ANNO QUINQUAGESIMO QUINTO

GEORGII REGIS III.

Cap. l.

An Act for more effectually repairing the Road from *Highgate Gatehouſe*, in the County of *Middleſex*, to the Thirteen Mile Stone, near *Gannick Corner*, in the Pariſh of *South Mims*, in the ſaid County.

[12th *May* 1815.]

WHEREAS an Act was paſſed in the Tenth Year of the Reign of Her late Majeſty Queen *Anne*, intituled *An Act for repairing the Road from* Highgate Gatehouſe, *in the County of* Middleſex, *to* Barnet Blockhouſe *in the County of* Hertford: And whereas another Act was paſſed, in the Seventh Year of the Reign of King *George* the Firſt, intituled *An Act for enlarging the Term granted by an Act paſſed in the Tenth Year of Her late Majeſty Queen* Anne, *intituled*, "*An Act for repairing the Road from* Highgate Gatehouſe, *in the County of* Middleſex, *to* Barnet Blockhouſe *in the County of* Hertford, *and for repairing the Road leading from the* Bear Inn, *in* Hadley, *to the Sign of the* Angel, *in* Enfield Chaſe, *in the ſaid County of* Middleſex:" And whereas another Act was paſſed, in the Ninth Year of the Reign of King *George* the Second, intituled *An Act for making more effectual Two Acts of Parliament, One of the Tenth Year of the Reign of Her late Majeſty Queen* Anne; *and the other of the Seventh Year of the Reign of His late Majeſty King* George *the Firſt, for repairing the Road from* Highgate Gatehouſe, *in the County of* Middleſex, *to* Barnet Blockhouſe, *in the County of* Hertford, *and the Road from the* Bear Inn, *in* Hadley, *to the* Angel *in* Enfield Chaſe, 10 A. c. 33. 7 G. 1. c. 18. 9 G. 2. c. 39.

and for amending Canewood Lane, *leading from* Highgate *to* Hampſtead, *in the ſaid County of* Middleſex: And whereas another Act was paſſed in the Third Year of the Reign of His preſent Majeſty, intituled *An Act to continue and render more effectual, ſeveral Acts of Parliament, for repairing the Road from* Highgate Gatehouſe, *in the County of* Middleſex, *to* Barnet Blockhouſe, *in the County of* Hertford, *and the Road from the* Bear Inn *in* Hadley, *to the* Angel *in* Enfield Chaſe; *and alſo* Canewood Lane, *leading from* Highgate *to* Hampſtead, *in the ſaid County of* Middleſex, *and for repairing and widening the Road being Part of the great North Road from* London, *beginning at* Barnet Blockhouſe, *and ending at the* Bear Inn *in* Hadley, *aforeſaid:* And whereas another Act was paſſed in the Eighteenth Year of the Reign of His preſent Majeſty, intituled *An Act to enlarge the Term and Powers of ſeveral Acts for repairing the Road from* Highgate Gatehouſe, *in the County of* Middleſex, *to* Barnet Blockhouſe, *in the County of* Hertford, *and the Road from the* Bear Inn *in* Hadley, *to the* Angel *in* Enfield Chaſe; *and alſo* Canewood Lane, *leading from* Highgate *to* Hampſtead, *in the ſaid County of* Middleſex; *and the Road beginning at* Barnet Blockhouſe, *and ending at the* Bear Inn *in* Hadley *aforeſaid:* and whereas the Truſtees appointed in or by virtue of the ſaid recited Acts have made great Progreſs in the Execution thereof, and for the Purpoſes of the ſaid ſeveral Acts, have from Time to Time borrowed ſeveral conſiderable Sums of Money, on the Credit of the Tolls, thereby authorized to be taken, which Monies ſtill remain due and cannot be repaid, nor can the ſaid Road be effectually amended, widened, raiſed, altered, improved, and kept in Repair, unleſs the Term and Powers granted by the ſaid recited Acts be enlarged: And as the Powers and Proviſions thereof have been found in many Reſpects defective and inſufficient, it would be more convenient to the Truſtees, and beneficial to the ſaid Road, if the ſaid ſeveral recited Acts were to be repealed, and further and more effectual Powers granted in lieu thereof: May it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That on the Sixteenth Day of *Auguſt* One thouſand eight hundred and fifteen, the ſaid recited Acts ſhall be, and the ſame are hereby declared to be repealed, and that inſtead thereof this Act ſhall from thenceforth commence, and take Effect, and be put in Execution, for and during the Term hereinafter mentioned, for the Purpoſe of more effectually amending, widening, raiſing, altering, improving, and keeping in Repair, the Road from *Highgate Gatehouſe*, in the County of *Middleſex*, to the Thirteen Mile Stone near *Gannick Corner*, in the Pariſh of *South Mims*, in the ſaid County; and that this Act, and the Tolls hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the Tolls, authorized by the ſaid ſeveral recited Acts, ſome or one of them to be taken on the ſaid Roads; and of all Monies which may hereafter be borrowed on the Credit of the Tolls hereby granted, and all Intereſt due and to grow due thereon reſpectively.

3 G. 3. c. 37.

18 G. 3. c. 84.

Acts repealed; and this Act to be executed inſtead thereof.

Truſtees.

II. And be it further enacted, That the Knights of the Shire for the Counties of *Hertford* and *Middleſex* for the Time being, together with *Thomas Harriſon Andrew*, *Edward Arrowſmith*, *John Bacon*, *George Byng*, *John William Bacon*, *Francis D'Arcey Bacon*, *Richard Bowyer*, *William*

liam Belcher, *Charles Branſdon*, *Thomas Collins*, *William Clarke*, Sir *William Curtis* Baronet, *Alexander Chriſtmas Coombe*, *Charles Cottrell*, *Alexander Dury*, *Joſeph Darby*, *Henry Daviſon*, *Edward Down*, *Thomas Gildart*, *Edward Garrow*, *Andrew Hopegood*, *James Lewis*, *William Manning*, The Reverend *Thomas Cope Marſham*, The Reverend *Richard Neate*, *Charles Robert Neate*, *James Quilter* Senior, *James Quilter* Junior, *Andrew Ried*, The Reverend *Benjamin Underwood*, The Reverend *Ralph Worſley*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Truſtees, for putting this Act in Execution.

Electing an additional Number of Truſtees.

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to elect any Number of Perſons not exceeding Fifty in the Whole to be Truſtees for executing this Act, in Addition to the Truſtees hereby nominated or appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with ſuch and the ſame Powers and Authorities for executing this Act, as if they had been hereby nominated and appointed.

On Death, &c. of Truſtees, others to be choſen.

IV. And be it further enacted, That in caſe any of the ſaid Truſtees hereinbefore named, or to be elected as hereinafter mentioned, ſhall die, remove, (ſo as not to reſide in either of the Counties through which this Turnpike Road paſſes,) refuſe to act, or neglect to act for the Space of Three ſucceſſive Years from the Time of his firſt Appointment, or at any future Period, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, by Writing under their Hands, to appoint One other Perſon, living within the ſaid Counties of *Middleſex* or *Hertford*, to be a Truſtee in the Room of every Truſtee ſo dying, removing, refuſing, or neglecting to act, Notice of the Time and Place of Meeting for every ſuch Appointment being fixed on all the Turnpike-gates erected or continued by virtue of this Act, at leaſt Ten Days before ſuch Meeting, and all and every Perſons and Perſon being qualified as hereinafter mentioned, who ſhall be ſo appointed, ſhall be and are and is hereby veſted with the ſame Powers and Authorities for putting this Act in Execution, as if they or he had been named Truſtees or a Truſtee in this Act.

