, if they think fit, take such Security from any Collector or Receiver of the Tolls, or other Officer to be appointed by virtue of this Act: Provided always, that any such Security given or taken under or by virtue of the said recited Acts, or any of them, shall continue and be of the same Force and Effect as if the same had been given or taken under or by virtue of this Act.

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

XVI. And be it further enacted, That all Actions, Suits, Prosecutions, Informations, Appeals, and other Proceedings whatsoever, to be had, taken, prosecuted, or defended by or against the said Trustees, shall be had, taken, prosecuted, or defended in the Name or Names of the Clerk or Clerks of the said Trustees for the Time being; and that no Action, Suit, Prosecution, Information, Appeal, or other Proceeding to be had, taken, prosecuted, or defended by or against the said Trustees, or any of them, by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, but that the Clerk or Clerks to the said Trustees for the Time being shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, as the Case shall be: Provided always, that any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall not be had, taken, continued, prosecuted, or defended, without an Order of the said Trustees, or any Seven or more of them, made at a Meeting held in pursuance of this Act; and that every such Clerk or Clerks in whose Name or Names any such Proceedings shall be had, taken, continued, prosecuted, or defended, 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.

Power to erect Turnpikes, Toll Gates, Side Gates, Weighing Machines, &c.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them respectively, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses, and Side Gates or Side Bars, now standing and being in and upon or across the said Roads, or to discontinue the same or any of them; or to remove and alter the Situation of the same or any of them, and to erect and set up, or build or cause to be erected, set up and built, upon, in or across the said Roads or any Part thereof, or at the Entrance of any Road or Lane that doth or shall lead into or out of the said Roads or any of them, when and as they shall judge necessary, any Weighing Machine or Weighing

Weighing Machines, Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and alſo one or more Toll Houſe or Toll Houſes, with Outbuildings and Conveniences ſuitable thereto, at or near each Toll Gate or Weighing Machine; and to take in and incloſe from the Waſte without Payment, or from private Grounds on the Sides of the ſaid Roads, making reaſonable Compenſation for the ſame to the Owners of ſuch Grounds, ſuitable Garden Spots for ſuch Toll Houſe or Toll Houſes, not exceeding One-eighth Part of an Acre each, at or near the ſaid Toll Houſe or Toll Houſes, as they ſhall think neceſſary; and from Time to Time to take down and remove, or again to put up in a different Situation, or to alter and diſcontinue the ſame or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper, and direct and appoint; any Clauſe, Matter or Thing contained in any Law or Statute relating to the Turnpike Roads of this Realm, to the contrary notwithſtanding.

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

XVIII. And be it further enacted, That the Right and Property of, in, and to all the ſaid Roads, and the Toll Gates, Turnpikes, Weighing Machines, Bars, Rails, Fences, Toll Houſes and other Houſes and Buildings, and the ſeveral Conveniences and Appurtenances thereunto belonging, which have been provided or erected under and by virtue of the ſaid recited Acts, or any of them, and which ſhall be provided, erected, or made by virtue of this Act, and all Materials for repairing or building the ſame, and for repairing the ſaid Roads, or any Part thereof, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, on or for any Part of the ſaid Roads, ſhall be veſted in the Truſtees of the ſaid Roads; and they, or any Five or more of them reſpectively, are hereby empowered to ſell and diſpoſe of the ſame reſpectively as they ſhall think proper, and to bring or cauſe to be brought, in the Name of their reſpective Clerk or Clerks for the Time being, 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 Appurtenances, or who ſhall break down or damage, ſteal or take away any ſuch Turnpikes, Toll Gates, Weighing Machines, Toll Houſes, and other Houſes and Buildings, Conveniences, Appurtenances, or any Part or Parts thereof reſpectively, or any ſuch Materials, Articles, or Things, or who ſhall diſturb them the ſaid Truſtees, or their Agents or Servants, in the Poſſeſſion thereof; and in all Actions and Proceedings whatſoever, whether Civil or Criminal, it ſhall be ſufficient to ſtate the ſame to be the Property of the Truſtees of the ſaid Roads, acting in Execution of this

Truſtees, &c. not incompetent Witneſſes.

Act, without naming or otherwiſe deſcribing the ſaid Truſtees; and in all civil and criminal Proceedings whatſoever relating to the ſaid Roads, or any or either of them, or any Part thereof, no Perſon being a Truſtee, Creditor, Mortgagee, Farmer, Leſſee, 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, or an Inhabitant of any Townſhip, Pariſh, or Place through or into which the ſaid Roads or either or any of them, 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, Creditor, Mortgagee, Farmer, Leſſee, Collector, Clerk, Treaſurer, Surveyor, Officer, or Servant, or Perſon employed as aforeſaid, or Inhabitant as aforeſaid.

XIX. And

Power to take Tolls.

XIX. And be it further enacted, That it ſhall and may be lawful for the Truſtees of the ſaid Roads, or any Perſon or Perſons appointed or continued, or to be appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the ſeveral and reſpective Turnpikes or Toll Gates or Toll Houſes, or Turnpike or Toll Gate or Toll Houſe, or Side Bar, or Side Gate or Chain, which are, or is or ſhall be ſtanding and being, or continued or erected by virtue of this Act, in, upon, acroſs or on the Side or Sides of the ſaid Roads, or either or any of them, or any Part thereof, and on every Day, ſuch Day to be computed from Twelve of the Clock at Night, to Twelve of Clock in the next ſucceeding Night; (that is to ſay),

For every Horſe or Beaſt of Draught, drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Caravan, Phæton, Hearſe, or other ſuch like Carriage, the Sum of Three-pence:

For every Horſe or Beaſt of Draught, drawing any Waggon, Wain, Cart, or other ſuch like Carriage, the Sum of Three-pence:

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

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

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

Tickets to be printed.

Which ſaid reſpective Tolls ſhall be demanded and taken before any Horſe, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through any Turnpike 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 or either of them, or any Part thereof, or upon or acroſs any Lane or Way leading into the ſame; and upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall and he is hereby required to deliver gratis to the Perſon paying ſuch Toll, a printed Note or Ticket denoting ſuch Payment; and all ſuch Notes or Tickets ſhall be provided by the ſaid Truſtees or their Leſſees; and there ſhall be printed and ſpecified thereon the Names of the ſeveral or reſpective Gates which ſuch Tickets ſhall free, or which ought under the Proviſions of this Act to be paſſed free by One Payment of Toll; and ſuch ſaid reſpective Tolls or Duties 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.

Tolls may be diſtrained for.

XX. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls 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 Perſon or Perſons appointed to collect ſuch Tolls as aforeſaid, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance 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 Harneſs, Bridles, Reins (but not the Bridle or Reins apart from the Horſe or Horſes), Saddles, Gears, or Accoutrements, or their Loading, 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 as aforeſaid;

ſaid; 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 Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Beaſt or Beaſts, Cattle, Carriage, Thing or Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any), and what ſhall remain unſold, upon Demand to the Owner thereof, after ſuch Toll and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale ſhall be deducted, to be aſcertained or determined, in caſe of Diſpute concerning the ſame, by ſome Juſtice of the Peace of the County or Place where ſuch Diſpute ſhall happen.

