ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 51.

An Act for repairing, widening, and improving the Road leading from the Town of *Rickmerſworth*, in the County of *Hertford*, through the Village of *Pinner*, by *Harrow on the Hill*, in the County of *Middleſex*, to or near the *Swan* Public Houſe at *Sudbury Common*, in the Turnpike Road leading from *Harrow* to *London*. [12th *May* 1809.]

WHEREAS the High Road leading from the Town of *Rickmerſworth* over *Batchworth Heath*, in the County of *Hertford*, and over *Ruiſlip Common*, through the Village of *Pinner* and *Roxborough Fields*, by *Harrow* and *Sheepcot Farm*, in the County of *Middleſex*, to or near the *Swan* Public Houſe at *Sudbury Common*, in the Turnpike Road leading from the Town of *Harrow* to *London*, is in a ruinous Condition, narrow in many Places, and incommodious to Paſſengers, and cannot be effectually repaired, widened, turned, altered, and kept in Repair, without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Reverend *Edward Auberey*, *Richard Brown*, *John Boys*, *John Edward Boys*, *Charles Chappell*, *Peter Clutterbuck*, *William Caffall*, *Charles Cole*, *Ralph Carr*, *Richard Carpenter*, Truſtees Names.

Carpenter, *Thomas Carpenter*, *Francis Dancer*, *Ralph Dean*, *Thomas Denning*, *Harry Edgell*, *James Edwards*, *Robert Barnard Fisher*, *Thomas Foster*, *John Foster*, *John Gray*, *John Gomm*, *Charles Hamilton*, *Daniel Hill* of *Harrow*, *Richard Hemming*, *John Honyburn*, *Simeon Howard*, *Simeon Howard* the younger, *Thomas Howard*, *James Deacon Hume*, *Daniel Hill* of *Pinner*, *John Kingston*, *John Kingston* the younger, *Charles Laurence*, *Edmund Morris*, Sir *Francis Millman* Baronet, *Henry Plaistowe*, *William Plaistowe*, *John Woodbridge Pindar*, *John Rowe*, *John Strutt*, *Samuel Salter*, *Emmott Skidmore*, *James Steers*, *Joseph Strutt*, *Joseph Sellon*, *John Smart*, *John Baker Sellon* Serjeant at Law, *Jefferies Spranger*, *John William Spranger*, *Francis Stubb*, *James Swannell*, *John Chamberlyn Swannell*, *Richard Taylor*, *John Tanner*, *John Wilson*, *Robert Williams*, *Robert Williams* the younger, *George Woodroffe*, *Henry Fotherly Whitfield*, the Reverend *Walter Lluark Williams*, *Daniel Wilshen*, and their Successors to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

II. 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, in his own Right, or in the Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent to some Person having such Estate of the clear Yearly Value of One hundred Pounds, or possessed of or entitled unto a personal Estate to the Amount or Value of One thousand Pounds; and if any Person hereby deemed incapable to act, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or 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; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

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

III. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Treasurer, and that no Action which shall be brought or commenced by or against the said Trustees, or any of them, by virtue or on Account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act or Default of such Clerk or Treasurer, without the Consent of the Trustees, or any Seven or more of them, at a Public Meeting to be held for that Purpose, but the Clerk or Treasurer to the said Trustees for the Time being shall be deemed Plaintiff or Defendant in such Action, as the Case may be: Provided always, that any such Clerk or Treasurer, in whose Name any such Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act all such Costs, Damages, and Charges as by the Event of every such Proceeding he shall be put to or become chargeable with by Occasion of his being so made Plaintiff or Defendant.

IV. And

Time and Place of Truſtees Meeting.

IV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall hold their Firſt General Meeting at the Houſe of *John Ball*, known by the Sign of the *Queen's Head* at *Pinner*, in the County of *Middleſex* (or of the then Occupier thereof) within One Calendar Month next after the Day of paſſing this Act, and ſhall proceed to the Execution of this Act as far as relates to the Matters and Things to be done at General Meetings; and ſhall then adjourn the ſaid General Meeting from Time to Time, to ſuch Times and Places as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary for the Execution of this Act; and if it ſhall happen there ſhall not appear at any ſuch General Meeting a ſufficient Number of Truſtees to act or to adjourn, then the Clerk to the Truſtees where ſuch Default ſhall happen, 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 Turnpikes then erected by virtue of this Act, and Church Doors of the reſpective Pariſhes through which the ſaid Road ſhall paſs; and the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences; and Two Truſtees preſent at any Meeting ſhall be ſufficient for the Purpoſe of Adjournment only: Provided always, that the ſaid Truſtees ſhall and they are hereby required to hold Four General Meetings in every Year, (that is to ſay) One on the laſt *Monday* in the Month of *June*, One other on the laſt *Monday* in the Month of *September*, another on the laſt *Monday* in the Month of *December*, and the other on the laſt *Monday* in the Month of *March*; and the ſaid Truſtees, or any Five or more of them, at their Firſt or any other General Meeting, ſhall declare in Writing what Sum or Sums of Money ſhall be annually or otherwiſe laid out and expended in repairing the Roads, and in what Manner the ſame ſhall be from Time to Time laid out and employed, and give Order, and cauſe ſuch Sum or Sums of Money to be paid by their Treaſurer or Treaſurers for the Time being.

Truſtees to defray their own Expences.

Extra Meetings may be called upon Emergency.

