

ANNO TERTIO

GEORGII IV. REGIS.

Cap. xliv.

An Act for the more effectually repairing the Road from *Harlow Bush Common*, in the Parish of *Harlow*, to *Woodford* in the County of *Essex*, and the Road from *Epping*, through the Parishes of *Northweald*, *Basset*, *Bobbingworth*, *High Ongar*, *Chipping Ongar*, and *Shelley*, to the *Four Want Way* in the Parish of *Shelley*, and from thence through the Parishes of *High Ongar* and *Norton Mandeville*, to the Parish of *Writtle* in the said County. [15th *May* 1822.]

WHEREAS an Act was passed in the Tenth Year of the Reign of King *George* the First, intituled *An Act for repairing and amending the Highways from the North Part of* Harlow Bush Common, *in the Parish of* Harlow, *to* Woodford *in the County of* Essex: 10 G. 1. c. 9.
And whereas another Act was passed in the Sixteenth Year of the Reign of King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Tenth Year of the Reign of His late Majesty King* George *the First, intituled* 'An Act for repairing and amending the Highway from the North Part of Harlow Bush Common, *in the Parish of* Harlow, *to* Woodford *in the County of* Essex:' And whereas another Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers* 16 G. 2. c. 19. 9 G. 3. c. 63.

of Two Acts passed in the Tenth Year of King George *the First, and the Sixteenth Year of His then late Majesty, for repairing the Road from the North Part of* Harlow Bush Common, *in the Parish of* Harlow, *to* Woodford *in the County of* Essex: And whereas another Act was passed in the
27 G. 3. c. 69. Twenty-seventh Year of the Reign of His said late Majesty, intituled *An Act for continuing and enlarging the Term and Powers of the said several Acts made in the Tenth Year of the Reign of King* George *the First, and Sixteenth Year of the Reign of King* George *the Second, and the Ninth Year of the Reign of His late Majesty, for repairing the Road from the North Part of* Harlow Bush Common, *in the Parish of* Harlow, *to* Woodford *in the County of* Essex; *and for repairing and widening the Road from* Epping, *through the Parishes of* Northweald, Basset, Bobbingworth, High Ongar, Chipping Ongar, *and* Shelley, *to the* Four Want Way, *in the said Parish of* Shelley, *and from thence through the Parishes of* High Ongar *and* Norton Mandeville, *to the Parish of* Writtle *in the said County:* And whereas another Act was passed in the Fifty-first Year of the Reign of His
51 G. 3. c. 29. said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of several Acts for repairing the Road from* Harlow Bush Common, *in the Parish of* Harlow, *to* Woodford *in the County of* Essex, *and the Road from* Epping *through the Parishes of* Northweald, Bassett, Bobbingworth, High Ongar, Chipping Ongar, *and* Shelley, *to the* Four Want Way, *in the Parish of* Shelley, *and from thence through the Parishes of* High Ongar *and* Norton Mandeville, *to the Parish of* Writtle *in the said County:* And whereas considerable Sums of Money have been borrowed and are now due and owing on the Credit of the Tolls authorized to be collected on the said Roads, which Money cannot be repaid, nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term granted by the said recited Act of the Fifty-first Year of His said late Majesty King *George* the Third, be enlarged; and as the Powers and Provisions thereof and of the before said recited Acts have been found in many respects defective and insufficient, it would be more convenient to the Trustees and beneficial to the said Roads, if the said recited Acts were to be repealed, and further and more effectual Powers granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

Acts repealed and this Act to be executed.

assembled, and by the Authority of the same, That on the Thirtieth Day of *September* One thousand eight hundred and twenty-two, the said Acts passed in the Tenth Year of the Reign of King *George* the First, in the Sixteenth Year of the Reign of King *George* the Second, in the Ninth, Twenty-seventh, and Fifty-first Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed; and that instead thereof this Act shall from henceforth commence and take Effect and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in Repair the said Road from *Harlow Bush Common* in the Parish of *Harlow*, to *Woodford* in the County of *Essex*, and the Road from *Epping*, through the Parishes of *Northweald*, *Bassett*, *Bobbingworth*, *High Ongar*, *Chipping Ongar*, and *Shelley*, to the *Four Want Way* in the Parish of *Shelley*, and from thence through the Parishes of *High Ongar* and *Norton Mandeville*, to the Parish of *Writtle* in the said County; and that this Act and the Tolls hereby granted shall

be and are hereby made subject and liable to the Payment of all Monies which have been borrowed or are now due or owing on the Credit of the Tolls authorized by the said Acts, or any or either of them, to be taken on the said Roads, and of all Monies which may hereafter be borrowed on the Credit of the Tolls hereby granted, and all Interest due and to grow due thereon respectively.