One Payment only for paſſing at any one Gate in one Day:

XXI. Provided always, and be it further enacted, That all and every Perſon and Perſons, paying ſuch reſpective Tolls for or in reſpect of any Horſe, Beaſt, Cattle, or Carriage, at any Turnpike or Toll Gate upon the ſaid Roads, ſhall, on producing a Note or Ticket, Notes or Tickets, denoting ſuch Payment, be entitled to return or repaſs after every ſuch Payment, and again to paſs and return, or repaſs any Number of Times on the ſame Day (to be computed as aforeſaid), with the ſame Horſes, Beaſts, Cattle, and Carriages, Toll-free through the Turnpike or Toll Gate at which Toll ſhall have been ſo paid.

Except Stage Coaches and Poſt Chaiſes.

XXII. Provided always, and be it further enacted, That the Tolls hereby granted ſhall be paid for and in reſpect of all Horſes or Mules drawing any Stage Coach every Time they ſhall paſs through any Toll Gate or Turnpike already erected, or hereafter to be erected by virtue of the ſaid recited Acts or this Act upon the ſaid Roads, and for and in reſpect of all Poſt Horſes or Mules drawing any Poſt Chaiſe or other Carriage every Time they ſhall paſs through any ſuch Toll Gate or Turnpike, and the Driver thereof ſhall deliver a Ticket denoting a freſh Hiring, any Thing in the ſaid recited Acts or this Act contained to the contrary notwithſtanding.

Toll to be paid at one Gate only in the ſame Day, and for the ſame Horſes, &c. except, &c.

Not to extend to exempt the Gate at Blackwater,

XXIII. Provided alſo, and be it further enacted, That all and every Perſon and Perſons paying the proper Toll or Tolls for or in reſpect of any Horſe, Beaſt, Cattle or Carriage, at any Turnpike or Toll Gate erected or to be erected under the Authority of this Act, ſhall, on producing a Note or Ticket, Notes or Tickets, denoting ſuch Payment, be entitled to paſs on the ſame Day (to be computed as aforeſaid), with the ſame Horſes, Beaſts, Cattle and Carriages, Toll-free, through any other of the ſaid Gates on any of the ſaid Branches of Road, (ſave and except as herein-after mentioned): Provided nevertheleſs, that nothing in this Act contained ſhall extend or be conſtrued to extend to exempt any Perſon or Perſons from any of the Tolls impoſed by or payable under this Act at the Turnpike Gate ſituate at or near a certain Place called *Blackwater*, on that Part of the ſaid Road leading from the *Golden Farmer Hill* towards *Hertfordbridge Hill* aforeſaid, or at any Gate erected acroſs or by the Side of the ſaid Roads, at any Place between the ſaid Hill called the *Golden Farmer Hill* and the ſaid Hill called *Hertfordbridge Hill*; but that each and every Perſon or Perſons paſſing through the ſaid Turnpike Gate at or near *Blackwater* aforeſaid, or other Gate erected as aforeſaid, ſhall be liable to and pay the ſaid Toll or Tolls at ſuch Gate in the ſame Manner as if no ſuch Toll or Tolls had been paid at any of the other Gates on any of the ſaid Roads; nor ſhall any Perſon or Perſons ſo paſſing the ſaid Turnpike Gate

at

at or near *Blackwater* aforesaid, or other Gate erected as aforesaid between *Golden Farmer Hill* and *Hertfordbridge Hill*, be exempted from Payment of any Tolls imposed or payable by or under this present Act, at any or either of the other Gates on any Part of the aforesaid Roads, in Consideration of having paid such Tolls at the said Turnpike Gate at or near *Blackwater* aforesaid, or other Gate erected as aforesaid between *Golden Farmer Hill* and *Hertfordbridge Hill*.

Penalty on evading Tolls.

XXIV. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle or Carriage, through or over any Gate, private Passage, Land, Ground, or Place 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); 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 and suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle or Carriage, through or over such Gate, private Passage, Lands or Grounds, in order to or 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 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; 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 Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Roads; or if any Person or Persons shall by himself or themselves, or any other Person or Persons on his or their Account, unload or cause to be unloaded short of their ultimate Destination, any Chalk, Flints, Goods, Wares or Merchandizes from any Cart, Waggon, or other such like Carriage, at, before, or after the same shall come to any Turnpike Gate or Weighing Engine erected or to be erected in pursuance of this Act, in order to carry considerable Quantities thereof in one and the same Day, and thereby pay less Toll at such Turnpike Gate than would have been paid if such Chalk, Flints, Goods, Wares, or Merchandizes had not been so unloaded; or shall leave upon or near any Part of the said Roads any Horse or Horses, or other Beast or Cattle, or any Carriage chargeable with the Payment of any of the said Tolls, with Intent to avoid or evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse or other Cattle or Beast, without Payment of the Toll, or any Part thereof; or if any Person or Persons shall drive any Waggon, Wain, Cart, or such like Carriage, in or upon the said Roads, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, drawn by Horses in Pairs; all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures, One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

XXV. And

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXV. 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 alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping, and Sale, and alſo of the Attendance of any Perſon or Perſons for that Purpoſe on ſuch Juſtice, 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 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 Coſts of ſuch Diſtreſs and Sale, ſhall be returned upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

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

XXVI. And be it further enacted, That when any Weighing Machine ſhall be erected on any Part of the ſaid Roads, in order the better to prevent Fraud and Colluſions reſpecting Carriages carrying Overweight, if any Leſſee or Leſſees, Taker or Takers, Renter or Renters of the Tolls payable at any of the Toll Gates continued or erected, 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 ſuch Weighing Machine or Machines which is, or may or ſhall at any Time hereafter be ſo 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 Toll Gate or Toll Gates continued or erected, or to be erected on the ſaid Roads, without weighing the ſame, 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 Collector, &c. compounding for Overweight.

XXVII. 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 Gates erected or to be erected on the ſaid Roads or any of them, 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, wherein or whereby any ſpecific Sum or Sums of Money in groſs or otherwiſe, or other Conſideration whatſoever, is or are to be paid by any Perſon or Perſons for the Carriage of Overweight, in reſpect of any Waggon,

Waggon, Wain, Cart, or other Carriage liable to be weighed at such Weighing Machine or Machines, 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 any Sum not exceeding Five Pounds.

Exemptions from Toll.