V. And be it further enacted, That in caſe any of the ſaid Truſtees ſhall think it neceſſary that a Meeting of the Truſtees ſhould be held at any Time between the ſaid Times of Adjournment, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, by Writing under their Hands, to appoint a Meeting of the ſaid Truſtees, as the Caſe ſhall happen, Notice of the Time and Place of ſuch Meeting being affixed on all the Turnpikes which ſhall be erected by virtue of this Act, and alſo on the Church Doors of the reſpective Pariſhes through which the ſaid Turnpike Road ſhall paſs, at leaſt Ten Days before every ſuch Meeting; and the Proceedings of the Truſtees at all ſuch Meetings ſhall be as valid and effectual, to all Intents and Purpoſes, as if the ſaid Truſtees had at their laſt Meeting adjourned to the ſaid Time and Place.

No Truſtee to accept a Place of Profit ariſing from Tolls.

VI. And it is hereby enacted, That no Perſon ſhall be capable of acting as a Truſtee under the Authority of this Act, who ſhall hold any Place of Profit ariſing out of the Tolls hereby granted; and that no Perſon holding a Place of Profit under this Act ſhall be appointed Treaſurer thereof.

Trustees in Commission of the Peace may act as Justices.

VII. And be it further enacted, That any Trustee appointed in or by virtue of this Act, who shall be a Justice of the Peace, is hereby authorized and empowered to act as a Justice of the Peace in the Execution of the Powers and Authorities hereby given to any Justice of the Peace, notwithstanding his being a Trustee.

On Death of Trustees, others to be chosen.

VIII. And be it further enacted, That as often as any of the said Trustees shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, and they are hereby directed, at the General Meeting to be holden in the Month of *June* next following such dying or refusing, to appoint another Trustee in the Room of such Trustee so dying or refusing to act, and every Trustee having neglected to act for the Space of One whole Year shall be considered as having refused to act; and Notice of the Time and Place of Meeting for the Election of such Trustee shall be given by the Clerk to the Trustees, by affixing the same in Writing on all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election, and the Person so appointed shall and may act in the Execution of this Act, as fully as any Trustee hereby appointed is empowered to do: Provided always, that no Trustee shall be capable of acting in the Execution of the Powers of this Act during the Time in which he shall hold any Place of Profit under this Act, or in any Case where he shall be personally interested; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act.

Trustees may erect Turnpikes and Tollhouses.

IX. And be it further enacted, That the said Trustees or any Five or more of them, at any General Meeting, shall and may cause one or more Gate or Gates, Turnpike or Turnpikes, to be erected in, upon, or across such Part or Parts of the said Roads as the said Trustees shall think proper, and shall and may erect or provide a Toll House to each of the said Gates or Turnpikes, with suitable Buildings thereto, and shall and may inclose any adjoining Part of the said Road or Highway to be used as a Garden for the Accommodation of the Collectors of the Tolls and Duties, and shall and may cause to be demanded and taken at each of the said Gates or Turnpikes, the following Tolls or Duties before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, or Litter, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, rolling a Surface of less Breadth than Six Inches at the Bottom of the Fellies of the Wheels thereof, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels thereof at the Sole or Bottom of the Breadth of Six Inches or upwards, the Sum of Two-pence:

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

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

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

Which

Which ſaid reſpective Sum or Sums of Money ſhall be demanded and taken in the Name of or as a Toll, and ſhall be paid to ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, in their reſpective Meetings ſhall appoint to collect the ſame; and the Money ſo to be raiſed is hereby veſted in the ſaid Truſtees, and ſhall be applied in ſuch Manner as is herein-after mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect the ſaid Tolls, to ſeize and diſtrain any Horſe or Horſes, or other Cattle or Beaſt upon which ſuch Toll is by this Act impoſed, or any of the Goods or Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing; and if ſuch Toll, and the reaſonable Charges of ſeizing and diſtraining ſhall not be paid within the Space of Four Days, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſes, Cattle, Beaſts, or Goods ſo ſeized and diſtrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted. Tolls veſted in Truſtees.

X. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any General Meeting, to cauſe to be erected One or more Bar or Bars, Fence or Fences, Gate or Gates, Turnpike or Turnpikes on the Side or Sides of the ſaid Roads, or upon, in, or acroſs any Lane or Way leading into the ſame, and to erect or provide a Toll Houſe to each of the ſaid Bars, Fences, Gates, or Turnpikes, with ſuitable Buildings thereto, and ſhall and may incloſe any adjoining Part of the ſaid Road or Highway to be uſed as a Garden for the Accommodation of the Collectors of the ſaid Tolls or Duties, and there to cauſe to be taken and levied ſuch Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, ſo as the ſame do not extend to a Double Charge upon any Perſon or Perſons paſſing the ſame Day through any other of the Gates or Turnpikes to be erected by virtue of this Act: Provided always nevertheleſs, that in caſe any Turnpike Gate or Toll Bar ſhall be erected or ſet up on the ſaid Road, or the Sides thereof, within the Diſtance of One Mile and a Half from the ſaid Public Houſe called the *Swan*, at *Sudbury Green*, that then and in ſuch Caſe all Occupiers of Lands, Tenements, and Hereditaments abutting upon the ſaid Road ſhall, with their Horſes and other Cattle, Servants, Carts, and Carriages, in paſſing and repaſſing to or from ſuch Lands and Tenements, be exempt at ſuch Turnpike Gate, Toll Bar, or Side Gate, from all Toll and Tolls made payable thereat; any Thing herein contained to the contrary thereof notwithſtanding. Truſtees may erect Side Gates, &c.

XI. And be it further enacted, That the ſaid Gates or Turnpikes and Toll Houſes, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided by the ſaid Truſtees, or by their Surveyor or Surveyors, for repairing the ſaid Roads, ſhall be and they are hereby veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby authorized and empowered to bring or cauſe any Action or Actions to be brought in the Name of their Treaſurer or Clerk, or to prefer and order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, or deſtroy any Gate, Turnpike, or Toll Houſe which ſhall be erected by virtue of this Act, or any Part thereof, or any Property of Turnpikes, &c. veſted in Truſtees.

of the Materials of which the ſame ſhall be built or conſiſt, or any of the Materials which ſhall be provided for the repairing of the ſaid Roads.

