ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xlvii.

An Act for continuing the Term and altering and enlarging the Powers of Two Acts of His present Majesty, for repairing the Road leading from *Kilburn Bridge*, in the County of *Middlesex*, to *Sparrow's Herne*, in the County of *Hertford*.

[19th *May* 1819.]

WHEREAS an Act was passed in the Nineteenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of several Acts of Parliament made in the Tenth Year of the Reign of Queen* Anne, *the Eighth Year of King* George *the First, and the Twenty-second Year of His late Majesty, for repairing the Road leading from* Kilburn Bridge, *in the County of* Middlesex, *to* Sparrow's Herne, *in the County of* Hertford: And whereas another Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled *An Act to continue for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and for altering and enlarging the Powers of an Act made in the Nineteenth Year of the Reign of His present Majesty, for repairing the Road leading from* Kilburn Bridge, *in the County of* Middlesex, *to* Sparrow's Herne, *in the County of* Hertford: And whereas several considerable Sums of Money have been borrowed, and are now due and owing upon the Credit of the Tolls authorized to be collected upon the said Road, which together

19 G. 3. c. 126.

39 G. 3. c. 131.

together with the ſaid Tolls have been duly applied for the Purpoſes of the ſaid Acts; but the ſame cannot be repaid, nor the ſaid Road effectually amended and kept in repair, unleſs the Terms and Powers of the ſaid Acts are continued and enlarged, and the preſent Tolls increaſed: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Term granted by the ſaid recited Acts ſhall from and after the Twenty-ninth Day of *September* next, be repealed; and that the ſaid Acts, and the ſeveral Clauſes, Powers, Authorities, Proviſions, Exemptions, Penalties, Forfeitures, Matters and Things therein contained, (except ſo much thereof as are hereby varied, altered, or repealed), ſhall be and remain in full Force and Effect, and together with this preſent Act ſhall be put in Execution for the Term herein-after mentioned, as fully and effectually in all reſpects, and to all Intents and Purpoſes whatſoever, as if the ſame were expreſsly repeated and re-enacted in the Body of this preſent Act; which ſaid Term and the Tolls hereby granted ſhall be and are hereby declared to be ſubject and liable, in the firſt Place, to the Payment of all Monies now due on the Credit of the ſaid recited Acts, or which ſhall or may hereafter be borrowed and become due on the Credit of the ſaid recited Acts and this Act, and all Intereſt due and to become due for the ſame reſpectively; and the Reſidue of the ſaid Tolls, and the Money to be borrowed on the Credit of the ſame, ſhall be applied by the ſaid Truſtees in and towards the amending, widening, and repairing the ſaid Road, and in and towards the repairing, widening, or building any Bridges on the Line of the ſaid Road.

Former Acts continued.

Qualification of Truſtees.

II. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid recited Acts or this Act, unleſs at the Time of his acting he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent of a Perſon ſeiſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred and fifty Pounds, or be poſſeſſed of a Perſonal Eſtate to the Amount or Value of Four thouſand Pounds, any thing in the ſaid recited Acts contained to the contrary thereof notwithſtanding: Provided nevertheleſs, that all the Acts and Proceedings of any ſuch Perſon acting or who ſhall act in the Execution of the ſaid recited Acts or this Act previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Five Truſtees to be a Quorum.

III. And be it further enacted, That all Acts to be done relative to the Execution of the ſaid recited Acts or this Act ſhall and may be done and executed by the Majority of the Truſtees who ſhall be preſent at the reſpective Meetings to be holden in purſuance thereof, the whole Number preſent of ſuch Truſtees not being leſs than Five; and all Acts, Proceedings, Matters and Things ſo done ſhall be as good, valid, and effectual as if the ſame had been done by all the Truſtees named or appointed by virtue of the ſaid recited Acts or this Act, except in Caſes otherwiſe provided for or required by the ſaid recited Acts or this Act.

IV. Pro-

IV. Provided always, and be it further enacted, That nothing in the ſaid recited Acts contained ſhall extend or be conſtrued to extend to authorize or empower the ſaid Truſtees or any of them to verify their Accounts of or to adminiſter any Oath or Oaths to any Clerk, Treaſurer, Collector of the Tolls, Surveyor, or other Officer or Officers, now appointed or hereafter to be appointed under or by virtue of the ſaid recited Acts or this Act, or either of them. Truſtees not to have Power to adminiſter Oaths on verifying Officers Accounts.