XXVIII. Provided always, and be it further enacted, That this Act ſhall not extend, or be conſtrued to extend, to charge with Toll any Horſe or Carriage belonging to His Majeſty or any of the Royal Family, or any Horſe or Carriage attending His Majeſty or any of the Royal Family; nor any Horſe, Cattle or Carriage, of whatſoever Deſcription, employed in conveying the Mails of Letters or 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 belonging to any Officers or Soldiers on their March or on Duty, nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or returning empty after having been ſo employed; nor for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry reſpectively, and rode by ſuch Perſon; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exerciſe, (provided that ſuch Perſon or Perſons be dreſſed in the Uniform of his or 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 Horſe, Cattle or Carriage, of whatſoever Deſcription, uſed by any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or on other his Parochial or Miniſterial Duties, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church, Chapel, or other uſual Place of Religious Worſhip, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated; 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 ſeveral Counties of *Surrey*, *Southampton*, and *Wilts*, 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 in carrying or conveying Vagrants ſent by legal Paſſes; or in carrying or conveying Hay, or Corn in the Straw, not ſold or diſpoſed of, or paſſing to be ſold and diſpoſed of, but to be laid up in the Houſes, Barns, Outhouſes or Yards, or on the Lands of the Owners thereof; or in carrying or conveying any Dung, Mould, Marle, Soil, Manure, or Compoſt (ſave and except Lime) to be uſed only for manuring of Lands, or going or returning empty in that Employment,

other than and except as herein-after mentioned; 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, any Ploughs, Harrows, or other Implements of Huſbandry, unleſs the Carriage bearing any ſuch Ploughs, Harrows, or other Implements of Huſbandry, be alſo laden with ſome other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle paſſing to or repaſſing from Water or Paſture, or going to be or returning from being ſhoed or farried within the Diſtance of Two Miles; or uſed or employed for the Purpoſe only of carrying or conveying Gravel, Stones, Sand, or other Materials for the making or repairing the ſaid Roads hereby directed to be repaired, or any other Highway or Public Road within any ſuch Pariſh, Townſhip, Chapelry, Hamlet, or Place as aforeſaid, or for rebuilding, repairing, or building anew any Bridge or Bridges on the ſaid Roads;

Penalty on fraudulently taking Benefit of Exemptions.

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

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

XXIX. 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 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 any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage 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.

Charging Chalk Carts with Tolls.

XXX. And whereas great Quantities of Chalk, intended not only for manuring Lands but for various other Purpoſes, are carried from the Town of *Odiham*, or Places in the Vicinity thereof, upon and over the ſaid Roads by the ſaid recited Acts and this Act directed to be repaired, or ſome of them, and although the Exemption from Toll granted by Law for ſuch Carriages as are laden with Chalk extends only to ſuch Chalk as is uſed for manuring Lands, yet it is difficult for the Gate-keepers to know for what Uſes the ſame is intended: And whereas, in regard to the great Demand in thoſe Parts for Chalk, and the great Injury which the ſaid Roads ſuſtain by the conſtant Draught thereon in Carts and Waggons with narrow Wheels, it has become highly expedient and juſt that ſuch Carts and Waggons ſhould be made to contribute, in a reaſonable Degree, to the Support of the ſaid Roads: Be it therefore enacted, That Toll ſhall be demanded and taken at the Toll Gates on the ſaid Roads for Carts and Waggons loaded with Chalk, at the Rate of One-half Part of

the Toll which ſuch Carts or Waggons would ſeverally be liable to pay if loaded with any other Goods or Commodities; and ſo that nevertheleſs ſuch Toll ſhall not be made to extend to any Carriage loaded with Chalk uſed or intended to be uſed *bonâ fide* in manuring Lands lying within the ſame Pariſh in which the ſame ſhall have been dug or gotten, nor to charge any Toll upon any Cart loaded with Chalk, having the Fellies of the Wheels of the Breadth of Six Inches or more, and not being drawn by more than Three Horſes, or by more than Four Oxen or other Beaſts of Draught, nor upon any Waggon loaded with Chalk, having the Fellies of the Wheels of the Breadth of Six Inches or more, and not being drawn by more than Five Horſes, or Six Oxen or other Beaſts of Draught; any Exemption granted by any Law or Statute now in force to the contrary notwithſtanding.

Tolls may be compounded for.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them reſpectively, from Time to Time to compound, for any Time not exceeding One Year at any one Time, with any Perſon or Perſons for any Horſe, Beaſt or Carriage travelling on the ſaid Roads, for all or any of the ſaid Tolls to be paid in reſpect of ſuch Horſe, Beaſt or Carriage; and ſuch Compoſition Money ſhall be paid in advance Quarterly and in default of ſuch Payment, the Compoſition or Agreement with ſuch Perſon ſo making Default ſhall from thenceforth be void; and all ſuch Compoſition Money ſhall be paid and applied in the ſame Manner as the Tolls are directed to be applied by this Act.

Tolls may be leaſed.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them reſpectively, from Time to Time 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 higheſt Bidder, and for the beſt Price or Rent ſuch Truſtees reſpectively can get for the ſame, payable Monthly in Advance, or at ſuch other Time or Times as the ſaid Truſtees reſpectively ſhall think proper, to any Perſon or Perſons who ſhall be willing to take or farm the ſame, under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, 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 if the ſaid Truſtees, at any ſuch Meeting for letting the ſaid Tolls, ſhall be of Opinion that a Combination exiſts among the Bidders to undervalue the ſame, they ſhall in ſuch caſe have and be entitled to one Bidding for the ſaid Tolls, either by themſelves or their Clerk or Treaſurer, or other Perſon by them reſpectively authorized; and in caſe the ſaid Tolls ſhall be knocked down to the ſaid Truſtees or their Appointee, they may then proceed in reſpect to ſuch Tolls, either in letting the ſame by private Contract, or in ſuch other Manner as to them ſhall appear moſt beneficial, any Thing in any Law or Statute to the contrary thereof notwithſtanding; and the Rent or Money ariſing by ſuch letting ſhall be applied in ſuch Manner as the Tolls under this Act are directed to be applied.

XXXIII. And

Leſſees, or Perſons appointed by them, may collect Tolls.

XXXIII. And be it further enacted, That during ſuch Time as the ſaid Tolls, 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 not farther 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, 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 this Act, is by virtue of this Act authorized and empowered to 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, Penalties and Forfeitures, 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.

For preventing Toll Collectors from miſbehaving, &c.

XXXIV. And be it further enacted, That each and every Toll Collector being Leſſee of the ſaid Tolls, or appointed under this Act, either 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 to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate immediately upon his coming on Duty, 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 ſaid 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 anyways 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 on Demand a Ticket, denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, 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 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

before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied: Provided always, 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.

Penalty on obſtructing Collectors.

XXXV. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act, 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, ſhall be in Arrear for the Space of Fourteen 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 or Agreement ſhall in any other Manner become void; then and in either of thoſe Caſes, it ſhall and may be lawful for any Juſtice of the Peace for the ſaid ſeveral Counties of *Surrey*, *Southampton*, and *Wilts*, acting within his own Juriſdiction, or either of them, upon due Proof thereof, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officer, as ſhall be neceſſary, to enter upon and take Poſſeſſion of every or any Toll Houſe, Toll Gate, Bar, Chain or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereout reſpectively, from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to give the ſaid Truſtees, or other Perſons acting by or under their Authority, Poſſeſſion thereof; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, if they ſhall think fit, to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall 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 Leſſees Part, as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, 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 Demiſe, Contract, or Agreement had been made relative thereto.

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

XXXVI. 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 Authority of the ſaid ſeveral hereinbefore recited Acts, ſhall immediately on the Commencement of this Act be veſted in the Truſtees elected and appointed, or to be elected and appointed by virtue of 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 in the Name of their Clerk or Clerks for the Time being, and to act in reſpect thereof as effectually as if the

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

ſame had become due to or had been veſted in ſuch Truſtees under and by virtue of this Act; or ſuch Arrears of Tolls or Rents, or other Monies ſo due to the Truſtees under the ſaid recited Acts as aforeſaid, by virtue of any Deed of Specialty, ſhall or may be ſued for or recovered in the Name of the Truſtee or Truſtees to or with whom ſuch Deed of Specialty ſhall have been ſo made or entered into, at the Option or Election of the Truſtees appointed or to be appointed by virtue of 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 Funds or Monies to be raiſed by virtue of this Act; and in either Caſe the Monies, when recovered, ſhall be paid over to the Treaſurer of the ſaid Truſtees, to be applied to the Purpoſes of this Act.