Application of the Tolls and Money ſubſcribed.

XII. And be it further enacted, That out of the Money ſubſcribed for carrying this Act into Execution, and of the Firſt Money ariſing by the Tolls hereby granted, or out of ſuch Money as ſhall be borrowed on the Credit thereof, the ſaid Truſtees, or any Five or more of them, at any General Meeting, ſhall in the firſt Place pay and diſcharge all the Expences and Coſts of procuring and paſſing this Act, and ſhall apply the Remainder of the Money ſo raiſed in erecting Gates and Toll Houſes, and repairing, widening, and amending the ſaid Roads, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame and the Execution of this Act, and to no other Uſe or Purpoſe whatſoever.

Collectors of Tolls deemed competent Witneſſes.

XIII. 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 any Diſtreſs or Diſtreſſes made or levied, or about to be made or levied for Recovery thereof, or of any the Penalties hereby impoſed, the 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 not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being ſo appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees.

Truſtees may leſſen Tolls and raiſe them again.

XIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, at their Firſt Meeting, and from Time to Time aſſembled at any ſubſequent General Meeting or Meetings to be held for that Purpoſe, to leſſen or reduce all or any of the Tolls by this Act granted, and for ſuch Time or Times as they the ſaid Truſtees or any Seven or more of them ſhall think proper; and may afterwards from Time to Time advance all or any of the Tolls ſo leſſened to any Sum or Sums of Money not exceeding the reſpective Rates hereinbefore mentioned; and the ſaid Truſtees or any Seven or more of them, at any General Meeting, may from Time to Time direct the Tolls hereby granted, or ſo leſſened or reduced as aforeſaid, to be collected and taken in ſuch Parts and Proportions at the reſpective Turnpikes, Bars, and Gates as they the ſaid Truſtees, or any Seven or more them, ſhall think fit; and ſuch leſſened or reduced Tolls, and alſo ſuch Parts and Proportions as aforeſaid, ſhall and may be collected, levied, and applied in ſuch and the ſame Manner as the ſaid Tolls are directed to be levied, collected, and applied; but no ſuch Reduction ſhall be made at any Time after the ſaid Firſt Meeting, unleſs the Perſon or Perſons who ſhall be entitled to Five Sixth Parts of the Money which ſhall have been lent upon the Credit of the Tolls intended to be reduced ſhall be conſenting thereto; and that no ſuch ſubſequent Meeting ſhall be held for the Purpoſes aforeſaid, unleſs Fourteen Days previous Notice at the leaſt ſhall be given thereof in Writing, to be affixed upon all the Turnpikes which ſhall be then erected by virtue of this Act.

Tolls to be paid but once a Day.

XV. And be it further enacted, That if any Perſon ſhall have paid the Toll by this Act granted for the paſſing of any Cattle or Beaſt through any Gate or Turnpike erected by virtue of this Act, the ſame Perſon, upon producing a Note or Ticket, denoting ſuch Payment, ſhall be permitted

mitted to pass through the same Gate or Turnpike with the same Cattle or Beast Toll free, at any Time during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give *gratis* upon the Payment of such Tolls.

Tolls to be paid but at one Gate.

XVI. Provided always, and be it further enacted, That no Toll shall be taken at any Gate or Turnpike to be erected under or by virtue of this Act, within the Distance of Seven Miles of any other Gate or Turnpike under the same Act, Toll having been on the same Day paid at such other Gate or Turnpike, and a Ticket thereof produced.

Trustees may lease, &c. the Tolls.

XVII. And be it further enacted, That the said Trustees, or any Seven or more of them, at any General Meeting, upon One Calendar Month's Notice to be given in Writing under the Hand of the Clerk to the said Trustees, to be affixed on all the Turnpikes to be erected by virtue of this Act, may at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Lease to any Person or Persons, for any Term not exceeding Three Years, for such Sum or Sums of Money as the said Trustees or any Seven or more of them, shall think reasonable, which Sum or Sums of Money shall be paid to the said Trustees or any Five or more of them, at any General Meeting, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Trustees may compound with Travellers.

XVIII. And be it further enacted, That the said Trustees or any Seven or more of them, at any General Meeting, shall and may, and they are hereby authorized and empowered to compound or agree, by the Year or otherwise, with any Person or Persons using to travel through the said Turnpikes to be erected by virtue of this Act, or any of them, with any Beast of Draught or Burden, for any Sum or Sums of Money as they shall think fit, for and in lieu of Payment of any of the said Tolls or Duties; and such Composition Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

Exemptions from Tolls.

XIX. And be it further enacted, That no Toll shall be demanded or received for any Horse, Mare, Gelding, Mule, or other Cattle, drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing of the said Roads, or any of the Roads in the Parishes or Places in which the Roads hereby intended to be repaired, or any Part thereof, do lie, or any Dung, Mould, Soil, or Compost of any Kind (Chalk and Lime excepted) for the manuring of any Garden, or other Land or Ground; nor shall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpose of or returning from ploughing, sowing, tilling, or cultivating any Land or Ground, or going for or returning unladen, or only laden with Hay, Straw, Corn in the Straw, or Wood, not sold or disposed of, but to be laid up in the Houses, Out-houses, or Yards, or on the Premises of the Owner or Owners thereof; or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any Horse or other Beast or Cattle drawing or carrying the same, in order for the repairing thereof, or using the same in Husbandry; or for any Horse or other Beast