This Act made subject to the Payment of all Monies borrowed on the Credit of the former Acts.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed or are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or had become due and owing on the Credit or on Account of this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said former Acts, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees for executing the said former Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed, on account of and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements made and entered into by the said Trustees for executing the said former Acts shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Stipulations thereof respectively; the Repeal of the said former Acts, or any Law to the contrary notwithstanding.

Persons owing Money shall continue liable, and all Bonds, Contracts, &c. to remain in full Force.

Appointment of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Essex*, together with *John Rutherford Abdy*, the Reverend *Charles Boyd Abdy*, the Reverend *Joseph Arkwright*, *William Richard Ashurst*, *Montague Burgoyne*, *Robert Bootle*, *John Briant*, *William Banbury*, *William Bullock*, *George Burrell Burrell*, *James Barlow*, *James Bury*, *Henry John Conyers*, *Newell Connop*, *Capel Cure*, *Benjamin Doubleday*, *Edward Francis*, *Daniel Giles*, *Edward Griffin*, Admiral Sir *Eliab Harvey* K. C. B., *John Archer Houblon*, the Reverend *Anthony Hamilton*, *Robert Burton Hayward*, *William Harvey*, *John Simpson Jessopp*, the Reverend *John Johnson*, *Clement C. Kirwan*, *William Joseph Lockwood*, *William Coxhead Marsh*, the Reverend *Charles Saunderson Miller*, *Daniel Robert Mac Nab*, *Craven Ord*, the Reverend *John Oldham*, *John Osborn*, *Charles Palmer*, *Nicholas Pearse*, *David Powell*, *John Perry*, *Philip Perry*, *Arthur Partridge*, *Thomas Parker*, *John Parnell*, *William Preston*, the Reverend *Thomas Pickshall*, the Reverend *John Bramston Stane*, Sir *Charles Smith* Baronet, *William Sotheby*, *Charles Sotheby*, *William Simms*, *James Windus*, *John Windus*, *Lestoch Peach Wilson*, *William Young*, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution.

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

IV. And be it further enacted, That when and so often as any of the Trustees (save and except the Justices of the Peace) hereby appointed, or hereafter

hereafter to be appointed by virtue of this Act, shall die or remove, or who shall have neglected to attend any Meetings for the Period of Two Years, without assigning a sufficient Reason, or by Bankruptcy, Insolvency, or otherwise, become disqualified or incapable of acting in the Trusts aforesaid, or by Writing under his or their Hand, delivered to the Clerk of the Trustees, shall refuse or decline to act, it shall be lawful for the surviving Trustees, or any Five or more of them, by Writing under their Hands, to appoint some other fit and proper Person, living within the County of *Essex*, and near the said Roads, to be a Trustee in the Room of the Trustee so dying, removing, becoming disqualified, incapacitated, neglecting, refusing, or declining to act, but Notice of the Time and Place of Meeting for every such intended Appointment shall be given by the Clerk in Notices to Trustees, and also by affixing the same in Writing on all the Turnpike Gates continued or erected by virtue of this Act, at least Ten Days before such Meeting; and every Trustee so elected or appointed, and being qualified as herein-after mentioned, shall be thereupon invested with the same Powers and Authorities for executing this Act, as if he had been named a Trustee in and by this Act.