Power to borrow Money and to aſſign Tolls.

XXXVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them reſpectively, at any Meeting to be holden under or by virtue of this Act, of which One Month's Notice ſhall be given in Manner as herein-before directed, 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, or any Five or more of them, ſhall think neceſſary; and they are hereby alſo authorized and empowered, either at ſuch Meeting 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, or his, her, or their Truſtee or Truſtees, as ſhall advance and lend the ſame; which Mortgage ſhall be made in the following Form of Words, or in ſome other Form of Words to the like Effect; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled [*here inſert the Title of this Act*] We of the Truſtees acting in the Execution of the ſaid Act, in conſideration of the Sum of to the Treaſurer of the ſaid Truſtees in Hand paid, do grant, bargain, ſell, and demiſe unto his [her *or* their] Executors, Adminiſtrators, or Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Toll Gates and Toll Houſes for collecting the ſame, as the 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 this Day of in the Year of our Lord 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

Copies of Mortgages to be entered in a Book.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; and all and every Perſon or Perſons to whom any ſuch Mortgage or Mortgages ſhall be made as aforeſaid, or who ſhall be poſſeſſed of any Mortgage made by virtue of the ſaid former Acts, or any of them, or who ſhall be entitled to the

the Money thereby ſecured, may from Time to Time transfer his, her, or their Right, Title, Intereſt, or Benefit to the Principal and Intereſt thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by ſigning before One credible Witneſs an Inſtrument, whether indorſed or not indorſed upon ſuch Mortgage or Aſſignment, in the following Words, or in Words to the like Effect; (that is to ſay),

Form of Transfer.

'I do transfer this Mortgage or Security, [*or*, a cer-
'tain Mortgage or Security, *ſhortly ſtating it, as the Caſe may be*],
'with all my Right and Title to the Principal Money thereby ſecured,
'and all the Intereſt now due thereon, unto his [*or* her, *or*
'their] Executors, Adminiſtrators, and Aſſigns. Dated this
'Day of in the Year of our Lord
'Witneſs

Which muſt be entered with the Clerk.

And all ſuch Transfers ſhall be produced and notified to the Clerk to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books, ſpecifying the Date, Names of the Parties, and Amount of the Sum transferred; for which Entry ſuch Clerk ſhall be paid the Sum of Five Shillings and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee or Aſſignees may in like Manner aſſign and transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons (except the Perſon or Perſons to whom the ſame ſhall be laſt transferred, or their Repreſentatives), to make void, releaſe, or diſcharge the original Security or any Monies thereby due, or any Part thereof.

Application of the Tolls and Money to be borrowed.

XXXVIII. And be it further enacted, That all the Coſts, Charges, and Expences relative to or attending the obtaining and paſſing of this Act, with Intereſt for the ſame, ſhall be paid and diſcharged in preference to all other Payments whatſoever; and the ſame ſhall be paid by the ſaid Truſtees, or any Five or more of them, out of the Monies already received by virtue of the ſaid recited Acts, or any of them, or out of the firſt Money which ſhall ariſe or be received by virtue of this Act; and the Remainder of all ſuch Monies ariſing therefrom, ſhall from Time to Time be applied and diſpoſed of, either in diſcharging ſuch Sum and Sums of Money as is, are, or ſhall be due and owing on the Credit of the ſaid former Acts or this preſent Act, together with the Intereſt due or to grow due for the ſame, or for and towards the repairing, widening, and improving the ſaid Roads, and to and for ſuch other Purpoſes as are herein mentioned and expreſſed, and to or for no other Uſe or Purpoſe whatſoever.

No Preference to Creditors.

XXXIX. And be it further enacted, That from and after the paſſing of this Act no Preference ſhall be given to any Perſon or Perſons who already hath or have advanced, or ſhall advance any Sum or Sums of Money on the Credit of the ſaid before-recited Acts and this preſent Act, and the Tolls thereby granted, in reſpect of the Priority of advancing his, her, or their reſpective Sum or Sums; but that all Lenders and Perſons to whom any Mortgage or Mortgages, Aſſignment or Aſſignments, already are or ſhall be made as aforeſaid, ſhall be and are hereby declared to be, for their ſeveral and reſpective principal Sums, Creditors on the ſaid Tolls in equal Degree one with another, as to the Time or Times of advancing

or

or lending ſuch principal Sum or Sums, and ſhall be deemed and taken to be Tenants in common of the ſaid Tolls, as to their ſeveral and reſpective Shares and Intereſts therein by means or virtue of ſuch Mortgage or Mortgages, and ſo far as ſuch their ſeveral and reſpective Shares and Intereſts will extend, but no farther or otherwiſe.

An Action of Ejectment may be ſupported by one Mortgagee.

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

Power to make Improvements on the Roads.

XLI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, at any Time hereafter, to widen, enlarge, alter, ſtraighten, improve, and complete the ſaid Roads or any Part thereof, through or over any Common or Waſte, or open and unincloſed Grounds, to the Width of Sixty Feet, without making any Satisfaction for the Land or Ground to be uſed for that Purpoſe; and alſo in, upon, through or over any private Lands, Grounds, or Premiſes, firſt having the Conſent in Writing of the Owners thereof, and Perſons intereſted therein, or which ſhall be previouſly purchaſed by the ſaid Truſtees for that Purpoſe.

Truſtees may contract for the Purchaſe of Land.

XLII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to contract and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments, to be taken or made uſe of for the Purpoſes of this Act, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by making, altering, ſtraightening, widening, diverting, varying, turning, ſhortening, or improving the ſaid Roads or any Parts thereof, or the Courſe or Path thereof, or of any Part thereof, through or over ſuch Lands or Hereditaments; and it ſhall be lawful for all Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, 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 Femes 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 or Hereditaments, to contract with the

ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid; or to ſell and convey unto ſuch Truſtees, or any Five or more of them, any ſuch Lands 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, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, 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,

XLIII. And be it further enacted, That if any Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, Tenants in Tail or for Life, or any other Perſons or Perſon intereſted in any Lands or Hereditaments by this Act authorized to be taken and uſed for altering or ſtraightening the ſaid Roads as aforeſaid, upon Notice to them, him, or her 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 or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in poſſeſſion of ſuch Lands or Hereditaments, ſhall, for the Space of Ten Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees, or any Five or more of them reſpectively, ſhall cauſe ſuch Damage or Recompence to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid reſpective Counties of *Surrey*, *Southampton*, or *Wilts*, as the Caſe may be; and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby empowered and required, from Time to Time as Occaſion ſhall be 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 the ſaid Truſtees, or any Five or more of them, 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 and aſſeſſed ſuch Damage and Recompence, ſuch Truſtees, or any Five or more of them reſpectively, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners and other Perſons intereſted in ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which 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, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical, or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning ſuch Jury, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid reſpective Counties of *Surrey*, *Southampton*, or *Wilts*, or either of them, requiring ſuch Sheriff reſpectively

Damages to be ſettled by Jury.