or

or Cattle going to or returning from Water or Paſture, or going to be or returning from being ſhoed or farried; 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 the ſame, or in returning back from conveying the ſame; or for the Horſes of Soldiers on their March or on Duty, or Carriages, or Horſes, or other Beaſts employed in carrying the Arms or Baggage of ſuch Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are 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 Exemptions; or for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes; nor ſhall any of the Tolls hereby granted be demanded or taken from any Inhabitant of any Pariſh through which any Part of the ſaid Roads doth lie, who ſhall paſs through any of the ſaid Turnpikes to or from his, her, or their reſpective Pariſh Church, Chapel, or other Place of Religious Worſhip tolerated by Law on *Sundays*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon dead and paſſing to be buried in any of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor ſhall any Toll be demanded or taken for or in reſpect of any Horſe, Cattle, or Beaſt carrying any Paſſenger, or drawing any Coach, Landau, Berlin, Chariot, Calaſh, or Chair, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Hertford* and *Middleſex*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, or ſhall make uſe of any Fraud whatſoever, whereby the Payment of the Tolls granted by this Act, or any Part thereof, ſhall be evaded, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, whereof one Moiety ſhall be applied for the Purpoſes of this Act.

Carriages employed in the Public Service not to be ſubject to Penalties for Overweight, &c.

XX. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn

by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithſtanding.

Penalty on permitting private Paſſage, or on giving or receiving Tickets, &c.

XXI. And be it further enacted, That if any Perſon occupying any Land near to any Gate or Turnpike erected in purſuance of this Act, ſhall permit or ſuffer any Perſon or Perſons to paſs through any Gate, Paſſage, or private Way with any Cattle or Beaſt; or if any Perſon ſhall with any Cattle or Carriage paſs through any ſuch Gate, Paſſage, or Private Way, in order to evade the Payment of any Tolls hereby granted; or if any Perſon ſhall give to or receive from any Perſon any Note or Ticket by this Act directed to be given, or ſhall forge or counterfeit any ſuch Ticket; or if any Perſon ſhall forcibly paſs through any ſuch Gate or Turnpike with any Cattle or Beaſt, whereby the Payment of any of the Tolls by this Act granted ſhall be avoided; any Perſon ſo offending in each of the Caſes aforeſaid ſhall forfeit and pay any Sum not exceeding Forty Shillings.

Tolls may be aſſigned for Money borrowed.

XXII. And, for the more ſpeedy repairing and widening the ſaid Roads, be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees or any Seven or more of them, at any General Meeting, from Time to Time, upon the Credit of the Tolls hereby made payable, to borrow and take up at Intereſt any ſuch Sum or Sums of Money as they or any Seven or more of them ſhall, at any General Meeting, think needful, and may and they are hereby authorized and empowered to mortgage or aſſign over the ſaid Tolls, or any Part or Parts thereof, for and during the Continuance of this Act, to any Perſon or Perſons as a Security or Securities for the ſeveral Sums of Money which ſhall be ſo borrowed, and the Intereſt thereof, which Sums of Money ſo borrowed (the Charges of procuring and paſſing this Act being thereout firſt paid) ſhall be laid out and applied in ſuch Manner as the ſaid Tolls are hereby directed to be laid out and applied.

Aſſignments may be tranſferred.

XXIII. And be it further enacted, That all and every Perſon or Perſons to whom ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, Bond or Bonds of the Tolls ſhall be made, or who ſhall be entitled to the Money thereby ſecured, and his, her, or their Aſſignee or Aſſignees, may and is and are hereby empowered, from Time to Time, to transfer or aſſign over his, her, or their Security or Securities, and all the Monies that ſhall be due thereon, to any Perſon or Perſons: Provided always, that no Money ſhall be borrowed upon the Credit of the ſaid Tolls by the ſaid Truſtees after their Firſt Meeting, unleſs Notice in Writing under the Hand of the Clerk to the ſaid Truſtees, be, by Order of the ſaid Truſtees, or any Five or more of them, at any General Meeting, fixed upon all the Turnpikes erected by virtue of this Act, at leaſt Ten Days before the borrowing of ſuch Money.

Truſtees may appoint Officers, and remove them, and appoint others.

XXIV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at any General Meeting, may appoint ſuch Officers and other Perſons as they ſhall think neceſſary to employ in the Execution of this Act, and ſuch Officers and other Perſons, or any or either of them, from

from Time to Time to remove, and to appoint others in caſe of Death or ſuch Removal, and may, out of the Monies which ſhall ariſe by the Tolls aforeſaid, make ſuch Allowances to ſuch Officers and other Perſons for their Services as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem proper; and ſuch Officers and other Perſons ſhall make and render to the ſaid Truſtees, or any Five or more of them, a true, exact, and perfect Account in Writing under their reſpective Hands, upon Oath, to be taken before Two or more of the ſaid Truſtees (which Oath Two Truſtees are hereby empowered to adminiſter), of all Monies which he, they, and every of them reſpectively to that Time have received, paid, and diſburſed by reaſon of their reſpective Offices, and in caſe any Money ſo received ſhall remain in their or any of their Hands, the ſame ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon as they ſhould appoint to receive the ſame; and in caſe any ſuch Officer or other Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath ſuch Account, or to make ſuch Payment as aforeſaid, then One or more Juſtice or Juſtices of the Peace for ſuch County or Place where ſuch Officer or other Perſon ſhall reſide, ſhall make Inquiry concerning ſuch Default in a ſummary Way, as well by Confeſſion of the Parties themſelves, as by the Teſtimony of 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; and if any ſuch Officer or other Perſon ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall commit the Offender to the Common Gaol of the County or Place where ſuch Officer or Perſon ſhall reſide, there to remain without Bail or Mainprize, until he or they ſhall make and render a full, true, and perfect Account and Payment as aforeſaid, or until he or they ſhall have compounded and agreed with the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs ſhall be detained or kept in Priſon for any longer Space of Time than Six Calendar Months.

Treaſurer to give Security.