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, unleſs he ſhall, at the Time of 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, and Hereditaments of the clear Yearly Value of Two hundred Pounds above Reprizes, or ſhall have or be poſſeſſed of a Perſonal Eſtate of the Amount or Value of Four thouſand Pounds, clear of all Debts and Incumbrances, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Land of the clear Yearly Value of Two hundred Pounds or upwards, nor ſhall any Perſon be capable of acting as a Truſtee in the Execution of this Act, not being ſuch Heir Apparent as aforeſaid, (except at the Firſt Meeting after the paſſing of this Act, in adminiſtering the Oath hereinafter mentioned,) until he ſhall have taken and ſubſcribed at ſome Meeting of the ſaid Truſtees to be held purſuant to this Act, at which not leſs than Five Truſtees duly qualified

fied ſhall be preſent, an Oath or Affirmation in the Words or to the Effect following; that is to ſay,

'I *A B.* do ſwear, [or, *being One of the People called Quakers*, do folemnly 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 of the clear Yearly Value of Two hundred Pounds above Reprizes, or that I have or am poſſeſſed of a Perſonal Eſtate of the Amount or Value of Four thouſand Pounds, clear of all Debts and Incumbrances, (*as the Caſe may be*).

'So help me GOD.,

Which Oath or Affirmation any One of the ſaid Truſtees, at any ſuch Meeting, is hereby empowered to adminiſter; and if any Perſon ſhall preſume to act as a Truſtee in the Execution of this Act, not being qualified as aforeſaid, or without having taken and ſubſcribed ſuch Oath or Affirmation in Manner aforeſaid, (except as aforeſaid,) 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 wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, in which Action it ſhall be ſufficient for the Plaintiff to prove that ſuch Perſon hath acted as a Truſtee in the Execution of this Act, which Proof ſhall intitle the Plaintiff to a Verdict, unleſs the Defendant ſhall prove that he was at the Time of ſo acting duly qualified; provided nevertheleſs, that all Acts and Proceedings which 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.

Acts of Truſtees not qualified to be valid.

First Meeting 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 known by the Name or Sign of the *Green Man* Inn, at *Whetſtone*, in the ſaid County of *Middleſex*, on *Wedneſday* the Sixteenth Day of *Auguſt* One thouſand eight hundred and fifteen, and proceed to the Execution of this Act, and ſhall from Time to Time afterwards meet as often as they ſhall think fit, and ſhall and may from Time to Time, when they think proper, adjourn any ſuch Meeting to a future Time at the ſame Place, or at ſome other convenient Place near to the ſaid Road, as they ſhall think proper for putting this Act into Execution; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act or to adjourn to any other Time and Place, then the Clerk to the ſaid Truſtees ſhall adjourn the ſaid Meeting to and appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to be held on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held, and ſhall cauſe Notice thereof to be affixed on all the Toll-gates then erected or continued by virtue of this Act, at leaſt Ten Days before ſuch Meeting, and that the ſaid Truſtees, at all their Meetings, ſhall defray their own Charges and Expences, except in paying for the Uſe of the Room or Rooms where their Meetings ſhall from Time to Time be held for the Purpoſes of this Act, which ſhall be paid for out of the Monies to ariſe by virtue of this

this Act, so that the same shall not exceed the Sum of Twenty Shillings at such Meetings; provided always, that Five Trustees shall be sufficient for the Purpose of Adjournment only.

Power to call intermediate Meetings.

VII. And be it further enacted, That if after any Adjournment of the said Trustees by themselves or their Clerk, it shall be thought necessary by Five or more of the Trustees that there shall be an earlier Day of Meeting than the Day appointed by such Adjournment, in that case the Clerk to the said Trustees on an Order in Writing, signed by any Five or more of the acting Trustees although not assembled at a Meeting, shall forthwith give Notice of such Meeting by Writing to be affixed on all the Turnpikes then erected upon the said Road at least Ten Days before such Meeting, mentioning the Time, Place, and Purpose of such Meeting, and the Proceedings of the Trustees at all such Meetings respecting the Matters specified in such Notice, shall be as valid and effectual to all Intents and Purposes, as if such Meeting had been held in pursuance of Adjournment.

Proceedings to be entered in Books.

VIII. And be it further enacted, That all Orders and Proceedings of the said Trustees at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered and signed by a competent Number of the Trustees, (as the case shall require, or by their Treasurer or Clerk by their Order, shall be deemed to be Originals, which said Book or Books shall be admitted as Evidence in all Courts whatsoever.

No Order to be repealed, unless the Trustees present exceed the Number who made it.

IX. And be it further enacted, That no Order made by the said Trustees or any Five or more of them in, for, or concerning the executing of the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside by any subsequent Order of the Trustees, unless a greater Number of Trustees than the Trustees who made such Order shall be then present and consenting thereto, and no Order made at any Meeting of the said Trustees shall be repealed or altered unless One Month's Notice at the least shall be given by affixing the same upon all the Turnpikes which shall be then standing upon the said Road, particularly specifying that such Order is intended to be repealed or altered.

Officers to continue till others appointed.

X. And be it further enacted, That the Officers already appointed by virtue of the said recited Acts shall continue in Office until others shall be appointed in their Stead, by the said Trustees or any Five or more of them, and shall have the like Power in all respects, as if they had been appointed by the said Trustees or any Five or more of them, by virtue of this Act, and that the said Trustees or any Five or more of them by any Writing or Writings under their Hands may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act, and may remove such Officers and other Persons appointed by virtue of the said recited Acts or this Act, and any or either of them from Time to Time; and upon the Death, Resignation, or Removal of such Officers and other Persons, or any or either of them, may in like manner appoint others in their Stead, and out of the Monies to arise by virtue of this Act may allow and pay such Salaries, and make such Allowances to the said Officers and other Persons for their

Services, as to the ſaid Truſtees or any Five or more of them ſhall ſeem reaſonable, and all and every ſuch Officers and other Perſons ſhall from Time to Time when thereunto required by the ſaid Truſtees or any Five or more of them, render and give to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall for that Purpoſe appoint, a true, exact, and perfect Account in Writing, under their reſpective Hands, of all Monies which they ſhall reſpectively, up to the Time of rendering ſuch Accounts, have received, paid, or diſburſed by virtue of the ſaid recited Acts or this Act, or by reaſon of their reſpective Offices or otherwiſe, and ſhall alſo produce proper Vouchers for all their Payments and Diſburſements; and in caſe any Money ſo received ſhall remain in his or their Hands, the ſame ſhall be paid to the ſaid Truſtees or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and in caſe any ſuch Officer or other Perſon ſhall not give in and verify ſuch Account, and make ſuch Payment as aforeſaid, or ſhall not deliver up the Vouchers for the ſame after the ſaid Accounts ſhall be allowed and paſſed, or ſhall not deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, within Ten Days after being thereto required by any Five or more of the ſaid Truſtees, all the Books, Papers, Writings, Tools, Matters, and Things in their Hands, Cuſtody, or Power, relating to the Execution of this Act, or which they ſhall have diſpoſed of without the Conſent and Approbation of the ſaid Truſtees or any Five or more of them, that then any Juſtice of the Peace for the County, Liberty, or Place where ſuch Officer or other Perſon ſhall reſide, ſhall make enquiry of and concerning ſuch Default as aforeſaid in a ſummary Way; and if any ſuch Officer or other Perſon ſhall be convicted before ſuch Juſtice of any of the Offences aforeſaid, either on his own Confeſſion or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby empowered and required to adminiſter,) ſuch Juſtice may commit the Party to the Common Gaol of the County, Liberty, or Place wherein ſuch Offender ſhall then reſide, there to remain without Bail or Mainprize until he or they ſhall have made and rendered a perfect Account, and made Payment of what ſhall appear to be due thereon, or until he or they ſhall have compounded and agreed with the ſaid Truſtees or any Five or more of them, and have paid ſuch Compoſition Money, (which Compoſition the ſaid Truſtees or any Five or more of them are hereby authorized and empowered to make and receive,) and ſhall alſo have rendered and given up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall direct, all Books, Papers, Writings, Tools, Matters, and Things aforeſaid, or make Compenſation for the ſame to the Satisfaction of Five or more of the ſaid Truſtees, (which Compenſation the ſaid Truſtees or any Five or more of them are hereby authorized to receive and accept:) Provided always that no Perſon who ſhall be committed as aforeſaid, ſhall remain in Priſon for a longer Space of Time than Six Calendar Months.