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

reſpectively to empannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries, to appear before ſuch Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff or Sheriffs, or his or their Deputy or Deputies, is and are hereby required to empannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, empannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, ſuch Truſtees, or any Five or more of them, ſhall and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen ſo returned, ſuch Sheriff or Sheriffs, or his or their Deputy or Deputies, or any Five or more of ſuch 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, or any Five or more of them, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon any ſuch Sheriff, or 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 ſhewing 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 if 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 to 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.

How Expences of the Jury ſhall be paid.

XLIV. 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 for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, Property, Loſs or Damage as aforeſaid; that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of the Money to ariſe by virtue of this Act; 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 the ſaid Truſtees, or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, Property, Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the

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 *Surrey*, or County of *Southampton*, or County of *Wilts*, not interested in the Matter in question (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment 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 Clerk to such Trustees by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where 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.

Money agreed upon or assessed how to be paid or tendered.

XLV. 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, or any Five or more of them respectively, their Surveyors, Workmen or Agents, to make or alter and straighten such Roads through or over such Lands or Hereditaments, and to do all and every such Acts, Matters and Things with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act, shall to all Intents and Purposes be deemed a Common Highway, and shall be repaired and kept in repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands 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, shall be vested in, and shall and may be sold, either by public Sale or private Contract, and conveyed by the said Trustees, or any Five or more of them, for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; but the Purchaser or Purchasers of such respective Premises shall not be answerable or accountable for any Misapplication or Non-application of such Money; and all Conveyances of such Roads as shall be adjoining to Lands of Freehold Tenure, being executed by the said Trustees, or any Five or more of them respectively, and enrolled with the Clerk of the Peace for the County in which

Old Road to be sold.

which ſuch Lands are ſituate, ſhall be good and effectual in the Law to all Intents and Purpoſes to paſs a Freehold Eſtate; and all ſuch Roads and Premiſes as ſhall be adjoining to Lands of Copyhold or Cuſtomary Tenure, being conveyed by the ſaid Truſtees, or any Five or more of them reſpectively, by Surrender or other Conveyance ſanctioned by the Cuſtom of the Manor of which ſuch Lands ſhall be holden, ſhall be taken to be well and effectually conveyed as Copyhold to the Purchaſer or reſpective Purchaſers of ſuch Roads and Premiſes.

Truſtees empowered to ſell Overplus Grounds, &c.

XLVI. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required 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; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in Parcels, and either by public Sale or private Contract, as they ſhall find moſt convenient and advantageous 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 Ground as aforeſaid, ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands 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, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the County in which ſuch Ground is ſituate, (who are hereby reſpectively empowered to take ſuch Affidavit) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or 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, 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 Ground, 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 Pieces or Parcels of Ground 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 Non-application of ſuch Money; and the Conveyances of ſuch Piece or Pieces of Ground ſhall be made to the Purchaſer or reſpective Purchaſers thereof, and in ſuch Manner and Form as is herein-before directed with reſpect to the Conveyances to be made of the Land conſtituting any Part of the Roads herein-before directed to be ſold.

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

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

XLVII. And

No Alteration of the present Roads to deviate more than One hundred Yards, without Consent.

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

Application of Compensation if amounting to 200*l.*

XLVIII. 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, 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, 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 respectively (as the Case may be), 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 were made.

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

XLIX. 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 aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed 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 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 Five or more of the Truſtees for executing this Act, as the Caſe may be, (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.

L. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt 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, or any Five or more of them, ſhall think fit; or in caſe of Infancy, Idiotcy, 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 thereunto.

Directions in Caſes of not making out Titles.

LI. 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 any Five or more of them, 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, or any Five or more of them reſpectively, 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

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 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 and are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank of *England* as aforeſaid.

Reſpecting diſputed Titles.

LII. 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 ſhewn 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.

Court of Chancery may order Truſtees to pay Expences.

LIII. 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 require to be paid into the High Court of Chancery, and 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, or any Five or more of them reſpectively, out of the reſpective 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.

LIV. And

Power to get Materials.

LIV. And be it further enacted, That it ſhall and may be lawful for the reſpective Surveyor or Surveyors to the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get, take, and carry away any Materials for making or repairing the Roads by this Act intended to be amended, or made and maintained, or either or any of them, or any Part thereof, and Footways and Paths on the Sides thereof, or any Sand, Gravel, Stones, or Chalk, for building, re-building, or repairing any Toll Houſe or Toll Houſes, Fence, Wall or Walls, on or by the Sides thereof reſpectively, or any Bridge or Bridges, Culvert or Culverts thereon, out of any common River or Brook, or out of or from any Waſte or Common in any Townſhip, Hamlet, Pariſh, or Place in which any Part of the ſaid Roads lie, or in any adjoining Townſhip, Hamlet, Pariſh, or Place, without paying any thing for ſuch Materials; the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks, wherefrom ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſons or Cattle, and paying for the Damages done by going through and over any incloſed Lands or Grounds for or with ſuch Materials, ſuch Damages to be aſcertained as herein-after mentioned; and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, get, gather, take, and carry away any ſuch Materials in or out of the Land of any Perſon (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees, or Land planted with Hops), making or tendering ſuch Satisfaction for the Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe of any Difference between ſuch Truſtees, Surveyors, or other Perſons appointed or employed as aforeſaid, and the Owners and Occupiers of ſuch Lands, or any of them, concerning ſuch Payments and Damages as aforeſaid, any Two or more Juſtices of the Peace for the County wherein the Place from whence ſuch Materials ſhall have been taken ſhall be ſituate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages.

Notice to be given to the Occupiers of Lands before Materials are got.

LV. Provided always, and be it further enacted, That no Surveyor, or any other Perſon or Perſons acting under the Authority of this Act, ſhall begin to dig, gather, or carry away any Materials for making or repairing the ſaid Roads for any the Purpoſes aforeſaid, out of or from any incloſed Land, until Notice in Writing, ſigned by ſuch Surveyor, ſhall have been firſt given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at the uſual Place of Abode of ſuch Owner or Occupier, to appear before any Two Juſtices of the Peace for the County in which ſuch Lands ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be dug, got, gathered, taken, and carried away; and in caſe ſuch Owner, Agent, or Occupier ſhall not attend purſuant to ſuch Notice, or ſhall attend and ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall, if they think proper, and they are hereby empowered, to authorize ſuch Surveyor or other Perſon to dig, get, gather, take, and carry away ſuch Materials, at ſuch Time or Times as

as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper; and the Order of ſuch Juſtices ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials raiſed by Surveyors.

LVI. And be it further enacted, That if any Perſon whomſoever ſhall knowingly, and without the Conſent of the Surveyor, take away any Materials which ſhall be dug, gotten, or gathered for the Repair or the Uſe of the ſaid Roads, or any of the Purpoſes aforeſaid, or ſhall raiſe or carry 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 or repairing the ſaid Roads or any of the Purpoſes aforeſaid, before ſuch Surveyor and Surveyors, or his or their Workmen, ſhall have diſcontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of the Land in which ſuch Pit or Quarry ſhall be made, as to Materials for his 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 Nuiſances.