XXV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, are hereby authorized and required to take ſuch Security from the Treaſurer or Treaſurers to be appointed for the Purpoſes of this Act, for the due Execution of his and their ſaid Office and Offices, as to the ſaid Truſtees or any Five or more of them ſhall ſeem meet.

No Victualler to hold a Place of Profit.

XXVI. 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.

Surveyor may dig Gravel, &c. without paying for ſame.

XXVII. And be it further enacted, That the Surveyor or Surveyors appointed by the ſaid Truſtees, or any Seven or more of them, may and is and are hereby authorized and empowered, at proper and ſeaſonable Times, with Carts and other Carriages, to enter into and pick up, gather, and take away, any Stones lying diſperſed upon any Lands or Grounds being or lying near or adjacent to the ſaid Roads, without paying any Thing for the ſame (ſuch Lands or Grounds not being then ſown with any Sort of

Corn,

Corn, and ſuch Stones not being before then picked and laid up by the Owner or Occupier for his own private Uſe), for the repairing and amending the ſaid Roads, without Licence, Control, or Interruption of or by the Owner or Owners, Occupier or Occupiers of ſuch Lands or Grounds, and without incurring or being liable to any Treſpaſs or Action for or by reaſon thereof, and to enter into any Gravel Pit lying near to the ſaid Roads, and there to dig and caſt Gravel to be carried on and uſed for repairing and keeping in Repair the Roads aforeſaid; and that it ſhall and may be lawful for the ſaid Surveyor or Surveyors, or any Perſon or Perſons appointed by ſuch Surveyor or Surveyors, to cut, dig, gather, take, and carry away, or cauſe to be cut, dug, gathered, taken, and carried away, any Materials proper for repairing of Roads in, upon, out of, or from any River or Brook, Waſte or Common, in any Pariſh, Town, or Place in, adjoining to, or lying near the Roads aforeſaid, to be uſed in repairing the ſaid Roads, without paying any Thing for the ſame, they the ſaid Surveyors or other Perſons filling up the Pits and Holes, and levelling the Ground, or making a ſufficient Fence to prevent any Misfortune or Accident happening in or from the Pits or Holes from whence ſuch Materials ſhall be taken, or cauſing the ſame to be done; and if a Quantity of Materials proper and ſufficient for that Purpoſe cannot be found in or upon ſuch Rivers or Brooks, Waſtes or Commons, then and in ſuch caſe to dig, cut, gather, take, and carry away, or cauſe to be cut, digged, taken, and carried away, any Quantity or Quantities of Materials proper and ſufficient for that Purpoſe, in, upon, or out of and from any River or Brook, or the Lands or Grounds of any Perſon or Perſons where the ſame may be had or found, to be uſed towards repairing the ſaid Roads (ſuch Lands or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Nurſery, Planted Walk or Walks, or Avenue to a Houſe), they the ſaid Surveyors or other Perſon or Perſons paying or offering to pay to the reſpective Owners or Occupiers of ſuch Lands or Grounds ſuch Damages for getting the ſame Materials, and for carrying the ſame over their Grounds, as the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable; and in caſe of any Differences between the ſaid Truſtees, Surveyors, or Perſon or Perſons by them appointed as aforeſaid, and the ſaid Owners or Occupiers, or any or either of them, concerning the ſaid Damages, any Two or more Juſtices of the Peace of the County or Place where the ſame ſhall happen ſhall and may, on Fourteen Days Notice thereof to be given by the ſaid Surveyor or Surveyors to the ſaid Owner or Owners, Occupier or Occupiers, or by them the ſaid Owner or Owners, Occupier or Occupiers, to the ſaid Surveyor or Surveyors, to be left at their reſpective Places of Abode, with ſome or one of their reſpective Families, hear, ſettle, and determine the Matters of the ſaid Damages, and the Judgement or Order of the Juſtices therein, ſhall be final and concluſive to all Parties.

Surveyors may make Cauſeways, &c. and erect Bridges, &c.

XXVIII. 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 authoriz-d and empowered to make or cauſe to be made Cauſeways on or along the Sides of any Part or Parts of the ſaid Roads, and ſhall and may build or cauſe to be built any Bridge or Bridges upon, in, or acroſs the ſaid Roads, 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

ſaid Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges 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 adjoining Grounds of any narrow or ruinous Parts of the ſaid Roads hereby intended to be repaired (not being the Site of or Ground whereon any Houſe or Houſes ſtand, or planted Walk, Park, Paddock, or Avenue to a Houſe) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe, as a Public Highway, whilſt the old narrow or ruinous Road is repairing, and till ſuch Time as it 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; but no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Moor, Waſte Ground, or Common.

Surveyors may remove Annoyances, &c.

XXIX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to remove all Heaps of Dung or other Compoſt, Timber, Stone, and other Annoyances on the ſaid Roads, and to cut down, lop, top, or ſhrove, at proper Seaſons of the Year, any Trees or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, and alſo to cut, prune, and plaſh the Hedges next and adjoining the ſaid Road, the Owners or Occupiers thereof neglecting to cut down, lop, top, prune, plaſh, and ſhrove ſuch Trees, Buſhes, and Hedges, or to remove ſuch Heaps of Dung or other Compoſt, Timber, Stone, and other Annoyances, 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, prune, plaſh, or ſhrove ſuch Trees, Buſhes, and Hedges, or to remove ſuch Heaps of Dung or other Compoſt, Timber, Stone, and other Annoyances as aforeſaid); and in caſe ſuch Owners or Occupiers ſhall not upon 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 or Place where the Offence ſhall be committed, from Time to Time to levy the Charges thereof upon ſuch Owners or Occupiers, by Diſtreſs and Sale of his and their Goods and Chattels, rendering the Overplus (if any be) to the Owners or Occupiers thereof upon Demand, after all Charges paid; and if after the removing of ſuch Heaps of Dung or other Compoſt, Timber, Stone, or other Annoyances, or of the cutting down, lopping, topping, pruning, plaſhing, or ſhroving ſuch Trees, Buſhes, or Hedges as aforeſaid, any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before One or more Juſtice or Juſtices of the Peace for the County or Place where the ſame ſhall happen, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Five or more of them, any Sum not exceeding Five Pounds, to be levied and recovered in Manner aforeſaid.