Officers to account on Oath, &c.

Treaſurer to give Security.

XI. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall and they are hereby authorized and required to take ſuch Security from every Treaſurer, Clerk, and Surveyor to be appointed for the Purpoſes of this Act, for the due Execution of his and their ſaid Office

Office and Offices, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet; provided neverthelefs, and it is hereby declared, that the Security which hath been given by the preſent Treaſurer, Clerk, and Surveyor, under the Authority of the ſaid recited Acts, ſhall remain and continue in full Force and Effect notwithſtanding the paſſing of this Act; and the ſame ſhall be deemed, taken, and conſidered as a Security under the Authority of this Act, to all Intents and Purpoſes, as if the ſaid Security had been given and executed after the paſſing of this Act.

Security of the preſent Treaſurer to remain in Force.

XII. Provided always, and be it further enacted, That no perſon keeping an Inn, Alehouſe, or other Houſe of Public Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, ſhall be capable of holding any Place of Truſt or Profit under this Act, or of being appointed a Truſtee, or acting as ſuch, nor of farming or renting the Tolls, unleſs he ſhall employ ſome Perſon to collect the ſame, who ſhall not be under any ſuch Incapacity.

No Victualler to hold any Place of Profit under this Act.

XIII. And be it further enacted, That no Truſtee ſhall have any Voice in the Election or Appointment of any Officer or Perſon to hold any Office or Place of Truſt or Profit under the ſaid Truſtees, by whatſoever Name he ſhall be deſcribed or called, unleſs ſuch Truſtee ſhall have been preſent at one or more Meeting or Meetings of the ſaid Truſtees within Three Years preceding the Death, Reſignation, or Removal of the laſt Officer, or in caſe the Office ſhall be of new Appointment, then within Three Years preceding the Meeting at which ſuch new Appointment ſhall have been determined upon; and the Preſence of ſuch Truſtee at ſuch Meeting or Meetings as aforeſaid, ſhall be aſcertained by his Name appearing in the Book or Books kept for the Purpoſe of entering all the Proceedings of the Truſtees, as being preſent on the Day or Days of ſuch Meeting.

No Truſtee to vote in the Election of any Officer, unleſs he ſhall have acted within a certain Period.

XIV. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Treaſurer or Clerk for the Time being, and that no Action or Suit to be brought or commenced by or againſt the ſaid Truſtees or any of them by virtue of this Act in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Treaſurer or Clerk, or by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them; but that the Treaſurer or Clerk to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff or Defendant in every ſuch Action or Suit: Provided always, that the Treaſurer or Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceeding he ſhall be put unto or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant.

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

XV. And be it further enacted, That the ſaid Truſtees or any Five or more of them may and they are hereby authoriſed and empowered to continue all or any of the Turnpikes now ſtanding upon or acroſs the ſaid Road, or on the Sides thereof, and alſo to cauſe to be erected ſuch Turnpikes upon or acroſs any Part of the ſaid Road, or at the Sides thereof acroſs any Lane or Way leading into the ſame, as they ſhall think fit, with proper Toll-houſes and Conveniences at or near the reſpective Turn-

Turnpikes to be continued and erected.

Turnpikes, or ſuch of them as they ſhall think neceſſary, and to remove ſuch of the ſaid Turnpikes and Toll-houſes from Time to Time as they ſhall think proper.

Toll Collectors to put up their Names.

XVI. And be it further enacted, That all and every Toll Collector appointed either by the ſaid Truſtees or any Five or more of them, or by any Leſſee or Leſſees under them, 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, 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 demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authoriſed to do by virtue of the Powers of this Act, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll when demanded, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Road, or ſhall without ſufficient Cauſe detain or delay any Perſon or Perſons travelling thereon, then and in every ſuch Caſe, every ſuch Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Property of Turnpikes, &c. veſted in Truſtees.

XVII. And be it further enacted, That the Right and Property of all the Turnpikes, Toll-houſes, Toll-gates, Bars, Toll-boards, Direction-boards, Poſts, Rails, Fences, Buildings, and Premiſes already erected or provided by virtue of the ſaid recited Acts, any or either of them, or hereafter to be erected and provided by virtue of this Act, and the Materials of which the ſame do or ſhall conſiſt, and the Materials which have been or ſhall be provided for repairing the ſaid Road, and alſo all the Tools and other Requiſites already or hereafter to be provided for the Purpoſes of the ſaid Acts and of this Act, ſhall be and are hereby veſted in the ſaid Truſtees, and they or any Five or more of them, are hereby empowered to diſpoſe thereof as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or to prefer and proſecute, or order the preferring and proſecuting of Indictments againſt any Perſon or Perſons who ſhall ſteal and carry away, break down, injure, or ſpoil the ſame, or any Part thereof, or diſturb the ſaid Truſtees, their Agents or Servants in the Poſſeſſion thereof, and lay the Property thereof in the Name of their Treaſurer or Clerk.

Power to take Tolls.

XVIII. And be it further enacted, That the reſpective Tolls following, ſhall be demanded and taken at every Turnpike already erected, or to be erected as aforeſaid, on every Day, before any Horſe or other Beaſt or

Cattle, or any Carriage, ſhall be permitted to paſs through the ſame; (that is to ſay,)

For every Coach, Berlin, Landau, Hearſe, Chaiſemarine, Chariot, Calaſh, Curricle, Chaiſe, Chair or Pleaſure Cart, with Three or Four Wheels; drawn by Six Horſes, the Sum of Two Shillings; and drawn by Four Horſes, the Sum of One Shilling and Four-pence; and drawn by Three Horſes, the Sum of One Shilling; and drawn by Two Horſes, the Sum of Eight-pence; and drawn by One Horſe, the Sum of Four-pence: Tolls.

For every Waggon or other Carriage with Four Wheels, not laden with Hay or Straw, the Sum of Nine-pence; laden with Hay or Straw, the Sum of Four-pence:

For every Cart, Dray, or Carriage, with Two Wheels, laden or unladen, and drawn by Five Horſes, the Sum of Sixpence; and drawn by Four Horſes, the Sum of Four-pence; and drawn by One, Two, or Three Horſes, the Sum of Three-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Three Halfpence:

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

For every Drove of Hogs, the Sum of Nine-pence per Score, and ſo in Proportion for any greater or leſs Number:

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

Which ſaid reſpective Sum or Sums of Money ſhall be demanded and taken in the Name of or as a Toll, and ſhall be veſted in the ſaid Truſtees, and applied as hereinafter directed; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made either at the Turnpike where ſuch Toll ſhould be collected, at or immediately after paſſing through the ſame, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary to ſeize and diſtrain any Horſe or Horſes, or other Cattle, together with their Bridles, Saddles, Gears, Harneſs, or Accoutrements, or their Loading, or any Carriage with its Loading, or a ſufficient Part thereof; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Three Days next after the Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, Carriage, or Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money, (if any be,) and what ſhall remain unſold on Demand to the Owner thereof, after ſuch Toll, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale ſhall be deducted. Power of Diſtreſs.