LVII. And be it further enacted, That it ſhall be lawful for every ſuch Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time to prevent or remove all Nuiſances and Annoyances on any Part or Parts of the ſaid Roads, by Timber, Wood, Stone, Carriages, Sawpits or other Pits, Trees, Aſhes, Dung, Filth, Rubbiſh, Straw, or other Matter or Thing, and to turn any Watercourſes, Gutters, Sinks, Conduits, or Drains running into, along, or out of the ſaid Roads to the Prejudice thereof; and in caſe ſuch Turning of any ſuch Watercourſe, Gutter, Sink, Conduit, or Drain, be to the Prejudice of any Perſon or Perſons, reaſonable Compenſation ſhall be made for the ſame, in like Manner as in the Caſes of the Purchaſe of Land as hereinbefore directed; 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 or Parts thereof reſpectively, and to make the ſame as deep and large as ſuch Surveyor or Surveyors ſhall think neceſſary; and alſo to prune, cut down, lop, or top, at proper Seaſons of the Year, any Branches, Shrubs, or Buſhes growing on the ſaid Roads, or in the Hedges or Fences adjoining the ſaid Roads, ſo as the ſame be not planted for Ornament or Shelter to any Houſe or other Building, or in any Garden, Orchard, planted Walk, Avenue to a Houſe, or Nurſery for Trees, and to take and carry away the Prunings or Loppings thereof, ſo that the ſaid Roads ſhall not be prejudiced thereby; in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be ſhall neglect ſo to do for Five Days after Notice in Writing given for that Purpoſe under the Hand or Hands of ſuch Surveyor or Surveyors; the Charges whereof, to be ſettled by the ſaid Truſtees, or any Two of them, or by any Juſtice of the Peace of 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 enlarge any ſuch Gutter, Ditch, Conduit, Drain, or Watercourſe, or to prune, cut down, lop, or top ſuch Trees, Branches, Shrubs, or Buſhes, 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 levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines

by this Act inflicted or authorized to be impoſed are hereinafter directed to be levied and recovered; and if after the Removal of any ſuch Annoyances, any Perſon or Perſons ſhall offend again in like Manner, every ſuch Perſon ſhall for every ſuch ſecond or ſubſequent Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for erecting Encroachments on the Sides of Roads.

LVIII. 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 of the ſaid Roads, or on any waſte or unincloſed Ground adjoining thereto, within the Diſtance of Fifteen Feet from the Middle or Centre of ſuch Roads (except Turnpike Houſes erected by Order of the ſaid Truſtees, and their Appurtenances), every Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them reſpectively, by Order under their Hands, made at a public Meeting, or ſome Adjournment thereof, directed to their Surveyor, 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 reſpective Counties of *Surrey*, *Southampton*, and *Wilts*, or either of them, acting within their reſpective Juriſdictions, upon Proof thereof to him or them made upon Oath, (which Oath ſuch Juſtice or Juſtices is and 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.

Power to make Cauſeways and Drains.

LIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, or for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order in Writing for that Purpoſe from the ſaid Truſtees, or any Five or more of them), to make and keep in repair, or cauſe to be made and kept in repair, any Cauſeway or Cauſeways, for the Uſe of Foot Paſſengers, along any Part of the ſaid Roads, in ſuch Manner as they ſhall think proper, provided the Width of ſuch Road ſhall not thereby be reduced to leſs than Twenty-four Feet, and alſo Ditches or Drains in and upon the ſaid Roads, and alſo through any Ground lying contiguous thereto, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees, or Land planted with Hops, and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the ſaid Roads, or acroſs any of the Ditches, Watercourſes or Drains, where neceſſary; and alſo to make, or cauſe to be made, a Road through the Grounds adjoining to any ruinous or narrow Part of the ſaid Roads, ſuch Grounds reſpectively not being the Scite 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 Ground 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 ruinous or narrow Part of the ſaid Roads be repairing or widening, and until it ſhall be convenient for Paſſengers or Carriages to

paſs

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 adjudged reaſonable by the ſaid Truſtees, or any Five or more of them; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and ſuch Truſtees, that then it ſhall be lawful for any Two or more Juſtices of the Peace for the County of *Surrey*, or County of *Southampton*, or County of *Wilts*, 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 Mile Stones to be ſet up.

LX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall 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 or Poſt from any Town or Place; and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet.

Gates to open inwards.

LXI. And be it further enacted, That no Gate of any Park, Paddock, Field, or Incloſure whatſoever, ſhall be made to open into or towards any Part of the ſaid Roads, or be ſuffered to continue ſo to open, except the hanging Poſt thereof ſhall be Fifteen Feet at leaſt from the Centre of ſuch Part of the ſaid Roads; and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure, having any Gate opening contrary to the Directions of this Act, ſhall, within Fourteen Days after Notice to him, her, or them given, either perſonally or in Writing, from the Surveyor or Surveyors of the ſaid Roads, cauſe ſuch Gates to be hung to open inwards, whenever the ſame ſhall be practicable, but in every Caſe in ſuch a Manner as that no Part of the Gate when opened ſhall project over any Part of the ſaid Roads, or any Footpath belonging thereto; and in Default thereof, the Surveyor or Surveyors of the ſaid Roads is and are hereby authorized to cauſe ſuch Gate to be ſo hung; and the Perſon or Perſons ſo guilty of ſuch Neglect or Default ſhall, upon Complaint made to any Juſtice or Juſtices of the Peace acting in and for the ſaid County of *Surrey*, or the ſaid County of *Southampton*, or the ſaid County of *Wilts*, within their reſpective Juriſdictions, and upon Conviction thereof, upon the Oath of One credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct, to defray the Expences of making the Alteration and hanging ſuch Gates, and ſhall alſo forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Diſcretion of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made as aforeſaid.

Juſtices to determine Differences touching Statute Work.

LXII. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace acting within and for the ſaid County of *Surrey*, or the ſaid County of *Southampton*, or the ſaid County of *Wilts*, within their reſpective Juriſdictions, and they are hereby empowered and required, upon Application being made to them for that Purpoſe by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor, by their Order, from Time to Time to adjudge, apportion and determine what Part or Proportion, and how much of the Statute Work