Appointing additional Number of Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five in the Whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, at the Time of acting, be in his own Right, or in the Right of his Wife, seised of, or entitled to, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person or Persons so seised of, or entitled to, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, or shall have or be possessed of a Personal Estate to the Amount or Value of Four thousand Pounds, clear of all Debts and Incumbrances; nor shall any Person be capable of acting as a Trustee in the Execution of this Act, (except at the First Meeting after passing this Act, in administering the Oath herein-after mentioned) until he shall have taken and subscribed, at some Meeting of the said Trustees, to be held pursuant to this Act, at which not less than Five Trustees duly qualified shall be present, an Oath, or being a Quaker, made and subscribed an Affirmation, in the Words, or to the Effect following; (that is to say),

'I *A. B.* do swear (or being One of the People called *Quakers*, do solemnly affirm), That I truly and *bonâ fide* am in my own Right, or 'in the Right of my Wife, seised of, or entitled to, and in the actual 'Possession or Receipt of the Rents and Profits of Freehold or Copy-

'hold

'hold Lands, Tenements, or Hereditaments of the clear yearly Value 'of One hundred Pounds above Reprizes; (*and in case of an Heir 'Apparent*), I, *A.B.* do swear, that I am Heir Apparent of *C.D.* who, 'to the best of my Knowledge and Belief, is truly and *bonâ fide* seised of, 'or entitled to, and in the actual Possession or Receipt of the Rents and 'Profits of Lands, Tenements, or Hereditaments of the clear yearly 'Value of Two hundred Pounds above Reprizes; (*and in case of Per-'sonal Estate*), I, *A.B.* do swear, that I have, or am possessed of, a Per-'sonal Estate of the Amount or Value of Four thousand Pounds, clear 'of all Debts and Incumbrances; and that I will truly and faithfully 'execute the Powers and Trusts reposed in me by virtue of an Act 'passed in the Third Year of the Reign of His Majesty King *George* the 'Fourth, intituled [*here set forth the Title of this Act.*]

'So help me GOD.'

Which Oath or Affirmation any One of the said Trustees, in their Presence at any such Meeting, is hereby empowered to administer.

Trustees interested or holding Places of Profit, or keeping Victualling Houses, &c. not to act;

VII. Provided also, and be it further enacted, That no Person appointed or to be appointed a Trustee by virtue of this Act, shall be capable of acting as a Trustee in the Execution of this Act, in any Case where he shall be concerned in Interest, (except as herein-after provided), nor whilst he holds any Place or Employment of Profit under the said Trustees, or this Act, nor during the Time he shall keep a Victualling House, or other House of public Entertainment, or who shall sell Wine, Cyder, Beer, Ale, spirituous or other strong Liquors by Retail, or who shall be interested or concerned in the Performance of any Contract under this Act, or who shall be a Lessee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath herein-before mentioned, or being a Quaker, not having made and subscribed the Affirmation herein-before mentioned, shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance, shall be allowed, and the Person so sued or prosecuted shall prove that he is qualified, and not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act, which shall be done or performed by any such unqualified or disqualified Person, previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that Account only be deemed unqualified to act as a Trustee in the Execution of this Act, and any

but no Act invalid unless done by them after Conviction.

Mortgagees may act as Trustees and Trustees may act as Justices of the Peace, except when

personally interested.

any of the Trustees appointed or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as such Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees, except in such Cases only wherein they shall be personally interested, otherwise than as a Trustee, Mortgagee, Assignee, or Lender of Money, or Holder of any Security on the Credit of the Tolls granted by this Act.

Trustees First and other Meetings.

VIII. And be it further enacted, That the said Trustees shall meet together at the House known by the Name or Sign of *Epping Place Inn*, or some other convenient Place in *Epping* in the County of *Essex*, on the Thirtieth Day of *September* after the passing of this Act, or as soon afterwards as conveniently may be, and proceed in the Execution hereof; and the said Trustees shall then, and from Time to Time afterwards, during the Continuance of this Act, adjourn themselves to meet at the same Place, or such other Places, upon or near the Side or Sides of the said Roads, and not exceeding the Distance of Two Miles from some Part thereof, and at such Time or Times as the said Trustees respectively, or the major Part of them present at such Meeting, shall appoint; and

Trustees to pay their own Expences, except for the Room.

at all the several Meetings the Trustees shall pay and defray their own Expences, except any Sum not exceeding Twelve Shillings and Sixpence *per Diem* for the Use of the Room wherein they shall meet; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not elsewhere, except in the Cases hereby otherwise particularly provided for; and that no Order or Determination shall be made, unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Trustees who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Three (except in such Cases where any other Number is herein named); and that all Acts, Orders, or Proceedings had, made, or done by or before such Three Trustees, shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and that a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who, in case of an equal Number of Votes upon any Occasion (including such Chairman's Vote) shall have the casting or decisive Vote.