XIX. And be it further enacted, That no more than one full Toll ſhall be paid in any one Day, (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night,) for paſſing or repaſſing with the ſame Horſes, Cattle, Beaſts, or Carriages through any Toll-gate continued or erected by virtue of this Act, but that all and every Perſon and Perſons having paid Toll once at any Gate or Turnpike erected Tolls to be paid but once a Day.

erected or to be erected upon any Part of the ſaid Road, and producing a Note or Ticket denoting ſuch Payment, and alſo naming or ſpecifying the Gates freed thereby, (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll,) ſhall afterwards be permitted to paſs and repaſs through the ſame Toll-gate, and all other Toll-gates to be continued or erected by virtue of this Act, with the ſame Horſes, Cattle, Beaſts, and Carriages Toll free, any Time or Times during the ſame Day.

Stage Coaches to pay for each Time of paſſing.

XX. Provided always, and be it further enacted, That every Stage Coach, Long Coach, or Diligence carrying Paſſengers for Hire, ſhall be chargeable to the Tolls hereby granted each Time they ſhall ſo paſs on the ſame Day through any Turnpike or Toll-gate where Toll is payable by virtue of this Act.

Truſtees may compound with Perſons travelling on the Roads.

XXI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them may, and they are hereby empowered from Time to Time as they ſhall ſee convenient, or think fit, to compound or agree for any Term not exceeding One Year at any one Time with any Perſon or Perſons uſing to travel through the Turnpike or Turnpikes erected or to be erected on the ſaid Road, on the Payment of ſome certain Sum or Sums of Money to be agreed upon by the ſaid Truſtees, or any Five or more of them, in lieu of the Tolls in and by this Act directed, for the Paſſage of the Carriages and Cattle of any ſuch Perſon or Perſons through the ſame Turnpike or Turnpikes, which Compoſition Money ſhall be paid in Advance, and in Default thereof, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default, ſhall from thenceforth be void, and all ſuch Compoſition Money ſhall be applied in ſuch Manner as the Tolls are directed to be applied.

Exemptions from Toll.

XXII. And be it further enacted, That no Toll ſhall be demanded or taken for any Waggon, Cart, or other Carriage laden with Stones, Gravel, or other Materials, for repairing the ſaid Road, or any Public Road or Highway lying in either of the Pariſhes in which the Road hereby directed to be repaired is ſituate, or laden with Hay or Corn, in the Straw only, paſſing from or to any Lands in the Occupation of the reſpective Inhabitants of the ſaid Pariſhes, and to be laid up or placed in the Barns, Outhouſes, or Yards of ſuch Inhabitants only, and not for Sale, or carrying or conveying any Ploughs, Harrows, or other Implements of Huſbandry belonging to or employed by ſuch Inhabitants reſpectively, or for any Waggon, Cart, or other Carriage belonging to ſuch Inhabitants reſpectively going empty for the Purpoſe of loading with, or carrying or conveying ſuch Stones, Gravel, or other Materials for repairing the ſaid Road or Roads, Hay or Corn in the Straw only, Ploughs, Harrows, or other Implements of Huſbandry, or returning empty, having been employed only in carrying or conveying the ſame on the ſame Day, or for any Waggon, Cart, or other Carriage laden only with Dung or other Manure, (Chalk and Lime excepted,) to be uſed for the Improvement of Land, ſubject to the Proviſions of an Act paſſed in the Fifty-ſecond Year of His preſent Majeſty's Reign, intituled *An Act to explain the Exemption from Toll in ſeveral Acts of Parliament, on Carriages employed in Huſbandry, and for regulating the Tolls to be paid on other Carriages, and on Horſes in certain other Caſes therein ſpecified,* or for

any Waggon, Cart, or other Carriage going empty for the Purpose of loading with or carrying or conveying Dung, or other Manure only, (except as aforesaid,) for the Improvement of Land, or returning empty, having been employed only in carrying or conveying such Dung or other Manure on the same Day, or for any Horses or Cattle going to or returning from Water or Pasture, or going to be or returning from being shod or farried, or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, or usual Place of Religious Worship on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried in any of the said Parishes, or from any Clergyman going to or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or for any Horse, Mare, Gelding, or other Beast upon which any Person shall ride to and from any Lands in his, her, or their own Occupation only, or for any Horses, Cattle, or Carriages of whatever Description employed, or to be employed in conveying the Mails with Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same, or for any Horses, Carts, or Waggons attending any Soldiers on their March, or on Duty, or drawing any Carriage attending them with their Arms or Baggage, or 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, Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or for any Horse, Mare, or Gelding, rode by any Person belonging to any Corps of Yeomanry or Volunteer Cavalry in going to or returning from the Place of Exercise, provided such Person, at the Time of claiming such Exemption as aforesaid, shall be in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps, or for any Horses, Carts, or Waggons employed in the Conveyance of Vagrants sent by legal Passes, or Felons committed to Gaol, or for any Coach, Landau, Chariot, Calash, Chaise, or Taxed Cart, or for any Horse or other Beast conveying or carrying any Person or Persons to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Middlesex* or *Hertford*, or returning from any such Election on the Day or Days of such Election, or on the Day before or on the Day after such Election shall begin or be concluded: And if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person or Persons shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid, shall adjudge, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purpose of this Act.

Carriages employed in the public Service not to

XXIII. 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,

be ſubject to Penalties for Over-weight, or for additional number of Horſes.

nance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Over-weight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſes or Cattle drawing the ſame, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or other Beaſts of Draught, 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 other Beaſts of Draught to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act to the contrary notwithſtanding.

Diſputes concerning the Tolls to be ſettled by a Juſtice.

XXIV. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen) until the Amount of the Tolls due, and of the Charges of the Diſtreſs and Sale and of keeping the Diſtreſs (as the Caſe ſhall happen) ſhall be aſcertained by ſome Juſtice of the Peace for the County, Liberty, or Place where ſuch Diſpute ſhall ariſe, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall alſo aſſeſs the Charges of ſuch Diſtreſs and Keeping and Sale, and of the Collector's Attendance for that Purpoſe on the ſaid Juſtice, all which ſaid Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector before he ſhall be obliged to return the Diſtreſs, or the Overplus after the Sale thereof, or of any Part thereof.

Tolls may be leſſened or raiſed again.