V. And be it further enacted, That from and after the Commencement of this Act, the ſeveral Tolls granted in and by the ſaid recited Acts ſhall ceaſe, determine, and be no longer paid or payable; and that in lieu thereof the following Tolls ſhall be demanded and taken at any Turnpike now ſtanding, or which may be erected upon the ſaid Road, before any Horſe or other Cattle or Beaſt, or any Carriage whatſoever, ſhall be permitted to paſs through the ſame; (that is to ſay), Diſcontinuing the preſent Tolls, and granting new ones.

Tolls.

For Six Horſes or other Beaſts of Draught, drawing any Coach, Chariot, Vis-a-vis, Landau, Berlin, Chaiſe, Hearſe or Litter, or ſuch like Carriage, the Sum of Two Shillings; for Four Horſes or other Beaſts of Draught, drawing any ſuch like Carriage, the Sum of One Shilling and Four-pence; for Three Horſes or other Beaſts of Draught, drawing any ſuch like Carriage, the Sum of One Shilling; and for Two or One, drawing any ſuch like Carriage, the Sum of Eight-pence:

For Two Horſes or other Beaſts of Draught, drawing any Two-wheeled Chaiſe or Chair, the Sum of Eight-pence; and for One Horſe or other Beaſt of Draught, drawing any ſuch like Chaiſe or Chair, the Sum of Four-pence:

For Five Horſes or other Beaſts of Draught, drawing any Waggon, Wain, or other Four-wheeled Carriage, having the Soles of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, the Sum of One Shilling and Two-pence; for Four or Three Horſes or other Beaſts of Draught, drawing any ſuch like Carriage, the Sum of Nine-pence; and for Two Horſes or other Beaſts of Draught, drawing any ſuch like Carriage, the Sum of Seven-pence:

For Four Horſes or other Beaſts of Draught, drawing any Waggon, Wain, or other Four-wheeled Carriage, having the Soles of the Fellies of the Wheels of leſs Breadth or Gauge than Six Inches, the Sum of One Shilling and Five-pence; for Three Horſes or other Beaſts of Draught, drawing any ſuch like Carriage, the Sum of One Shilling and Two-pence; and for Two or One, drawing any ſuch like Carriage, the Sum of Nine-pence:

For Four Horſes or other Beaſts of Draught, drawing any Cart or other Two-wheeled Carriage, having the Soles of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, the Sum of Seven-pence; for Three Horſes or other Beaſts of Draught, drawing any ſuch like Cart or other Two-wheeled Carriage, the Sum of Five-pence; and for Two Horſes or other Beaſts of Draught drawing any ſuch like Cart or other Two-wheeled Carriage, the Sum of Four-pence; and for One Horſe or Beaſt of Draught, drawing any ſuch like Cart or other Two-wheeled Carriage, the Sum of Three-pence:

For Three Horſes or other Beaſts of Draught, drawing any Cart or other Two-wheeled Carriage, having the Soles of the Fellies of the Wheels of leſs Breadth or Gauge than Six Inches, the Sum of Nine-pence; for

Two

Two Horſes or other Beaſts of Draught, drawing any ſuch like Cart or other Two-wheeled Carriage, the Sum of Seven-pence; and for One Horſe or other Beaſt of Draught, drawing any ſuch like Cart or other Two-wheeled Carriage, the Sum of Four-pence:

For every Horſe or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

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

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

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

Which ſaid reſpective Tolls or Sums of Money by this Act granted ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be collected, levied, recovered, and applied by ſuch Ways and Means, and in ſuch and the like Manner, and to and for the ſeveral Uſes and Purpoſes, as the reſpective Tolls or Sums of Money granted in and by the ſaid recited Acts and this Act are authorized and directed to be collected, levied, recovered and applied; and that if any Perſon or Perſons ſhall have paid the ſaid Tolls for the paſſing of any Horſe or Cattle, Beaſt or Carriage, through any of the Turnpikes or Toll Gates erected or ſet up by virtue of the ſaid recited Acts or this Act, ſuch Perſon or Perſons ſhall be permitted to paſs Toll-free with the ſame Horſe, Cattle, Beaſt, or Carriage through the ſame Turnpike or Toll Gate at any Time or Times during the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night.