or

or Duty ſhall every Year be done and performed upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places in which the ſaid Roads do lie; and alſo what Proportion and how much of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place, in lieu of or as a Compoſition for ſuch Statute Work or Duty, ſhall be by him, her, 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 of the Highways for every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion or Place, to bring in Liſts unto and before ſuch Juſtices, at ſome Place and Time to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), containing the Names of the ſeveral Perſons who within ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion or Place, are by Law ſubject and liable to do and perform Statute Work or Duty for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work or Duty, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and ſpecifying 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 limited, directed, and appointed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of ſuch Liſts the ſaid Juſtices reſpectively ſhall or may allot, appoint, order, and direct ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work or Duty as aforeſaid, to do and perform ſuch Number of Days Statute Work or Duty in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable and proper; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Seed-Time, Hay-Time, or Harveſt), and on ſuch Part or Parts of the ſaid Roads, as the ſaid Truſtees or their Surveyor or Surveyors for the Time being, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order, apportion, direct, and appoint the Perſons who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money in lieu of or as a Compenſation for Statute Work or Duty as aforeſaid, to pay ſuch Proportion thereof as the Juſtices ſhall think proper to the Surveyor or Surveyors of ſuch reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions or Places, to be by him or them paid over to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Truſtees ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like manner as any Penalty is by this Act authorized to be recovered; and each and every Perſon who ſhall neglect or refuſe to do and perform 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, Horſe or Beaſt, to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that caſe the Perſon ſo coming to work, or ſending ſuch Labourer as aforeſaid, ſhall be ſubject and liable to the reſpective Forfeitures and Penalties aforeſaid, as if he had neglected or refuſed to come, or ſend a Labourer, or furniſh ſuch Team or Draught, Horſe or Beaſt, to work on any Part of the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways, for any of the ſaid Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places in which the ſaid Roads lie, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, or ſhall refuſe or neglect to collect or pay over ſuch Compoſition as aforeſaid, every ſuch Surveyor ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; all which Forfeitures ſhall be paid to the Treaſurers to the ſaid Truſtees, and applied towards mending the ſaid Roads.

Truſtees may compound for Statute Duty.

LXIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered, to compound or agree, by the Year or otherwiſe, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments, of or in any of the Pariſhes, Townſhips, or Places in which the ſaid Roads ſhall lie and be ſituate, for a certain Sum of Money in lieu of the whole or any Part of their Statute Work to be done on the ſaid Roads, or to compound with the Surveyor of the Highways for any ſuch Pariſhes, Townſhips, or Places, for the whole or any Part of the Statute Work liable to be performed within the ſame reſpectively; all which Compoſition Monies ſhall be from Time to Time paid in advance, and ſhall be applied in Repair of the ſaid Roads.

For enforcing the Payment of Compoſition Money.

LXIV. And be it further enacted, That in caſe the Compoſition Money agreed to be paid for paſſing through any Turnpike or Toll Gate, or in lieu of any ſuch Repairs for Statute Work as aforeſaid, or any Part or Parts of ſuch Compoſition Money reſpectively, ſhall not be paid within Fifteen Days after the ſame ſhall become payable, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Surrey*, or County of *Southampton*, or County of *Wilts*, within their reſpective Juriſdictions, by Writing under his or their Hand and Seal or Hands and Seals, to empower the Perſon or Perſons authorized to receive ſuch Compoſition Money (Oath having been firſt made before ſuch Juſtice or Juſtices that the ſame hath been demanded and remains due, which Oath ſuch Juſtice or Juſtices is or are hereby empowered to adminiſter) to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons having ſo compounded or agreed to pay ſuch Compoſition Money as aforeſaid, or of the Surveyor or Surveyors of the Highways ſo agreeing to pay ſuch Compoſition in lieu of any ſuch Repairs or Statute Work (as the Caſe may be), returning the Overplus (if any) on Demand, after deducting ſuch Compoſition Money and the reaſonable Charges of ſuch Diſtreſs and Sale, to the Owner or Owners thereof.

Surveyors, &c. may recover the ſame.

LXV. And be it further enacted, That the reſpective Surveyors of the Highways, or the Churchwardens or Overſeers of the Poor, who ſhall pay any ſuch Compoſition Money, or to whom the ſame ſhall be recovered as aforeſaid, ſhall be repaid or reimburſed the Compoſition Money paid by or recovered of them reſpectively, with the Coſts and Charges attending ſuch Recovery, by the ſeveral Ways and Means and in ſuch Manner as by the Laws in being Surveyors of the Highways are to be repayed or reimburſed the Monies by them expended in buying Materials for repairing the Highways.

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

LXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, 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 from Time to Time to contract with any Perſon or Perſons for making, altering ſtraightening, diverting, widening, 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 Work to be performed in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees or any Five or more of them ſhall think proper; and that all Contracts or Agreements in Writing entered into purſuant to any Order of the ſaid Truſtees, or any Five or more of them, by their Clerk or Treaſurer, Surveyor, or other Officer, with any Workman or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Workmen, or other Perſon or Perſons, his, her, or their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the Truſtees or any Five or more of them, or by their Clerk or Treaſurer, and in his Name, and Damages and Coſts recovered againſt the Party or Parties, or Perſon or Perſons, failing in Performance of ſuch Contracts or Agreements reſpectively; and ſuch Sum or Sums of Money as ſhall be requiſite for making 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.

Truſtees not to repair the Pavement in Streets of Towns.

Perſons chargeable to the Repairs of Bridges, Drains, and Sewers, to continue ſo.

LXVII. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize the ſaid Truſtees to repair or amend the Foot Pavement in the Streets of any Town through which the ſaid Roads do lead, or any County or Hundred Bridge or Bridges; and that ſuch Bridges, Drains, and Sewers lying and being in any of the ſaid Roads, and ſuch Parts of the ſaid Roads, which have been heretofore and ought to be maintained and repaired by any particular Perſon or Perſons, or Bodies Politic or Corporate, or by the Inhabitants of any Town or Place, ſhall from Time to Time be repaired, maintained, and kept in Repair by ſuch Perſon or Perſons, Bodies Politic or Corporate, or by the Counties, Pariſhes, Townſhips, Hamlets, Villages, and Places, and the Inhabitants thereof reſpectively, liable to the ſaid Repairs, in ſuch Manner as the ſame were or ought to be reſpectively kept in Repair before

fore the paſſing of this Act, and that no ſuch Perſon or Perſons, Bodies Politic or Corporate, Counties, Pariſhes, Townſhips, Hamlets, Villages, Places, or Inhabitants, ſhall by virtue of this Act, or any Thing herein contained, be diſcharged from any ſuch Repairs.

Penalty on defacing Mile Stones, riding or grazing Cattle, &c. upon Cauſeways.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully pull up or damage any Direction or Mile Poſt or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the ſaid Roads, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon or Perſons ſhall ſuffer any Horſe or other Beaſt, or Cattle, Pig, or Swine, to graze or ſtray upon the ſaid Roads, or on the Footpaths, or on the Side or Sides thereof, or ſhall ride upon any Footway or Footways, Cauſeway or Cauſeways, or any other Way or Ways to be made upon the ſaid Roads for the Uſe of the Foot Paſſengers, or ſhall lead or drive any Horſe or Horſes, Carriage or Carriages, Cattle or Swine, or ſhall draw, carry, or wheel any Hurry, Truck, or Wheelbarrow upon ſuch Footway or Footways, Cauſeway or Cauſeways, or ſhall cauſe any Injury or Damage to be done to the ſame, or to any Hedges, Fences, Breaſt Walls, Poſts, Rails, or Paling ſet up along the Side of or upon any ſuch Footway; or if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Roads, any Timber, Stone, or other Thing, otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Timber, Stone, or other Thing which ſhall be carried upon wheeled Carriages, to drag upon any Part of the ſaid Roads, to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer ſuch Pigs or Swine to root up and damage the ſaid Roads, or the Fences, Banks, or Copſe on either Side thereof; or if any Perſon driving any Carriage, Waggon, Wain, or Cart upon the ſaid Roads, and meeting another Carriage, Waggon, Wain, or Cart, ſhall not keep his or her Carriage, Waggon, Wain, or Cart upon his or her left or neareſt Side of the ſaid Roads; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage, Waggon, Wain, or Cart under his or her Care, upon the ſaid Roads; or if any Perſon ſhall kill or ſinge any Hog, Pig, or Swine, or ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part of the ſaid Roads, or on the Side or Sides thereof, or on the Banks or Lands adjacent or lying open thereto, or play at Football or any other Game or Games upon the ſaid Roads, or any Part thereof; or if any Perſon ſhall leave any Carriage, Waggon, Wain, or Cart (except in caſe of Accident), upon any Part of the ſaid Roads, or on the Side or Sides thereof, longer than may be neceſſary to load or unload the ſame, or ſhall not place the ſame, during the Time of ſuch loading or unloading thereof, as near to the Side of the Roads as conveniently may be, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, upon any Part of the ſaid Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Perſons travelling thereon; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon the ſaid Roads, or any Part thereof, without the Leave of the ſaid Truſtees, or their