XXV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may and are hereby authoriſed and empowered, from Time to Time, as they ſhall think proper, to leſſen or reduce all or any Part or Parts of the Tolls hereby granted at all or any or either of the ſaid Turnpikes, and to raiſe the ſame again to any Sum or Sums of Money not exceeding the reſpective Sums or Tolls by this Act granted; but no ſuch Reduction ſhall at any Time be made, unleſs the Perſon or Perſons who ſhall be entitled to Five-ſixths Parts at the leaſt of the Money then due on the Credit of the ſaid Tolls ſhall, by Writing under his, her, and their Hand or Hands conſent thereto, and no Alteration ſhall be made in the ſaid Tolls but at a Meeting of the ſaid Truſtees to be ſpecially called for that Purpoſe, and unleſs Ten Days' Notice at the leaſt of the Time and Place of holding ſuch Meeting ſhall be affixed upon all the Turnpikes or Toll Houſes then erected or ſtanding upon the ſaid Road, and alſo inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road; and ſuch Tolls ſo leſſened or reduced, or raiſed again as aforeſaid, ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Power to declare Leaſes of Tolls, and Weighing

XXVI. And be it further enacted, That if on or after any Letting or Agreement for letting the ſaid Tolls, or any Part thereof, or any Weighing Machine or Machines erected or to be erected on the ſaid Road, any Default ſhall be made in Payment of the Rent agreed to be paid for the ſame

or

or any Part thereof, on the Days and Times appointed for the Payment thereof, then and in ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall and may and are hereby empowered at any Meeting to be held after Ten Days' Notice of the holding of ſuch Meeting ſhall be given to the Leſſee or Leſſees of the ſaid Tolls or Weighing Machine or Machines, or affixed at or upon all the Turnpikes or Turnpike-gates then erected or ſtanding upon or acroſs the ſaid Road, to declare any Leaſe of the ſaid Tolls or Weighing Machine or Machines, or any Contract or Agreement for letting the ſame void, and the ſame ſhall be thereupon void to all Intents and Purpoſes from the Time of ſuch Declaration; but in ſuch Caſe the ſaid Leſſee or Leſſees, or his or their Surety or Sureties, ſhall nevertheleſs be liable for all Rents and Arrears of Rent then due and owing upon or by virtue of any ſuch Leaſe, Contract, or Agreement, and for all Coſts, Charges, Damages, and Expences which the ſaid Truſtees or their Treaſurer for the Time being ſhall or may pay, ſuſtain, or be put unto by reaſon of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any ſuch Leaſe, Contract, or Agreement, on the Part of ſuch Leſſee or Leſſees.

Machines void in Caſe of Non-payment of Rent.

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

For expelling Leſſees of Tolls at the Expiration of Leaſes, or on the ſame being declared void.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to borrow and take up at Intereſt on the Credit of the Tolls ariſing by virtue of this Act, ſuch further Sum or Sums of Money as they ſhall from Time to Time think fit,

Power of borrowing Money, and to demiſe or mortgage Tolls.

fit, and they may and are hereby empowered to demiſe or mortgage the ſaid Tolls or any Part or Parts thereof, and the Turnpikes and Toll Houſes for collecting the ſame, (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls,) as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance ſuch further Sum or Sums of Money, which Mortgages ſhall be in the Words or to the Effect following; that is to ſay,

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act* [*here ſet forth the Title of this Act:*] We whoſe Hands and Seals are hereunto ſubſcribed and ſet, being Five of the Truſtees for executing the ſaid Act, in conſideration of the Sum of to the Treaſurer of the ſaid Road in Hand paid by do grant, bargain, ſell, and demiſe unto the ſaid his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Turnpikes and Toll Houſes for collecting the ſame as the ſaid Sum of doth or ſhall bear to the whole Sum now due and owing, or hereafter to be advanced on the Credit thereof to be had and holden from the Day of the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum*, to commence and be computed from the Day of ſhall be ſooner paid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord .'

Mortgage to be entered in Books, &c.

And Copies of or Extracts from all ſuch Mortgages ſhall be entered and numbered progreſſively in a Book or Books to be kept and provided for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees, and all Perſons to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be poſſeſſed of any ſuch Mortgage, or of any Mortgage, Warrant, Order, or other Security heretofore made or given under the Authority of the ſaid recited Act, or any other Act or Acts of Parliament, or who ſhall be entitled to the Money thereby reſpectively ſecured, may from Time to Time transfer his, her, or their Right, Title, Intereſt, or Benefit in and to the ſaid Mortgages, Warrants, Orders, or other Securities reſpectively, and the principal Monies and Intereſt thereby ſecured to any Perſon or Perſons whomſoever by Indorſement on the Back of ſuch Mortgages, Warrants, Orders, or other Securities, in the Words or to the Effect following; that is to ſay,

Form of Transfer.

'I Do transfer this Mortgage, [*or*, this Warrant, *&c. as the Caſe may be*] with all my Right and Title to the principal Monies thereby ſecured, and all the Intereſt now due or hereafter to grow due upon or in reſpect thereof unto Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord .'

'Witneſs *C. D.* *A. B.*'

Memorial of Transfer to be regiſtered.

Which ſaid Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer, who ſhall cauſe an Entry and Memorial to be made thereof in the before-mentioned Book or Books, containing the Number, Date, Names

Names of the Parties, and Sum of Money therein transferred, for which the ſaid Clerk or Treaſurer ſhall be paid the Sum of Five Shillings and no more; which ſaid Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward: and after ſuch Entry made, but not till then, every ſuch Transfer ſhall entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner transfer the ſame again, and ſo *toties quoties*, and it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer to make void, releaſe, or diſcharge the original Security, or any Monies due thereon, or any Part thereof; and all Perſons who ſhall be poſſeſſed of or entitled to any ſuch Mortgage, Warrant, or other Security as aforeſaid, ſhall, in proportion to the Sum or Sums thereby reſpectively ſecured, be Creditors on the Tolls by this Act granted, and on the ſaid Turnpikes and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing their Money, or of the Dates of the Securities.

Creditors to have no Preference.

XXIX. Provided always, That the Truſtees appointed or to be appointed by virtue of this Act, or the Truſtees who acted in the Execution of any of the former Acts relating to the ſaid Road or any of them, ſhall not be ſubject to or charged with the Payment of any Sum or Sums of Money, by reaſon of their having ſigned or executed any Mortgage, Warrant, Order, or other Security, made or to be made as aforeſaid.

Truſtees not to be perſonally liable for Money borrowed.

XXX. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall and may, if thereunto required, receive in and cancel all or any Mortgages, Warrants, Orders, or other Securities now ſtanding out, that were made by virtue of the ſaid former Acts or any or either of them, and give and execute a Mortgage or Mortgages in lieu thereof reſpectively, in the Form hereinbefore directed, or as near thereto as the Caſe will admit of, the Perſon or Perſons requiring ſuch new Mortgage or Mortgages paying the Expences thereof.

Old Mortgages or other Securities to be cancelled if required, and new ones granted.

XXXI. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees or any Number of them, to give, execute, or deliver to any Perſon or Perſons any Mortgage under the Authority of this preſent Act, for a greater principal Sum than One hundred Pounds, notwithſtanding the ſaid Truſtees ſhall borrow and take up at Intereſt of the ſame Perſon and Perſons, at one and the ſame Time a greater Sum of Money than One hundred Pounds, and notwithſtanding they ſhall be required to exchange and give a new Mortgage or Mortgages in lieu of any Security or Securities now ſtanding out and remaining unſatisfied, which were granted by virtue of the ſaid former Acts or any or either of them, but that the Monies to be advanced or ſecured as aforeſaid ſhall be ſecured by ſeparate Mortgages for One hundred Pounds each, or for any leſs Sum or Sums of Money as the ſaid Truſtees or any Five or more of them, and the Perſon or Perſons to receive ſuch Security or Securities, ſhall agree upon.

No Mortgage to be for more than 100l.

XXXII. And be it further enacted, That out of the Monies already received by virtue of the ſaid recited Acts, or out of the Monies which ſhall be raiſed or received by virtue of this Act, the ſaid Truſtees or any Five or more of

Application of Tolls, and

Money borrowed.

of them ſhall in the firſt place pay and diſcharge all the Coſts and Expences relative to the procuring and paſſing of this Act, and the Remainder of ſuch Monies ſhall from Time to Time be applied in putting this Act in Execution, and in repaying all principal Monies by this Act charged upon the ſaid Tolls, or to be borrowed on the Credit thereof, and the Intereſt due and to grow due thereon by virtue of this Act, and in repairing, improving, and rendering commodious the ſaid Road, and in putting this Act in Execution in all other Reſpects.