Side Gates may be erected.

VI. 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 cauſe to be continued or erected One or more Turnpike or Turnpikes on the Side or Sides of the ſaid Road, or acroſs any Lane or Bye-way leading into the ſaid Road, provided no ſuch Turnpike be placed at any greater Diſtance than One hundred Yards from the ſaid Road, and alſo a Toll Houſe at each of ſuch Turnpikes, and to cauſe the reſpective Tolls hereby granted to be collected at ſuch Turnpike or Turnpikes, ſo as the ſame do not extend to a double Charge in caſe of paſſing the ſame Day through any other of the Turnpikes then ſtanding upon the ſaid Road.

Recovery of Tolls.

VII. Provided always, and be it further enacted, That if any Perſon ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, refuſe or neglect to pay the ſame, it ſhall be lawful for the Collector or Collectors of the ſaid Tolls to ſeize and diſtrain any Horſe or Horſes, or other Cattle or Beaſt, or any Carriage, upon which ſuch Toll is by this Act impoſed, or any of the Goods and Chattels of the Perſon liable to the Payment of ſuch Toll (except the Bridle or Reins of any ſuch Horſe or Horſes or other Cattle, ſeparate from ſuch Horſe or Horſes or other Cattle); and if ſuch Toll and the reaſonable Charges of ſuch ſeizing and diſtraining ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs, ſuch Collector or Collectors ſhall and may ſell the Horſes, Cattle, Beaſts, Carriage, or Goods and Chattels

ſo

ſo ſeized and diſtrained, returning the Overplus (if any), after deducting ſuch Toll and all reaſonable Charges, to the Owner thereof upon Demand.

Tickets to be delivered.

VIII. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by virtue of this Act, the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment, and which Note or Ticket ſhall be provided by the ſaid Truſtees; and there ſhall be printed and ſpecified thereon the Names of the ſeveral or reſpective Gates which ſuch Ticket ſhall free, or which ought under the Proviſions of this Act to be paſſed free for one Payment of Toll.

Directing what Number of Tolls ſhall be taken in one Day.

IX. Provided always, and be it further enacted, That no more than One full Toll ſhall be demanded or taken in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night), for or in reſpect of the ſame Horſes, Beaſts, Cattle and Carriages, for paſſing and repaſſing through all the Turnpikes or Toll Gates erected or to be erected upon the ſaid Road.

Exemptions from Tolls.

X. And be it further enacted, That no Toll ſhall be demanded or taken for any Carriage, or any Horſe, Cattle, or Beaſt laden only with, or going unladen for, or returning unladen having been laden only with, on the ſame Day, Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Road, or any of the Roads or Bridges on the Road in the Townſhips or Pariſhes in which any Part of the ſaid Road lies; or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Huſbandry, or Mould, Dung, Compoſt, or Manure, or other Materials employed in Huſbandry for manuring or improving of Lands; or for the Horſes of any Perſon or Perſons reſiding in any Townſhip or Pariſh in which the ſaid Road lies, going to or returning from Paſture or Watering Places, or from being ſhoed or farried; or for any Horſe or other Cattle carrying any Griſt to or from any Mill, being for the Uſe or Conſumption of the Owner and not for Sale; or for any Horſes or Carriages belonging to His Majeſty or any of the Royal Family, or any Horſes or Carriages attending His Majeſty or any of the Royal Family; or for any Horſes, Cattle, or Carriages, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſes of any Soldiers upon their March or upon Duty; or for any Horſe, Cattle, or Carriage which ſhall be employed in the Carriage or Conveyance of the Arms or Baggage of any ſuch Officers or Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers; 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, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Cattle or Carriages employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or the Horſes drawing the ſame, or Paſſenger on Horſeback, going to or returning from any Election of a Knight or

Knights of the Shire to ſerve in Parliament for the ſaid Counties of *Middleſex* or *Hertford*, during the Time of ſuch Election or Elections, or on the Day before or Day after ſuch Election or Elections ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption as aforeſaid; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner whatſoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer and the other Moiety ſhall be applied for the Purpoſes of this Act.

Carriages conveying Military Stores not to be ſubject to Penalties for Overweight, &c.