their Surveyor or Surveyors; or if the Surveyor or Surveyors of the ſaid Roads, or any Undertaker or Undertakers for the Repairs of the ſaid Roads, or any Part thereof, or any Perſon or Perſons acting by or under their Authority, ſhall lay or cauſe to be laid upon the ſaid Roads or the Sides thereof, or upon any Part of the ſaid Roads, any Heaps of Stones, or other Materials for repairing the ſaid Roads or any Part thereof, and ſhall permit or ſuffer the ſame to remain in Heaps longer than ſhall be neceſſary for ſpreading or laying ſuch Stones and Materials over or upon the ſaid Roads; every Perſon offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained ſhall extend to prevent or hinder the erecting, placing, or putting up any Hurdles, Coops, or Pens for Sheep, Hogs, or Cattle, or any Standings for the vending of Goods or other Purpoſes, at Markets and Fairs, in any of the Streets through which the ſaid Roads lead, in ſuch Manner as the ſame have been heretofore immemorially uſed and accuſtomed.

Recovery and Application of Penalties.

LXIX. And be it further enacted, That all Penalties, Fines, and Forfeitures hereby inflicted or authorized to be impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), with the Coſts and Charges attending the Conviction, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of His Majeſty's Juſtices of the Peace for the ſaid County of *Surrey*, or of the ſaid County of *Southampton*, or the ſaid County of *Wilts*, within their reſpective Juriſdictions, rendering the Overplus of ſuch Diſtreſs (if any there be) to the Party or Parties, after deducting the Charges of making the ſame, (which Warrant every ſuch Juſtice is hereby empowered and required to grant, upon Conviction of the Offender by Confeſſion, or upon the Oath of one or more credible Witneſs or Witneſſes); and ſuch Penalties and Forfeitures, when ſo levied, ſhall be paid One Moiety to the Informer, and the other Moiety to the Surveyor of the ſaid Roads, to be applied towards the Repair thereof, unleſs otherwiſe directed by this Act; but if the Surveyor ſhall be the Informer, then the whole ſhall be applied towards the Repair of the ſaid Roads; and in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for ſuch County, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalty or Forfeiture, with the Coſts and Charges attending the Conviction and Commitment, ſhall be ſooner paid.

Forfeitures recovered on the Evidence of the Surveyor or other Officer employed by the Truſtees with Salaries, ſhall be applied to the Uſe of the Roads.

LXX. Provided always, and be it further enacted, That whatever Penalty or Forfeiture ſhall be levied or recovered on the Information of the Surveyor of the ſaid Roads, or of any Toll-gatherer or other Perſon employed by the ſaid Truſtees, and receiving Salaries or Rewards for their Services, and not otherwiſe directed by this Act, ſhall go and be applied to the amending of the ſaid Turnpike Roads reſpectively, and to no other Uſe or Purpoſe whatſoever; any Thing in this or any other Act to the contrary notwithſtanding.

LXXI. And

For ſecuring unknown Perſons guilty of Offences.

LXXI. And be it further enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any Perſon or Perſons (being unknown to ſuch Truſtees, Collectors, Surveyors, or other 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 near to the Place where the Offence or Offences ſhall be committed, or ſuch Offender or Offenders ſhall be ſeized and apprehended; and ſuch Juſtice or 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.

Form of Conviction.

LXXII. And for the more eaſy Conviction of Offenders againſt this Act; be it further enacted, That all and every the Juſtices and Juſtice 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 (as the Caſe ſhall happen), or in any other Form of Words to the ſame Effect:

'County of } BE it remembered, That on the Day of
'to wit. } in the Year of His
'Majeſty's Reign, and in the Year of our Lord
'*A. B.* is convicted before of His Majeſty's Juſtices of
'the Peace for the ſaid County, by virtue of an Act of the Fifty-ninth
'Year of the Reign of King *George* the Third, intituled [*here ſet forth the*
'*Title of this Act, and ſpecify the Offence, when and where committed.*]
'Given under our Hands and Seals, [*or* my Hand and Seal] the Day and
'Year firſt above written."

Proceedings not to be quaſhed for want of Form.

LXXIII. And be it further enacted, That no Order or Proceeding to be made concerning any Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, ſhall be quaſhed, ſet aſide, or vacated for want of Form only, nor ſhall be removed or removeable by *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*; and where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or any other Proceeding relating thereto; and if an Irregularity ſhall be afterwards committed by any Perſon or Perſons diſtraining, he, ſhe, or they ſhall not on that Account be deemed a Treſpaſſer or Treſpaſſers *ab initio*, but the Party or Parties aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage ſuſtained thereby in any Action upon the Caſe; but the Plaintiff or Plaintiffs ſhall not recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends ſhall be made by or on behalf of the Party diſtraining, before ſuch Action brought.

Appeal to Quarter Seſſions.

LXXIV. 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 Mode of Relief hath been already

already appointed, such Person or Persons may within Fourteen Days next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their General Quarter Sessions to be holden for the County in which the Cause of Complaint shall arise, (unless such Complaint shall arise within Twenty-eight Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise); and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and if they see Cause, shall and may, by Order of such Session, mitigate, at their Discretion, all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, 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 said Justices are hereby authorized and required to levy, by their Order or Warrant, 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, to commit such Person or Persons to the Common Gaol or House of Correction for such County, for any Time not exceeding Six Calendar Months, or until Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid, shall and is and are hereby required to give Notice in Writing to the Clerk to the Trustees of the said Roads, of such his or their Intention of bringing and prosecuting an Appeal, Fourteen Days before the said Quarter Sessions, and shall, before such Notice given, enter into a sufficient Recognizance before One or more Justice or Justices of the Peace, with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party Parties so appealing.

Notice of appealing to be given.

Limitations of Actions.

LXXV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done or pretended to be done in pursuance of this Act, until after Fifteen Days Notice thereof shall be given to the Defendant or Defendants, nor after a sufficient Satisfaction, or a Tender thereof, shall be made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County in which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead 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 it shall appear that the same was so done, or that such Action or Suit was brought before Fifteen Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall have been 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.

LXXVI. And

LXXVI. 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.

LXXVII. And be it further enacted, That this Act ſhall commence upon the Third *Thurſday* after 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. The Commencement and Term of this Act.

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