Surveyor may get Materials.

XXXIII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors to the ſaid Truſtees, or ſuch Perſon or Perſons as they the ſaid Truſtees, or any Five or more of them, or as ſuch Surveyor or Surveyors ſhall employ or appoint to ſearch for, cut, dig, get, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials fit and proper for the Purpoſes of this Act, out of and from any Common or Waſte Ground, River, or Brook, in any Pariſh, Townſhip, Hamlet, or Place, in which any Part of the ſaid Road is ſituate, or in any adjacent Pariſh, Townſhip, Hamlet, or Place, without paying any Thing for the ſame; and alſo that ſuch Surveyor or Surveyors or other Perſon or Perſons as aforeſaid, may and is and are hereby authorized and empowered to ſearch for, cut, dig, get, gather, take, and carry away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Perſon or Perſons where the ſame may be had or found, ſuch Lands, Fields, or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Plantation or Nurſery for Trees, ſuch Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, either filling up the Pits, and levelling the Grounds, or ſloping down the Banks where or from whence ſuch Materials ſhall be had or taken, or railing or fencing off ſuch Pits, ſo that the ſame may not remain in a dangerous State, and the ſaid Surveyors or Surveyor, or other Perſon or Perſons as aforeſaid, paying or tendering to the Owner or Occupier, Owners or Occupiers of ſuch private Lands or Grounds, ſuch Rate for ſuch Materials, and for the Damage done to ſuch Lands, over which any ſuch Materials ſhall be carried, ſuch Equivalent in Money as the ſaid Truſtees or any Five or more of them ſhall order or adjudge to be reaſonable, according to their reſpective Rights and Intereſts in the ſame; and in caſe of any Difference touching the ſame, the Juſtices of the Peace, or any Two or more of them, for the County, Liberty, or Place wherein ſuch Lands or Grounds ſhall be, on Eight clear Days Notice thereof, to be given by the ſaid Surveyor or Surveyors to ſuch Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their reſpective Place of Abode, or *vice verſa*, ſhall hear the Matter in Diſpute, and ſettle and determine the Recompence to be made for ſuch Materials and Damage; and the Coſts attending ſuch Hearing and Determination, and the Judgment or Order of the ſaid Juſtices therein, ſhall be final and concluſive to all Parties: Provided nevertheleſs, that it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of this Act, to dig, get, gather, take, or carry away any Materials for making or repairing any Part of the ſaid Road, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Land Owner, or his known Agent, or to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or

Notice is to be given to Owners and Occupiers of Lands before Materials are taken.

ſhall have been left at the uſual Place of Reſidence of ſuch Occupier, to appear before any Two or more Juſtices of the Peace, acting for the County, Liberty, or Place wherein ſuch Premiſes ſhall be, to ſhew cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Land Owner, Agent, or Occupier ſhall attend purſuant to ſuch Notice, ſuch Juſtices ſhall, upon hearing the Objections, if they think proper, authorize ſuch Surveyor or other Perſons to dig, get, gather, take, and carry away ſuch Materials for the Purpoſes aforeſaid; and if ſuch Land Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Owner or Occupier or his or her Agent had attended, and the Order of ſuch Juſtices reſpectively ſhall be final and concluſive to all Parties; provided nevertheleſs, that nothing in this Act contained ſhall invalidate or make void, or be conſtrued to invalidate or make void, any Order or Orders heretofore made or given to the Surveyor of the ſaid Road, or to any Perſon or Perſons by him employed for the Purpoſe of procuring Gravel, or other Materials for the Repair of the ſaid Road or any Part thereof, out of, from, or over the private Lands or Grounds of any Perſon or Perſons under the Authority of two Acts made in the Thirteenth Year of the Reign of His preſent Majeſty, the one intituled *An Act to explain, amend, and reduce into one Act of Parliament, the Statutes now in being for the Amendment and Preſervation of the Public Highways within that Part of* Great Britain *called* England, *and for other Purpoſes;* and the other intituled *An Act to explain, amend, and reduce into one Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes;* or any of them, but that ſuch Order or Orders reſpectively ſhall remain in full Force and Effect, and ſhall and may be acted upon and carried into Execution, as fully and effectually to all Intents and Purpoſes as if the ſame had been made or given under the Authority of this Act.

Surveyors may remove Annoyances.

XXXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to remove all Annoyances on the ſaid Road, and at the proper Seaſon of the Year to cut down, lop, top, or ſhrove any Trees or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjacent thereunto, the Owners or Occupiers neglecting to cut down, lop, top, or ſhrove ſuch Trees or Buſhes, or to remove ſuch Annoyance for the Space of Fourteen Days after Notice in Writing, given for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers neglecting to cut down, lop, top, or ſhrove ſuch Trees or Buſhes, or to remove ſuch Annoyances as aforeſaid; and in caſe any ſuch Owners or Occupiers ſhall not on Demand pay and reimburſe to the Surveyor or Surveyors ſuch Charges as aforeſaid, it ſhall and may be lawful for ſuch Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace, for the County, Liberty, or Place, where the Offence ſhall be committed, to levy the Charges thereof on ſuch Owner or Occupier, by Diſtreſs and Sale of his and their Goods and Chattels, rendering the Overplus (if any be) to ſuch Owners or Occupiers on Demand, after all Charges paid;

and if after the Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in like Manner, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge.

Surveyors may make Cauſeways, &c.

XXXV. And be it further enacted, That the ſaid Truſtees or any Five or more of them, or the ſaid Surveyor or Surveyors, or any Perſon or Perſons by them or either of them appointed or employed, may, and is, and are hereby authorized and empowered to make or cauſe to be made Cauſeways in or along the Sides of any Part or Parts of the ſaid Road, and to build or cauſe to be built any Bridge or Bridges upon, in, or acroſs the ſaid Road, or any Part thereof, and to cut or cauſe to be cut any Watercourſes in, through, or acroſs any Lands or Grounds, to prevent the ſaid Road or any Part thereof from being overflowed, and to erect Bridges or Arches over ſuch Drains or Watercourſes if neceſſary, and alſo to make or cauſe to be made a Road or Way by, through, or over the Grounds adjoining to any narrow or ruinous Part of the ſaid Road hereby directed to be repaired, (not being a Yard, Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to a Houſe, or any encloſed Ground, planted and ſet apart as a Plantation or Nurſery for Trees,) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe as a Public Highway, while the narrow or ruinous Part of the ſaid Road is repairing or widening, and until the ſame ſhall be convenient and ſafe for Carriages and Cattle to paſs the ſame, making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands or Grounds for the Damages they ſhall thereby ſuſtain, as to the ſaid Truſtees or any Five or more of them ſhall ſeem reaſonable; and in Caſe of any difference concerning the Amount or Value of ſuch Damages, the ſame ſhall be ſettled and finally determined in like Manner as hereinbefore directed, with reſpect to the Damages to be occaſioned in getting Materials for repairing the ſaid Road.

Penalty for damaging Mile Stones, &c.