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

Poſt Chaiſes to pay on return, in certain Caſes.

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

Abatement of Toll in certain Caſes.

XIII. And be it further enacted, That for and in reſpect of all Waggons, Carts, and other Carriages, having the Wheels of the Widths and Deſcriptions, and the Axletrees fixed as mentioned and ſet forth in and by an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Caſes*, and for and in reſpect of the ſeveral Horſes and other Beaſts drawing the ſame, the Privileges and Exemptions granted and allowed by the ſaid Act ſhall be allowed and granted on the ſaid Road.

Tolls and Toll Houſes to be exempt from Parochial Taxes, &c.

XIV. Provided always, and be it further enacted, That the Tolls by this Act granted, and alſo any Toll Houſe or Toll Houſes that are erected or ſhall or may be erected by virtue of the ſaid recited Acts or this Act, ſhall

ſhall be freed, exempted, acquitted, exonerated, and diſcharged of and from the Payment of all Parochial Taxes, Rates, Aſſeſſments, and Impoſitions whatſoever.

Truſtees may leaſe the Tolls.

XV. And be it further enacted, That from and after the paſſing of this Act it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, at any Time or Times to demiſe, leaſe, and to farm or let all or any of the Tolls granted by this Act, to any Perſon or Perſons for any Term or Number of Years, for not leſs than One and not exceeding Three Years at any One Letting, for the higheſt Rent that can be got for the ſame, to be paid and payable at ſuch Times and under ſuch Covenants, and to ſuch Perſon or Perſons, and with ſuch Securities for the due Payment thereof, as the ſaid Truſtees or any Seven or more of them ſhall direct or appoint, and to be applied and diſpoſed of as the Tolls granted by the ſaid ſeveral recited Acts and this preſent Act are directed to be applied and diſpoſed of, and to no other Uſe, Intent, or Purpoſe whatſoever; and at the Time of letting the ſaid Tolls, the Chairman of this Meeting ſhall be at Liberty to have One Bidding on the Part of the Truſtees; and if it ſhall happen that the ſaid Chairman ſhall be the laſt Bidder for the ſaid Tolls, then the ſaid Tolls ſhall be taken and conſidered not to have been let: Provided always, that the ſaid Truſtees or any Seven or more of them ſhall at all Times, before the letting of the ſaid Tolls, cauſe Fourteen Days Notice at the leaſt to be affixed upon all Toll Gates which ſhall then be ſtanding upon the ſaid Road, of their Intention to leaſe or demiſe ſuch Tolls, or any Part thereof, and ſhall alſo advertiſe the ſame in ſome one of the public Newſpapers circulated in that Part of the County.

Leſſee of Tolls reſponſible for Perſons employed by him.

XVI. And be it further enacted, That the Leſſee or Leſſees of the ſaid Tolls for the Time being ſhall at all Times be reſponſible for every Perſon or Perſons employed by or under him or them for the Purpoſe of collecting or receiving the ſaid Tolls, whether ſuch Perſon or Perſons ſhall be a Party in hiring the ſame or not; and all Perſons or Paſſengers going through any Turnpike Gate erected on the ſaid Roads, having any lawful Complaint againſt ſuch Collector or Collectors, or againſt the Perſon whoſe Name ſhall be painted on the Board to be hung up in Manner herein-after mentioned, may prefer the ſame againſt the Leſſee or Leſſees of the ſaid Tolls, who ſhall be liable to the ſame Fines, Forfeitures, or Penalties, as if acting in his or their own proper Perſon or Perſons, in caſe the Collector or Collectors is or are not known or cannot be found.

For compounding for Tolls.

XVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and they are hereby authorized and empowered to compound and agree, by the Year or otherwiſe, with any Perſon or Perſons, or with the Inhabitants of any Pariſhes, Hamlets or Places (Common Carriers and the Proprietors of Stage Coaches only excepted) for any Sum or Sums of Money which the ſaid Truſtees ſhall think fit, for and in lieu of Payment of any of the ſaid Tolls, which Compoſition ſhall always be paid in advance to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, and be applied in the ſame Manner as the Tolls ſo compounded for would have been applicable.

XVIII. And

For preventing Toll Collectors from taking undue Tolls.