Owners neglecting to ſcour Watercourſes, Surveyors may cleanſe the ſame.

XXX. And be it further enacted, That if any Perſon or Perſons who of Right ought to ſcour and cleanſe any Ditch, Drain, or Watercourſe, which ſhall lead into or out of any Part or Parts of the ſaid Roads, ſhall not

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 by 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 the ſame, and if the ſaid Perſon or Perſons ſhall not repay the Money paid by ſuch Surveyor or Surveyors upon Demand thereof upon 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, the ſaid Money and every Part thereof, upon 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 or Place where ſuch Perſon or Perſons ſhall reſpectively 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, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Truſtees may contract for the Purchaſe of Lands, &c. to be laid into the Road.

XXXI. And be it further enacted, That in caſe the ſaid Truſtees, or any Seven or more of them, at any General Meeting, ſhall at any Time or Times during the Continuance of this Act, think proper to widen, turn, divert, change, or alter any Part or Parts of the ſaid Roads within the Diſtance herein-after mentioned, or the Courſe thereof, for the better Accommodation of Paſſengers, that then the ſaid Truſtees, or any Seven or more of them, at any General Meeting, ſhall have full Power and Authority to treat, contract, and agree with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in any Houſes, Buildings, Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain by ſuch widening, turning, changing, diverting, or altering any Part of ſuch Roads, or the Courſe thereof; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Seven or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

Bodies Politic, &c may contract for the Sale of ſuch Lands.

XXXII. And whereas it may happen that ſome Perſons or Bodies Politic, Corporate or Collegiate, Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of ſuch Houſes, Buildings, Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the ſame by reaſon of Infancy or other Diſability; be it therefore further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or

Ceſtuique Truſts, and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands, Grounds, or Hereditaments, to treat, contract, and agree with the ſaid Truſtees, or any Seven or more of them, at any General Meeting, for the Purchaſe of ſuch Houſes, Buildings, Lands, Grounds, or Hereditaments, or for their Intereſt therein for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be or require; and all Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in anywiſe notwithſtanding, and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Owners, &c. neglecting to treat, Truſtees may iſſue a Warrant to the Sheriff, &c. to impannel a Jury.

XXXIII. And be it further enacted, That if any ſuch Owner, Proprietor, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, or other Perſon or Perſons intereſted in any ſuch Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Houſes, Buildings, Lands, Grounds, or Hereditaments ſo to be taken in and added to the ſaid Roads, or into or through which ſuch Road is to be turned or altered as aforeſaid, ſhall by the Space of Twenty-one Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees or any Five or more of them, at any General Meeting, ſhall cauſe it to be inquired into and aſcertained by and upon the Oaths of Twelve indifferent Men of the County wherein ſuch Houſes, Buildings, Lands, Grounds, or Hereditaments ſhall lie (which Oath any Two or more of the Truſtees are hereby empowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompenſe and Satisfaction ſhall be made to ſuch Owners, Proprietors, Occupiers, or other Perſon or Perſons intereſted for or upon account of the taking ſuch Houſes, Buildings, Lands, Grounds, or Hereditaments into the ſaid Road, or for turning ſuch Road into or through ſuch Lands, Grounds, or Hereditaments; and in order thereto, the ſaid Truſtees, or any Five or more of them, at any General Meeting, are hereby empowered and required from Time to Time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes (which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter), and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſes as they the ſaid Truſtees, or any Five or more of them, ſhall think fit, and after the Jury ſhall have ſo inquired of, aſcertained,

aſcertained, and ſettled ſuch Damage and Recompenſe, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed to be paid to the ſaid Owners, Proprietors, or Occupiers of, or other Perſons intereſted in the ſaid Houſes, Buildings, Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, as well as all other Perſon or Perſons whomſoever; and all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon and Perſons anyways intereſted in ſuch Houſes, Buildings, Lands, Grounds, or Hereditaments, ſhall upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid be thereby from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt and Property of, in, to, or out of the ſame; and for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue out their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands, Grounds, or Hereditaments ſhall be, thereby commanding and requiring him to empannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and at ſuch Place within ſuch County as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to empannel, ſummon, and return ſuch Number accordingly, and out of the Perſons to be impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the By-ſtanders, or that can ſpeedily be procured to attend that Service to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five of them acting in the Premiſes, ſhall have full Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on the Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe to be ſworn and give Evidence; and from Time to Time to levy ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty herein-before mentioned is hereby directed to be levied, ſo that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence; and all ſuch Fines ſhall be applied for ſuch Purpoſes as the Tolls granted by this Act are to be applied.

XXXIV. And

Lands, &c. purchaſed to be deemed Part of the Road, and eſteemed a Public Highway.