Orders to be made at Meetings only, and a Majority to concur.

General Quorum of Trustees.

Chairman to be appointed who shall have a casting Vote.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Trustees, it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed, it shall and may be lawful to and for any Two or more of the said Trustees, or the Clerk to the said Trustees (being authorized by an Order in Writing signed by Two or more of the said Trustees), although not assembled at a Meeting, mentioning the Time and Place and Purposes of such Meeting, to give Notice thereof in the Manner before directed, and of the Time, Place, and Purposes of such Meeting as shall be mentioned in the Order of the said

Trustees (such Time not being less than Seven Days after such Notice); and all Proceedings of the Trustees at such Meeting, whether relating to the particular Subject on which such Meeting shall be called or not, shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment; and such Meeting shall and may be adjourned to such Time and Place as any other Meetings under this Act are authorized to be adjourned or held.

How Orders may be revoked or altered.

X. And be it further enacted, That no Order made by the said Trustees shall be revoked or altered, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order shall have been made, and unless Seven Days Notice shall be given by Two Trustees to the Clerk of the said Trustees, of their Desire to have a Meeting, at a Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting; and in such Case Notice shall be given by the Clerk Fourteen Days at least before such Meeting, as well to such Trustees as were present when the Order was made, of the Intention to revoke or alter such Order (which Notice may either be served on such Trustees personally, or sent to them through the Post Office, or left at their respective Dwelling Houses or usual Places of Residence), as also by inserting a public Notice of the Time, Place, and Purport of such Meeting Twice in some Newspaper or Newspapers published or circulated in the said County of *Essex*; and by affixing a similar Notice at least Ten Days before such Meeting, upon all the Toll Gates erected or to be erected upon and across the said Roads.

Proceedings to be entered in Books.

XI. And be it further enacted, That all Orders and Proceedings of the said Trustees at their several Meetings shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered, and signed by a Majority of the Trustees acting at the said Meetings respectively, shall be deemed to be Originals; which said Book or Books, and also the Book or Books herein-after directed to be kept for entering and keeping the Accounts of the Receipts and Expenditure of or for the said Roads, and for registering or entering Mortgages of the Tolls and Assignments or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever, and by all Judges, Justices, and others touching any thing done, or by the Trustees ordered to be done, in pursuance of this Act.

Books used under former Acts to be Evidence.

XII. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

For appointing Clerks, Treasurers, Surveyors, and other Officers,

XIII. And be it further enacted, That the said Trustees shall and may, by Writing under their Hands in the Book of Proceedings, from Time to Time, as Occasion shall require, nominate and appoint One or more Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Accountant or Accountants, Collector or Collectors, and such other Officer or

or Officers as they shall think necessary, and from Time to Time afterwards, when and as they shall think fit, displace and remove any of such Treasurers, Clerks, Surveyors, Accountants, Collectors, or other Officers; and upon such Removal, or when any of them shall die, misbehave, or resign their Office, or be incapable of performing it, they the said Trustees shall and may nominate and appoint another or others in the Stead and Place of such Officer or Officers as they shall think proper to remove, or that shall die, misbehave, or resign his or their Office, or be incapable of performing it; and the said Trustees may, by and out of the Tolls arising by virtue of this Act, allow and pay to such Treasurers, Clerks, Surveyors, Accountants, Collectors, and other Officers, and such other Persons as shall be aiding or assisting them in the Execution of their respective Offices, or that shall be any ways employed in the Execution of this Act, such Salaries, Rewards, Wages, and Allowances for their respective Attendance, Care, and Service as to the said Trustees shall seem reasonable.

and allowing them Salaries.

Present Officers to continue.

XIV. And be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced, or be removed by the said Trustees in Manner aforesaid, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties in all respects whatsoever, as if they had been appointed under or by virtue of this Act,

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

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

Trustees to take Security from their Treasurer, &c.