XVIII. And be it further enacted, That all and every Toll Collector, being Leſſee of the Tolls authorized to be collected upon the ſaid Road, or appointed or continued either by the ſaid Truſtees or by any ſuch Leſſee or Leſſees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the ſaid recited Acts or this Act, ſhall, and he or ſhe is hereby required to place his or her Chriſtian and Surname, painted on a Board in legible Characters, in the Front or ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately on his or her coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length and of a Breadth in proportion, and painted 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 or ſhe ſhall be upon 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 than he or ſhe ſhall be authorized to do by virtue of the Powers of this Act or the ſaid recited Acts, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof; or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof and claim ſuch Exemption; or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his or her Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls or any of them, or ſhall in Anſwer to ſuch Demand give a falſe Name or Names; or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, (all which Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of ſuch Toll), or ſhall unneceſſarily detain any Paſſenger or Paſſengers, or ſhall make uſe of abuſive Language to any Traveller or Travellers, Paſſenger or Paſſengers; then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by the ſaid recited Acts or this Act directed to be recovered and applied.

For ſettling Diſputes concerning Tolls.

XIX. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of making or keeping 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), till the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs (as the Caſe may happen), be aſcertained by One or more Juſtice or Juſtices of the Peace for the County, Town, or Place in which the Cauſe of Diſpute ſhall ariſe, who upon Application made to him or them for the 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 award ſuch Coſts and Charges to either Party as to the ſaid Juſtice or Juſtices ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof forthwith, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, rendering the Overplus (if any) on Demand, after deducting ſuch Coſts and Charges, and the Coſts and Charges of making ſuch Diſtreſs and Sale, to the

the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

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

XX. 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 Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, 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.

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

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

Collectors of Tolls not to be deemed incompetent Witneſſes.

XXII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, or any of them, or the Recovery of any of the Penalties by the ſaid recited Acts or this Act to be levied, or to the Execution of any of the Powers of the ſaid recited Acts or this Act, no Perſon or Perſons appointed to collect the ſaid Tolls, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be deemed incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being appointed to collect the ſaid Tolls.

No Alteration of the preſent Road to deviate more than

XXIII. Provided always, and be it further enacted, That the ſaid Truſtees in altering or improving any Part of the ſaid Road, under the Powers of the ſaid recited Acts, ſhall not deviate more than One hundred Yards from the preſent Line, without the Conſent and Approbation in Writing

One hundred Yards without Consent.

Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

A Claim or Ejectment may be supported by One Mortgagee.

XXIV. 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.

Application of Compensation Money when amounting to 200l.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the herein-before recited Acts or this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the 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 or Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be 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

dends 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 by the ſaid recited Acts or this Act directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 2col. and amounting to 20l.

XXVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, to be placed to his Account as aforeſaid, in order to be applied in manner 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 ſaid Truſtees for executing the ſaid recited Acts and this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where leſs than 20l.

XXVII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt 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 the ſaid recited Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and in caſe of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Directions in Caſes of not making out Titles.

XXVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Acts or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make out a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them,

them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

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

Court of Chancery may order Trustees to pay Expences.

XXX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses, in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in

purſuance of the ſaid recited Acts or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For preventing Annoyances.