XXXIV. And be it further enacted, That all and every Sum and Sums of Money ſo aſſeſſed as aforeſaid is hereby charged upon the Monies which ſhall be raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees or any Five or more of them, at any General Meeting, or their Treaſurer, to the Perſons reſpectively entitled thereto, or to their Agents, and that upon Payment thereof, or Tender thereof, to ſuch Perſons or their Agents, and in caſe of Refuſal to accept the ſame, then, upon leaving the ſame in the Hands of the ſaid Treaſurer for the Uſe of ſuch Perſons, ſuch Houſes, Buildings, Lands, Grounds, or Hereditaments, ſhall be laid into and made Part of the ſaid Roads, and ſhall, to all Intents and Purpoſes whatſoever, become and be deemed and taken to be a public and common Highway, and be from thenceforth Part of the ſaid Roads for ever after, and ſhall be repaired and kept in repair by ſuch Ways and Methods, and in all reſpects, in ſuch Manner as the old Roads ſo widened, altered, or turned, was and ought to have been kept in Repair; and after ſuch new Road ſhall be completed, the Lands or Grounds compriſed in or conſtituting the old or former Road ſhall be veſted in and ſhall and may be ſold by the ſaid Truſtees, or any Five or more of them, at any General Meeting, to ſuch Perſon or Perſons as ſhall be willing to become the Purchaſer or Purchaſers thereof, for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for repairing the ſaid Roads, and other the Purpoſes of this Act, and the Sale and Conveyance or Conveyances to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein ſuch Lands, Grounds, or Hereditaments ſhall be, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever, or it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any General Meeting, to exchange all or any of ſuch Lands or Grounds for any Land or Ground which the ſaid Truſtees ſhall think neceſſary to become poſſeſſed of, for the widening, turning, or altering the ſaid Roads.

Buildings not to be injured, &c.

XXXV. And be it further enacted, That in widening, turning, altering, or diverting any Part or Parts of the ſaid Roads nothing ſhall be done which ſhall or may in anywiſe injure or damage any Houſe or Building, ſave as aforeſaid, or any Yard, Garden, Orchard, Park, Plantation, or any Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe, unleſs the Owner or Proprietor thereof ſhall conſent.

Expences of Jurors how to be borne.

XXXVI. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompenſe or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any ſuch Houſe, Buildings, Lands, Grounds, or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Seven or more of them, before the ſummoning and returning the ſaid Jury or Juries, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, concerning the aſcertaining and determining the Value of any ſuch Right, Property, and Intereſt in any ſuch Houſes, Buildings, Lands, Grounds, or Hereditaments, or Loſſes or Damages ſuſtained as aforeſaid,

aforesaid, shall be borne and be paid by the said Trustees, or any Five or more of them, out of the Tolls hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any Jury or Juries so to be summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompense or Satisfaction for any such Right, Interest, or Property in any such Houses, Buildings, Lands, Grounds, or Hereditaments, or Loss or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County in which such Lands or Hereditaments shall be situate, not interested in the Matter in Question, (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose,) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

Restraining Trustees from deviating beyond a certain Distance from the Line described in the Plan.

XXXVII. And whereas Maps or Plans, describing the Lines of the said new Branches of Road, and the Lands through which the same are to be carried, together with Books of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the respective Offices of the Clerks of the Peace for the said County of *Middlesex* and the Liberty of *Saint Alban*, in the said County of *Hertford*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the respective Custody of the said Clerks of the Peace, to the End that all Persons may, at all seasonable Times, have Liberty to peruse and inspect the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every Inspection, and at the Rate of Sixpence for every One Hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees, in making the said new Branches of Road, or either of them, shall not deviate more than One hundred Yards, of Three Feet each, from the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through or over whose Lands or Grounds such Deviation shall be made.

Truſtees may make Roads through Lands, although the Names are not in the Book of Reference.

XXXVIII. Provided alſo, and be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to make the new Branches of Road into, through, acroſs, or over the ſaid ſeveral Lands or Grounds of any Perſon or Perſons who is or are or may be Owner or Owners of Lands over which the ſame is ſet out and deſcribed in the ſaid Maps or Plans as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid ſeveral Counties of *Middleſex* and *Hertford*, or either of them, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Application of Compenſation Money, if amounting to 200l.

XXXIX. 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 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, as in this Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to 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 this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, 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, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the 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 mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities, ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

XL. Pro-

Under 200l. and above 20l.

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

Application where the Money is leſs than 20l.

XLI. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or awarded to be paid as next 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, and Hereditaments, ſo purchaſed, taken, or uſed as aforeſaid, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

XLII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe the Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid 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 for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded 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, 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,

ſubject to the Order of the Court of Chancery on Motion or Petition,

powered, in a ſummary Way of Proceeding, or otherwiſe as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or 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.

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

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

XLIV. 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 this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of 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.

Lands chargeable to the Repairs of Roads and Bridges to continue ſo.

XLV. Provided always, and be it further enacted, That where any particular Part or Parts of the ſaid Road, or any Bridges, Arches, Drains, Sewers, or Watercourſes lying in and upon the ſame Road, have been accuſtomed or ought to be repaired and maintained by any particular Perſon

or Perſons, Bodies Politic or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by the County in which the ſame ſhall be ſituate, or any Ward, Pariſh, or Townſhip therein, or otherwiſe howſoever, all and every ſuch Part and Parts of the ſaid Road, and all ſuch Bridges, Arches, Drains, Sewers, and Watercourſes, ſhall from Time to Time be maintained and kept in Repair by ſuch Perſon or Perſons, Bodies Politic or Corporate, County, Ward, Pariſhes, or Townſhips reſpectively, and in ſuch Manner as the ſame ought to have been reſpectively maintained and kept in Repair in caſe this Act had not been made.

Statute Work.

XLVI. Provided always, and be it enacted, That all Perſons who by Law are liable to do Statute Work on any Part of the Roads within the Pariſhes, Townſhips, or Places through which the ſaid Road, or any Part thereof, paſſes, ſhall be liable to do the ſame on the ſaid Road; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the County in which the ſame ſhall be ſituate, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of 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 doth lie; 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 ſaid Truſtees, or their Treaſurer or Treaſurers; 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 ſo paid, which Liſts of Names ſhall be made in Manner and under ſuch Regulations and Reſtrictions as is or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days' Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay Time or Harveſt), and 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 they 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 authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road ſhall be found idle or negligent by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are 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 ſending ſuch Labourer, Team, or Draught ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if ſuch Team or Draught had not been ſent to work on any Parts 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 or Surveyors ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

XLVII. 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 Repairs or 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 ſhall lie and be ſituate, or with the Surveyor of the Highways for ſuch Pariſhes or Places duly authorized for that Purpoſe at a Public Veſtry, 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 or 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 or Treaſurers to the ſaid Truſtees, in advance, on or before the Tenth Day of *May* 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.