XVI. And be it further enacted, That the said Trustees shall, and they are hereby required, to take sufficient Security from every Treasurer to be appointed or continued for the Purposes of this Act, for the due and faithful Execution of his or their Office, unless he shall have already given Security, before such Treasurer enters upon his Office; and if they shall so think proper, shall and may also take such Security from their Surveyor or any other Officer or Person to be appointed or continued under or by virtue of this Act; and if any Treasurer, or Surveyor, or other Officer or Person, from whom such Security shall be required, shall

act

act in the Execution of his Office before he shall have given such Security as aforesaid, such Treasurer, Surveyor, or other Officer, shall forfeit and pay any Sum not exceeding Fifty Pounds, to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Trustees may appoint temporary Collectors.

XVII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls under this Act shall die, become insolvent, misbehave, abscond, or absent himself, neglect his Duty, or be incapable from Illness or any other temporary Cause of performing it, it shall be lawful for the said Trustees, or any Two or more of them (although not assembled at a Meeting to be held pursuant to this Act), by Writing under their Hands, to displace such Collector or Receiver, and to nominate and appoint a proper Person to be a Collector or Receiver of the Tolls in the Room or Stead of the Collector or Receiver who shall so die or be discharged, to continue until the Trustees shall, at a Meeting holden in pursuance of this Act, appoint a Collector or Receiver of such Tolls in his or her Room or Stead, which Person so nominated and appointed shall have the like Powers and Authority, and shall be answerable and accountable, and removable in the same Manner in all respects as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collectors or Receivers of the Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife, or Widow, or any of the Children, Family, or other Representatives of any Collectors or Receivers who shall die or be discharged, or any Stranger, Intruder, or other Person being in Possession thereof, shall refuse to deliver up the Possession of any Toll Gate, Toll House, or Building, or the Appurtenances thereto belonging, to be continued or set up by virtue of this Act, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose under the Hand or Hands of any Two or more of the said Trustees (although not assembled at a Meeting), or by their Treasurer or Surveyor for the Time being, or if any Lessee or Farmers of any of the Tolls arising by virtue of this Act, shall retain and keep Possession of any such Toll Gate, Toll House, Building, or Premises, after the End of his, her, or their Lease or Term therein, then in any of the said Cases it shall be lawful for any Justice of the Peace for the County, Liberty, or Place wherein such Toll Gate, Toll House, Building, or Premises shall be situate, upon Application made by the said Trustees, or any Two or more of them, or by the Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer within the same County, Liberty, or Place, with such Assistance as shall be necessary, to enter such Toll House, Building, or Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any of them, or any Person they shall appoint for that Purpose, into the Possession thereof.

Officers to account or be punished.

XVIII. And be it further enacted, That every Officer or other Person who shall be appointed or continued under or by virtue of this Act, shall from Time to Time when thereunto required by the said Trustees, by Notice in Writing to him or them respectively given, or left at his or their usual Place of Abode, or within Ten Days next afterwards, make out and deliver to such Trustees, or to such Person or Persons as

as they shall appoint to inspect or examine the same, a true and perfect Account in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom, and to what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to the said Trustees, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall neglect or refuse to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner and within the Time aforesaid, or shall neglect or refuse, on such Requisition as aforesaid, to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, Matters, and Things in his or their Custody or Power relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Trustees, then and in every such Case, Complaint being made by the said Trustees, (where such Neglect or Refusal shall happen), or by any other Person or Persons on their Behalf, or any such Neglect or Refusal, to any Justice of the Peace for the County, Liberty, or Place where the Officer or Person

Justices may grant Warrants against Officers, and levy Balances by Distress;

so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of or owing from such Officer or Person to the said Trustees, such Justice may and he is hereby authorized upon Non-payment thereof, within such Time as such Justice shall direct, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer

and for Want of Distress commit the Offender to Prison,

and satisfy the said Monies, and the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice, at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to make out and deliver to the said Justices such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Materials, and Things as aforesaid, to be by him delivered over to the said Trustees, then and in any of the Cases aforesaid, the said Justice is hereby authorized and required by Warrant under his Hand and Seal, to commit such Officer or other Person to the common Gaol or House of Correction for the County, Liberty, or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up

the Vouchers and Receipts relating thereto, and shall have paid all the Monies which shall appear to be in the Hands of or owing from him or her to such Trustees, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, and pay the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees are hereby empowered to make, and shall have delivered up as aforesaid, such Books, Papers, Writings, Materials, and Things as aforesaid, or have given to the said Trustees Satisfaction in respect thereof: Provided always, that no Person who shall be committed for want of sufficient Distress only, shall be detained in Prison for any longer Time than Six Calendar Months.

for any Time not exceeding Six Months.