XXXI. And for the better preventing and removing Encroachments and Annoyances in and upon the ſaid Road and Footpaths, be it further enacted, That if any Owner or Owners, Occupier or Occupiers of any Houſes, Lands, or other Tenements adjoining or near to the ſaid Road or Footpaths ſhall, during the Continuance of this Act, refuſe or neglect by the Space of Six Days next after Notice in Writing given to him, her, or them, or left at his, her, or their uſual Place or Places of Abode reſpectively, under the Hands of Three or more of the Truſtees of the ſaid Road, or of the Surveyor or Surveyors of the ſaid Road, to trim up, lop, cut down, or root up any Trees, Boughs of Trees, or Buſhes, growing in or upon the ſaid Road or Footpaths or the Sides thereof, or in the Hedges or Banks adjacent thereto, provided ſuch Trees be not for Ornament or Shelter to any Houſe, Building, or Court Yard of the Owner, and that the ſame be required to be done at the proper Seaſon of the Year; or to ſcour or cleanſe any Watercourſes, Ditches, or Drains adjoining to or leading from the ſaid Road, and thereby draining the ſame; or to make, build, or erect Swillows or Arches under his or their Gateways or Paſſages, into his, her, or their Fields, Grounds, or other Premiſes, leading over any of the Ditches or Watercourſes lying on the Sides of the ſaid Road or Footpaths, ſufficient to carry the Water through; or ſhall by the like Space of Six Days after ſuch Notice as aforeſaid, permit or ſuffer his, her, or their Sink or Sinks, Drain or Drains, to run into the ſaid Road or any Part thereof, in which Caſes the Occupier or Occupiers of ſuch Houſes, Lands, or Tenements, in, from, or through which ſuch Sink or Sinks, Drain or Drains, are made or ſuffered to remain, ſhall be deemed the Offender or Offenders; or to pull down or take away any Encroachment, Poſts, Rails, Stallboards, Signs, Signpoſts, Sign Irons, Watering Troughs, Pent Houſes, Showboards, Spouts, and Gutters, or other Annoyances projecting into or diſcharging themſelves upon the ſaid Road or Footpaths thereof; or ſhall neglect or refuſe to remove, take, or carry away any Duſt, Dirt, Dung, Filth, Aſhes, or other Rubbiſh whatſoever, thrown in or upon the ſaid Highways, or on the Sides thereof within Fifteen Yards of the Centre of the ſaid Road, or the Drains or Watercourſes belonging thereto, before or adjoining to their ſaid Houſes, Lands, or Tenements; or to remove any other Annoyance or Encroachment whatſoever; then and in every ſuch Caſe it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road to enter into and upon the Lands, Grounds, or other Premiſes of ſuch reſpective Occupier or Occupiers, and to employ and ſet to work any Perſon or Perſons to trim up, lop, or cut down ſuch Trees, or to trim and cut up ſuch Boughs of Trees or Buſhes, and to ſcour or cleanſe ſuch Watercourſes, Ditches, and Drains, and to make, build, and erect ſuch Swillows or Arches as aforeſaid, and effectually to turn, remove, prevent, and ſtop up ſuch Sink or Sinks, Drain or Drains, ſo running into the ſaid Road or Footpaths thereof, and to remove and carry away ſuch Duſt, Dirt, Dung, Filth, Aſhes, or other Rubbiſh ſo thrown in or upon the ſaid Road, Drains, or Watercourſes belonging thereto, or any other Annoyance or Encroachment whatſoever; then and

in any of the ſaid Caſes it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, calling to his or their Aſſiſtance the Conſtable, Headborough, or other Peace Officer of the Pariſh or Place where ſuch Offence ſhall be committed, who are hereby required to be aiding and aſſiſting therein, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid Counties of *Middleſex* or *Hertford*, to levy the whole Charge and Expence thereof reſpectively, the ſame being firſt ſettled and aſcertained by ſuch Juſtice upon Oath, by Diſtreſs and Sale of the Goods and Chattels of the Occupier or Occupiers of ſuch Houſes, Lands, or other Tenements ſo offending as aforeſaid, rendering the Overplus (if any be) upon Demand to him, her, or them after all Charges paid; and if any Perſon or Perſons having been once convicted of any of the ſaid Offence or Offences, or after the Removal of any ſuch Annoyance or Encroachment, ſhall again offend in the like Kind, the Perſon or Perſons ſo again offending, and being thereof convicted upon Oath of any One credible Witneſs, or upon his, her, or their own Confeſſion, before One or more Juſtice or Juſtices of the Peace for the ſaid Counties, ſhall for every ſuch Offence forfeit and pay to the Truſtees of the ſaid Road, or to their Treaſurer for the Time being, any Sum not exceeding Forty Shillings over and above the Charges to be ſettled and aſcertained as aforeſaid, to be recovered in like Manner, by Diſtreſs and Sale of the Offender's Goods and Chattels; and in caſe no ſufficient Diſtreſs or Diſtreſſes can be had or found whereon to levy the ſaid Charges or Penalties (as the Caſe may be), then it ſhall or may be lawful to and for any ſuch Juſtice or Juſtices aforeſaid to commit the Offender or Offenders to the Houſe of Correction for any Time not exceeding the Space of Two Calendar Months.

To prevent Encroachments on the Sides of the Road.