XXXVI. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall and may cauſe Direction Poſts and Boards to be erected on the Principal Side Openings of the ſaid Road, with proper Inſcriptions thereon, to inform and direct Travellers to what Place or Places ſuch Side Roads reſpectively lead, and alſo ſhall and may order and direct other Poſts and Boards, with ſuitable Inſcriptions thereon, to be erected by the Side or Sides of the ſaid Road, in order to encourage the Detection and Apprehenſion of any Perſon or Perſons who ſhall be guilty of any Offence or Offences againſt this Act, and the ſaid Truſtees or any Five or more of them, are hereby required to cauſe the Mile Stones on the ſaid Road to be from Time to Time cleanſed and kept legible, and alſo to cauſe proper Tables of the Tolls by this Act granted and made payable to be affixed and put up at the ſeveral Turnpikes, or Turnpike-gates, continued or to be erected by virtue of this Act; and if any Perſon or Perſons whoſoever ſhall wilfully pull up, injure, or damage any of the ſaid Poſts, Boards, Mile Stones, or Tables of Tolls or wilfully or deſignedly deface or obliterate any of the Inſcriptions thereon, or ſhall wilfully break, throw down, or otherwiſe damage any Lamp, Lamp-poſt, or Lamp-iron, ſet up or affixed at or near to any of the ſaid Turnpike-gates; or if any Perſon or Perſons ſhall wilfully pull up, in-

jure, or damage any of the Poſts, Rails, or Fences now placed or put up, or at any Time hereafter to be placed or put up, by order of the ſaid Truſtees, or their Surveyor or Surveyors, either by the Side or Sides of the ſaid Road, or at or near to any Pit or Quarry which ſhall be uſed, opened, or made, for the getting of Stones, Gravel, or other Materials for the Purpoſes of this Act, in order to prevent Accidents, or to protect and preſerve any Hedge or Quickſet which the ſaid Truſtees, by virtue of this Act or otherwiſe, are or ſhall be required to plant and keep in good Order, or if any Perſon or Perſons ſhall wilfully root up, cut, deſtroy, or damage any ſuch Hedge or Quickſet, or any Part or Parts thereof, whilſt the ſame ſhall be under the Care of the ſaid Truſtees, or their Surveyor or Surveyors, or ſhall wilfully damage or injure any of the Bridges or Arches now erected or hereafter to be erected acroſs the ſaid Road, or ſhall take or carry away any of the Dirt, Mire, Drift, or Sand by the Side or Sides of the ſaid Road, or on the Surface thereof, without the Permiſſion of the ſaid Truſtees, or any Five or more of them, or of the ſaid Surveyor or Surveyors, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay ſuch Sum not exceeding Five Pounds, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge, One Moiety whereof ſhall go and be paid to the Informer, and the other Moiety ſhall be applied for the Purpoſe of this Act, and ſuch Offender ſhall alſo pay to the ſaid Truſtees or their Treasurer or Treaſurers, or one of them, ſuch Sum of Money as ſhall be a full Satisfaction for the Damage ſo done, which Damage ſhall be ſettled and aſcertained by the Juſtice or Juſtices of the Peace by or before whom ſuch Offender ſhall be convicted of any of the Offences aforeſaid, and ſhall and may be levied and recovered in like Manner as any Penalty or Penalties is or are herein directed to be levied and recovered, and ſhall be applied for the Purpoſes of this Act.

Owners or Occupiers neglecting to ſcour Watercourſes.

XXXVII. And be it further enacted, That if any Perſon or Perſons being Owner or Owners, Occupier or Occupiers of any Lands, Tenements, or other Premiſes near the ſaid Road, and who of right ought to cleanſe or ſcour any Ditch, Drain, or Watercourſe which ſhall lead into or out of any Part or Parts of the ſaid Road, ſhall not in a proper Manner cauſe the ſame to be ſcoured and cleanſed within the Space of Ten Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode, under the Hand of the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes to be ſcoured and cleanſed, and pay for the ſcouring and cleanſing thereof; and if the ſaid Perſon or Perſons ſhall not repay the Money paid by ſuch Surveyor or Surveyors on Demand thereof, on him, her, or them reſpectively made either in Perſon or by Writing, to be left at his, her, or their reſpective Place or Places of Abode, then the ſaid Money and every Part thereof, on Proof of the cleanſing and ſcouring of the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money and Demand thereof made, and Non-payment thereof as aforeſaid, by the Oath of One or more Witneſs or Witneſſes before any Juſtice of the Peace of the County, Liberty, or Place where ſuch Perſon or Perſons reſpectively ſhall live, ſhall and may by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons,

Persons, rendering the Overplus, if any be, to the Owner or Owners thereof on Demand, after all Charges paid.

Persons chargeable to Statute Work, to continue so.

Justices to determine Differences touching Statute Work.

XXXVIII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or who are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto in like manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Middlesex* and *Hertford* respectively, and they are hereby empowered and required upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which List of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times, (not being Haytime or Harvest,) and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer at such Time or Times as the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorised or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor, or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or of the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse

or

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 or effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, 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 every Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, as the Juſtice or Juſtices before whom the Information ſhall be laid, ſhall adjudge.

Surveyors may appeal againſt Proportion of Statute Work.

XXXIX. And be it further enacted, That if the Surveyor or Surveyors of the Highways, for the Time being, of any of the Pariſhes or Places wherein the ſaid Road doth lie, ſhall think the ſaid Juſtices have directed or appointed too large a Proportion of the Statute Work in any Pariſh or Place to be done on the ſaid Road, it ſhall and may be lawful for ſuch Surveyor or Surveyors of the Highways to appeal to the Quarter Seſſions of the Peace next after ſuch Direction or Appointment, unleſs the ſame ſhall be made within Ten Days preceding ſuch Quarter Seſſion, and then to the Second Quarter Seſſion next after ſuch Direction or Appointment; and the Juſtices in their ſaid Quarter Seſſion are hereby authorized and empowered finally to adjuſt and determine what Proportion of the Statute Work in any Pariſh or Place ſhall be done on the Road by this Act directed to be repaired, ſuch Surveyor or Surveyors of the Highways having firſt given Eight clear Days' Notice of ſuch Appeal to the Surveyor or Surveyors appointed by the ſaid Truſtees.

Truſtees may compound for Statute Work.

XL. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and are hereby authorized and empowered to compound with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs to be by them done upon the ſaid Road or any Part thereof, and alſo with the ſeveral Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments in the ſeveral Towns, Pariſhes, and Places in which the ſaid Road hereby intended to be repaired doth lie, for the ſeveral Days Statute Work to be by them reſpectively done upon the ſaid Road at and for ſuch Sum or Sums of Money by the Year or otherwiſe as they the ſaid Truſtees, or any Five or more of them, and ſuch Perſon or Perſons, Bodies Politic or Corporate, or Inhabitants or Occupiers reſpectively ſhall agree upon, which the ſaid Money ſhall be forthwith paid to the ſaid Truſtees, or any Five or more of them, or to their Appointment.

Penalty for Perſons permitting or uſing private Paſſages, &c.