Truſtees empowered to ſell the Ground not wanted for the Purpoſes of this Act.

XLVIII. And whereas, by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Road, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what ſhall be neceſſary for effecting the Purpoſes of this Act, be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in

Parcels,

Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons of whom the same shall have been purchased, or (in case of diverting any Part or Parts of the said Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof, as herein-after mentioned), or shall refuse (except with respect to and on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate (who are hereby respectively empowered to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

XLIX. And be it further enacted, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, along any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages, every such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Roads to be measured, and Mile Stones erected, &c.

L. And be it further enacted, That the said Trustees, or any Five or more of them, at any General Meeting, shall cause the said Roads to be measured, and Mile Stones to be set up on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places; and if any Person shall wilfully and designedly break, pull down, dig up, injure, or destroy any or either of the Stones that shall be so set up, or erase, obliterate, or deface any of the Inscriptions which shall be made thereon, or cause the same to be done, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Stone so wilfully or designedly broken, obliterated, defaced, or pulled down.

Penalties and Forfeitures how to be recovered and applied.

LI. 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 Offenders 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 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 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 be) 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, at any of their Meetings, or their Treaſurer or Treaſurers, and ſhall be applied (if not otherwiſe directed to be applied by this Act,) for and towards the amending the ſaid Roads, and other the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties or Forfeitures ſhall not be paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized 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 be kept to hard Labour for any Time not exceeding Three Calendar Months.

Perſons aggrieved may appeal to the Quarter Seſſions.

LII. And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Act, Order, or Judgement of any Juſtice of the Peace, which ſhall by him or them be done, made, or awarded by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the next General Quarter Seſſion of the Peace for the County or Place where the Matter or Thing for or by reaſon of ſuch Act, Order, or Judgement, ſhall be ſo done, made, or awarded, and which ſhall be holden next after the doing, making, or awarding of ſuch Act, Order, or Judgement, he, ſhe, or they cauſing reaſonable Notice in Writing of ſuch Appeal, or of the Cauſe or Matter thereof, to be given to the Perſon or Perſons on whoſe Oath or Oaths, or Evidence, ſuch Act, Order, or Judgement ſhall be ſo done, made, or awarded, and to ſome or One of the Collectors or Receivers of the ſaid Tolls, which ſaid Juſtices, at their ſaid Seſſions, upon due Proof of ſuch Notice being given, ſhall proceed in and hear and determine the Cauſes and Matters of the ſaid Appeals, and every of them, and the Orders and Judgements of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned or intereſted therein.

Proceedings not to be quaſhed for want of Form, &c.

LIII. And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall 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 where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or want of Form in the

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 as aforeſaid ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe: Provided always, that no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, if Tender of Amends hath been made by or on Behalf of the Party diſtraining before ſuch Action brought.

Proceedings to be entered in a Book.

LIV. And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which ſhall be collected and received, laid out, expended, and paid by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things which ſhall be done by the ſaid Truſtees in the Execution of the Powers hereby to them given, ſhall from Time to Time be duly and regularly entered in Books which ſhall be kept for thoſe Purpoſes.

Clerk to deliver up Books, Papers, &c.

LV. And be it further enacted and declared, That the reſpective Treaſurers and Clerks appointed by the ſaid Truſtees ſhall and they are hereby required to produce to the ſaid Truſtees, or any Five or more of them, at the Four General Annual Meetings herein-before appointed, all the Books, Papers, and Writings in his or their Cuſtody of the Proceedings of the ſaid Truſtees.

No Order to be repealed, unleſs a Majority ſhall concur therein.

LVI. And be it further enacted, That no Order made by the ſaid Truſtees in, for, or concerning the executing 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 the Number of Truſtees then preſent ſhall be equal to or exceed the Number of Truſtees who made ſuch original Order, and ſhall be conſenting thereto.

Turnpike Roads how to be repaired.

LVII. And be it further enacted, That ſuch Parts of the ſaid Roads as have been directed to be repaired by any Act or Acts ſhall be and continue to be repaired under the Direction of ſuch Act or Acts, any Thing herein contained to the contrary notwithſtanding, in ſuch and the like Manner, to all Intents and Purpoſes, as if this Act had not been made.

Limitation of Actions.

LVIII. 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 Matter herein contained, ſuch Actions and Suits, and every of them, ſhall be commenced within Six Calendar Months next after the doing 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 and Things reſpectively ſhall be committed or done, and not in any other County or Place; and 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 virtue of this Act; and if the Matter and 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

General Iſſue.

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, or if upon any Demurrer or Demurrers in such Action or Actions, Judgement 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 Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

Treble Costs.

Requiring Subscribers to pay Subscription Money.

LIX. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards making, repairing, and improving the said Road, shall and are hereby required to pay the Sum or Sums so by them respectively subscribed, in such Parts and Proportions, within such Time and Times, and to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same in Manner aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same, either in their own Names or in the Name of the Clerk or Treasurer to the said Trustees, in any of His Majesty's Courts of Record, by Action of Debt on *Mutuatus*, or on the Case, for Money had and received, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Public Act.

LX. 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.

Term and Continuance of this Act.

LXI. And be it further enacted, That this Act shall commence and take place on the passing thereof, and shall continue and be in force, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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