XXXII. And whereas great Inconveniences have ariſen and may ariſe from erecting Dwelling Houſes and other Buildings and from planting Trees too near the ſaid Road; for Remedy whereof be it enacted, That if any Perſon ſhall, from and after the Twenty-ninth Day of *September* next, encroach by making or cauſing to be made any Dwelling Houſe or other Building, or ſhall plant, or ſet to grow, any Tree or Shrub within the Diſtance of Thirty Feet from the Centre of the ſaid Road, (except Turnpike Houſes erected or to be erected by Order of the ſaid Truſtees, or unleſs the ſaid Truſtees ſhall conſent or agree thereto, or that the ſame ſhall remain), every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds; and it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, by Order under their Hands, made at a Public Meeting or ſome Adjournment thereof, or at any Meeting to be held for that or any other Purpoſe, ſuch Order to be directed to their Surveyor, to cauſe ſuch Dwelling Houſes, Buildings, Trees, or Shrubs, to be pulled down, at the Expence of the Perſon or Perſons to whom the ſame ſhall belong; and in caſe the Owners or Occupiers thereof ſhall neglect or refuſe to pull down or remove the ſame, at the Expiration of One Month after Notice in Writing, ſigned by the Clerk to the ſaid Truſtees, ſhall be given to them or left at their Dwelling Houſe or Place of Abode of ſuch Owners or Occupiers, it ſhall and may be lawful for any Two or more Juſtice or Juſtices of the Peace in and for the ſaid Counties of *Middleſex* or *Herts* in which ſuch Offence ſhall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down ſuch Dwelling Houſes, Buildings, Trees, and Shrubs 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 on Demand.

Penalty on Persons riding or driving Cattle on Causeways.

XXXIII. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or upon any other Way or Ways now made or hereafter to be made upon or on the Sides of the said Road for the Use of Foot Passengers, or shall lead or drive any Horse, Mule, Ass, Carriage, Cow, or other Cattle, Sheep, Lamb, Boar, Sow, or Pig, or shall drag or use any Wheelbarrow or Hand Cart, upon any such Causeway or Causeways, or other such Way or Ways as aforesaid, or shall do or cause any Injury or Damage to be done to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and if any Horse or Horses, Mule or Mules, Ass or Asses, Ox, Bull, Cow, Calf, Sheep, Lamb, Boar, Sow or Pig, shall be found wandering or depasturing upon or on the Side or Sides of the said Road or any Part thereof (except where the same shall pass over a Common, Heath, or Moor), or upon or on the Side or Sides thereof, in any Town or Village through which the same shall pass, the Owner or Owners thereof respectively shall forfeit and pay any Sum not exceeding Twenty Shillings; and it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and to and for every Person and Persons by him or them nominated and appointed for that Purpose, and he and they is and are hereby authorized and required to cause all and every such Horse or Horses, Mule or Mules, Ass or Asses, Ox, Bull, Cow, Calf, Sheep, Lamb, Boar, Sow or Pig as shall be so found wandering or depasturing upon the said Road, or on the Sides thereof as aforesaid, to be distrained and impounded in any Common Pound until such Penalty or Penalties shall be paid to such Surveyor or Surveyors over and above the usual Fee, or a reasonable Allowance to the Proprietor, Keeper, or Occupier of the Pound for his Trouble; and in case the same shall not be paid within Seven Days next after such Distress and impounding, and Notice thereof given to such Owner or Owners if such Owner or Owners shall be known, but if not, then after Public Notice shall have been given and published Twice in any Newspaper circulated in the Neighbourhood of the said Road, then the Person or Persons so distraining and impounding shall and may sell the Horse, Beast, or other Thing so distrained and impounded, and return the Overplus of the Money arising by Sale thereof, after deducting and paying such Penalty or Penalties, Fees and Allowances, and all other Expences, on Demand, to the Owner or Owners thereof; and in case any Person or Persons shall molest or disturb the said Surveyor or Surveyors, or any Person or Persons appointed or employed by him or them in leading or driving any such Horse, Beast, or other Thing so distrained to be impounded as aforesaid, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

If any Horse or Beast be found depasturing on Sides of Roads,

Surveyor may impound and sell.

Abstract of Penal Clauses to be affixed at every Gate.

XXXIV. And be it further enacted, That the said Trustees shall and they are hereby required, immediately after the passing of this Act, to cause to be painted in legible Characters upon Boards, and affixed at every Toll Gate upon the said Road, an Abstract of all and every the Penal Clauses contained in this and the said recited Acts.