XLI. And be it further enacted, That if any Perſon or Perſons whoſoever owning, renting, or occupying any Tenements, Lands, or Grounds near to the ſaid Roads, ſhall knowingly and willingly permit or ſuffer any Perſon or Perſons to paſs through any Ground, Gate, Paſſage, or Way, with any Carriage, Horſe, Mare, Gelding, Aſs, Mule, or any Sort of Cattle on which a Toll is by this Act impoſed, with an Intent to evade the Payment of the Tolls by this Act granted, or if any Perſon or Perſons owning, going in or driving any ſuch Carriage, or owning, riding or driving any ſuch Horſe, Mare, Gelding, Aſs, Mule, or other Cattle, ſhall therewith paſs through any ſuch Ground, Gate, Paſſage, or Private Way, with an Intent to evade the Payment of the ſaid Tolls or Duty, or if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe, Mare, Gelding, Aſs, Mule, or other Cattle from any Chariot, Chaiſe, or other Carriage, at or before the ſame ſhall be brought or come to any of the Gates or Turnpikes now erected or hereafter to be erected by virtue of this Act, with an Intent to evade the Payment of any of the Tolls hereby impoſed, or if any Perſon or Perſons liable to the Payment of any of the ſaid Tolls ſhall forcibly paſs or attempt to paſs any of the ſaid Gates or Turnpikes without Payment thereof at ſuch Gate or Gates, or if any Perſon or Perſons ſhall give to or receive from any other Perſon or Perſons, (except the Perſon or Perſons appointed to receive the Tolls hereby made payable,) any Note or Ticket of the Day by this Act directed to be given by the Collector or Receiver of the ſaid Tolls, whereby or by reaſon whereof the Payment of any or either of the ſaid Tolls may be evaded or leſſened, or ſhall forge, counterfeit, or alter any ſuch Note or Ticket, or make uſe of any ſuch forged, counterfeited, or altered Note or Ticket knowing the ſame to have been forged, counterfeited, or altered, whereby the Payment of the ſaid Tolls or any Part thereof ſhall be evaded, every Perſon offending in any or either of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay ſuch Sum not exceeding Five Pounds, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Penalty on ſuffering Carriages liable to be weighed to paſs without being weighed.

XLII. And be it further enacted, That for the better preventing Frauds and Colluſions reſpecting Carriages carrying Overweights, if any Leſſee or Leſſees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Perſon or Perſons to be appointed to the Care of any Weighing Machine or Machines, erected or to be erected on the ſaid Road, ſhall ſuffer or permit any Waggon, Cart, or Carriage, liable to be weighed at any ſuch Machine or Machines, to paſs through the Turnpike Gate or Gates, erected or to be erected on the ſaid Road, without weighing the ſame, or ſhall ſuffer or permit any ſuch Waggon, Cart, or other Carriage to proceed on the ſaid Road without having firſt paid the Tolls payable for ſuch Waggons, Cart, or other Carriage, and for all ſuch Overweight or Overweights as ſuch Waggon, Cart, or other Carriages reſpectively ſhall or may happen to have therein or thereon, each and every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, as the Juſtice or Juſtices before whom the Information ſhall be laid, ſhall adjudge.

XLIII. And be it further enacted, That if any Perſon or Perſons ſhall draw or cauſe to be drawn upon any Part of the ſaid Road any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Tree or Piece of Timber which ſhall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the ſaid Road, to the Prejudice thereof, every ſuch Perſon for every ſuch Offence ſhall forfeit and pay the Sum of Five Pounds. Penalty on dragging Timber.

XLIV. And be it further enacted, That if any Perſon or Perſons ſhall ride upon any of the Footpaths or Cauſeways made or to be made upon the ſaid Road for the Uſe of Foot Paſſengers, or ſhall wilfully lead or drive any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Sheep, or Swine, upon any ſuch Footpaths or Cauſeways, or ſhall cauſe any Injury or Damage to be done to the ſame, or any Part thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Twenty Shillings. Penalty on riding or driving Cattle on Footways.

XLV. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed (the Manner of levying and recovering whereof is not otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of one or more Juſtice or Juſtices of the Peace for the County, Liberty, or Place wherein the Offence ſhall be committed; which Warrant the ſaid Juſtice or Juſtices is and are hereby empowered and required to grant, upon the Information of any one or more credible Witneſs or Witneſſes upon Oath; which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter, without Fee or Reward; and the Penalties and Forfeitures, when recovered, after rendering the Overplus, if any, when demanded, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the ſaid Truſtees, or any Five or more of them, or their Treaſurer or Treaſurers, and ſhall be applied (if not otherwiſe directed to be applied by this Act) for and towards the amending of the ſaid Road and other the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authoriſed and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures and all reaſonable Charges attending the Recovery thereof ſhall be ſooner paid. Penalties and Forfeitures, how recovered and applied.

XLVI. And be it further enacted, That any Truſtee or Truſtees appointed in or by virtue of this Act, who ſhall be a Juſtice or Juſtices of the Peace, may and is and are hereby authoriſed and empowered to act as a Juſtice or Juſtices of the Peace in the Execution of the Powers and Authorities hereby given to any Juſtice or Juſtices of the Peace, notwithſtanding his or their being a Truſtee or Truſtees, and provided that ſuch Juſtice or Juſtices be not otherwiſe intereſted in the Matters to be adjudged by him or them than as ſuch Truſtee or Truſtees. Truſtees may act as Juſtices.

XLVII. And

The Detection of Offenders.

XLVII. And for the more eaſy Detection of Offenders againſt this Act, be it further enacted, That it ſhall be lawful for any Surveyor or Surveyors of the ſaid Road, or any Collector or Collectors of the Tolls, or other Perſons engaged in the Execution of this Act, and for any other Perſon or Perſons in Aid of ſuch Surveyor or other Perſon, to apprehend any Perſon or Perſons who ſhall be ſeen by the ſaid Surveyors or others reſpectively committing any Offence againſt this Act, without any Warrant for that Purpoſe, and to cauſe him, her, or them to be taken before ſome Juſtice of the Peace for the County, Liberty, or Place wherein the ſaid Offence ſhall be committed, for the Purpoſe of Conviction and Puniſhment according to Law.

Directing the Form of Conviction.

XLVIII. And be it further enacted, That all and every Juſtice and Juſtices of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form, or to the like Effect; (that is to ſay)

To Wit. { BE it remembered, that on the Day of in the Year of our Lord *A. B.* is convicted before me, (*or* us,) of His Majeſty's Juſtices of the Peace for the by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act, and ſpecify the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be:*] And, I the ſaid Juſtice, (*or* we, the ſaid Juſtices,) do adjudge him, her, or them to forfeit and pay for the ſame the Sum of . Given under my Hand and Seal (*or*, our Hands and Seals) the Day and Year firſt above written.

Perſons aggrieved may appeal to Quarter Seſſions.

XLIX. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath already been appointed, (except in ſuch Caſes where any Judgment, Order, or Determination is hereby mentioned or declared to be final, binding, or concluſive,) ſuch Perſon may, within the Space of Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſion of the Peace to be holden for the County, Liberty, or Place wherein the Cauſe of Appeal ſhall ariſe, every ſuch Appellant firſt giving or cauſing to be given Ten Days' Notice at the leaſt in Writing, of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Three Days next after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, Liberty, or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide by the Order of and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſion; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of every ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as the ſaid Juſtices ſhall think proper; and the Determination of the Juſtices at ſuch Seſſion ſhall be binding and concluſive to all Intents and Purpoſes.

L. And

L. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that when any Distress shall be made for any Sum or Sums of Money to be levied by this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case, but no Plaintiff or Plaintiffs shall recover in an Action for such Irregularity as aforesaid if Tender of sufficient Amends shall have been made by or on Behalf of the Party distraining before such Action brought. Proceedings not to be quashed for Want of Form, &c.

LI. And be it further enacted, That if any Action or Actions, Suit or Suits shall be brought against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them shall be commenced within Six Calendar Months next after the doing of the Matter or Thing for which such Action or Actions, Suit or Suits shall be so brought and not afterwards; and shall be brought, laid, and tried in the County or Place where such Matters or Things shall be commenced or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits shall be so brought, was done in pursuance and by the Authority of this Act, and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein, and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit or suffer a Discontinuance of such Action or Actions, Suit or Suits, or if upon any Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgment shall be given for the Defendant or Defendants therein, then and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery thereof as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

LII. 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.

Commencement and Continuance of this Act.

LIII. And be it further enacted, That this Act shall commence and take place upon the said Sixteenth Day of *August* One thousand eight hundred and fifteen, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the next Session of Parliament.

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