Notice to be given to the Owners and Occupiers of Lands before

XXXV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons under the Authority of the said recited Acts or this Act, to dig, gather, get, take, or

Materials are taken for repairing the Road.

or carry away any Materials for repairing the ſaid Road or any Part thereof, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor or Surveyors for the Time being ſhall have been given to the reputed Owner, or Agent of ſuch Owner, and Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Agent and Occupier at their reſpective uſual Places of Reſidence, to appear before Two or more Juſtices of the Peace acting in and for the ſaid Counties of *Middleſex* or *Herts*, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owners and Occupiers, or any of them, or their or his Agents or Agent, ſhall not attend, or ſhall attend in purſuance to ſuch Notice but ſhall not ſhew ſufficient Cauſe to the contrary, then and in either of the ſaid Caſes the ſaid Juſtices ſhall or may authorize ſuch Surveyor or Surveyors, or other Perſon or Perſons, to dig, get, gather and carry away ſuch Materials at ſuch Time or Times as to the ſaid Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall refuſe or neglect 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 had attended; any thing in the ſaid recited Acts contained to the contrary thereof notwithſtanding.

Satisfaction for Materials and Damages.

XXXVI. Provided always, and be it further enacted, That ſuch Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, ſhall make or tender Satisfaction for the Materials ſo taken away, and for the Damage done thereby to the Owners and Occupiers of ſuch Lands, Fields, or Grounds, where and from whence the ſame ſhall be cut, dug, gotten, gathered and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Road ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Lands, Fields, or Grounds, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers reſpectively, or any of them, concerning ſuch Damages, it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid Counties of *Middleſex* or *Herts*, within their reſpective Juriſdictions, on Application made to them for that Purpoſe, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine ſuch Payment and Damages.

Reſpecting Statute Work.

XXXVII. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid 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* or *Herts*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk, Treaſurer, 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, her, or them paid to the

the ſaid Truſtees or 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 Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is or 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 Surveyor or Surveyors of ſuch Pariſhes or Places reſpectively, to be by him or them paid over to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given to or left for him, her, or them at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees), ſhall for every Day of his, her, or their Default, or the Default of any Laborer 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 ſhall be ſent with any Team or Draught to work upon 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 ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and 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, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For compounding for Statute Work.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Road is situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Penalty on Persons taking Sand or Soil from off the Road.

XXXIX. And be it further enacted, That in case any Person or Persons shall at any Time during the Continuance of this Act, lead, take, or carry away any Sand or Soil from off any Part of the said Road, without Leave in Writing from the Surveyor for the Time being for that Purpose first had and obtained, all and every Person or Persons so offending and being thereof convicted by the Confession of the Party or on the Oath of One credible Witness before Five or more of the said Trustees, or before One or more Justice or Justices of the Peace for the said Counties of *Middlesex* or *Herts*, shall for every such Offence forfeit and pay unto the said Trustees any Sum not exceeding the Sum of Forty Shillings, to be levied as aforesaid.

Gates to Fields to open inward.

XL. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to any Part of the said Road, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road, to be altered and made to open inward towards such Field or Ground, Yard, or other Place, as they the said Trustees shall think proper.

For paying the Expences of this Act.

XLI. And be it further enacted, That the Charges and Expences of obtaining and passing this Act shall be paid out of any Money already collected and received, or to be collected or received by virtue of the said recited Acts and this Act.

XLII. And

Trustees not to be personally liable for the Repayment of Money borrowed.

XLII. And be it further enacted, That no Trustee shall be held or adjudged to have rendered himself personally liable for the Repayment of Money, or the Interest thereof, borrowed under and by virtue of the said recited Acts or this Act, by reason of having signed any Assignment of Tolls or other Instrument, or for Payment of any Sum which such Trustee shall not have bound himself to pay personally as an Individual, independent of his Office of Trustee under the said recited Acts and this Act.

Saving the Rights of Commissioners of Sewers.

XLIII. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster*, and Part of the County of *Middlesex*; but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

Public Act.

XLIV. 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.

Commencement and Continuance of the Act.

XLV. And be it further enacted, That this Act shall commence and take place upon the Twenty-ninth Day of *September* next, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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