XIX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk for the Time being to the said Trustees, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book 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 shall and 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, or shall not permit the said Trustees or such Creditors, or any of them, to inspect such Book or Books, or to take and have such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Twenty Pounds, to be levied and recovered in Manner herein-after mentioned.

Accounts to be kept of Receipts and Disbursements.

XX. And be it further enacted, That the said Trustees may and shall, in all Cases, sue or be sued in the Name of any One of the said Trustees, or of their Treasurer or Clerk, and that no Action which shall be brought or commenced, or Indictment which may be preferred or prosecuted, by or against the said Trustees, by virtue or on account of this Act, or any Thing done, contracted for, or omitted to be done in pursuance of this Act, or by any Officer or Person acting under the same, in relation to the said Roads, in the Name of such Trustee, Treasurer, or Clerk, shall abate or be discontinued by the Death, Removal, or Act of such Trustee, Treasurer, or Clerk, without the Consent of the said Trustees, but that One of the said Trustees, or the Treasurer or Clerk for the Time being, shall always be and be deemed the Plaintiff, Prosecutor, or Defendant, in every such Action or Indictment, as the Case may be; and that every such Trustee, Treasurer, or Clerk, in whose Name any Action, Indictment, or Suit, shall be commenced, preferred, 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, Charges, Damages, and Expences, as he shall be put unto, or become chargeable with, by reason of his being so made Plaintiff, Prosecutor, or Defendant therein as aforesaid; such Trustee,

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

tee, Treasurer, or Clerk, having an Order in Writing from the said Trustees, giving Directions for or consenting to the commencing, prosecuting, or defending such Action, Indictment, or Suit.

Trustees, &c. may be Witnesses.

XXI. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings, to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace, under or by virtue of this Act, by reason of being a Trustee of the said Roads, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer or Clerk, or Surveyor or other Officer under this Act, or an Inhabitant of any Township, Parish, Tithing, or Place through which the said Roads doth or shall pass, nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be rejected, or liable to be questioned or set aside.

Power to erect or continue Turnpikes and Toll Houses.

XXII. And be it further enacted, That all the present Turnpike Gates with the Toll Houses, and their respective Bars, Rails, Gardens, Outlets, and Appurtenances, upon and across or on the Side or Sides of the said Roads, shall be continued until removed by Order of the said Trustees; and the said Trustees shall and may, as they shall think proper, continue or remove all or any of the Turnpikes, Toll Gates, Bars, Chains, and Toll Houses, with their respective Appurtenances, already erected on the said Roads, and also may erect and set up, or cause to be erected and set up, any other Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads, and upon the Side or Sides thereof, and also in, upon, or across any Lane or Way leading into or out of the same; and may also continue, erect, or provide a Toll House with suitable Outbuildings and Conveniencies, at or near each and every such Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gate or Toll Houses, or any of them, as they the said Trustees shall think expedient; and also may take in and inclose from any Common, Common or Waste Land on the Side or Sides of the said Roads near or whereon any Turnpike House hath been by virtue of the said former Acts or in virtue of this Act shall be erected or built, a Garden Spot to each such Turnpike House, not exceeding in Quantity One Eighth Part of an Acre; and the said Trustees may also provide and maintain a Lamp or Lamps, with proper Furniture and Utensils for lighting the same, at each Turnpike or Toll House, so as aforesaid to be erected or continued; and if any Person shall wilfully break, throw down, or damage any of such Lamps, or the Posts or Irons thereof, or extinguish the Light within any such Lamp, such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds over and above the Costs of repairing or replacing all or any such Lamps, Posts, Irons, or other Works so broken, thrown down, or damaged.

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

XXIII. And be it further enacted, That the Right and Property in all the Turnpikes, Toll Gates, Toll Houses, and Buildings, and the Bars, Chains, Posts, Rails, Fences, and other Conveniencies with their Appurtenances thereunto belonging, already erected or made upon or by the Sides of the said Roads, or which shall be erected or made by virtue of this

this Act, and to or in all Materials for building and repairing the same, and for repairing or making the said Roads, or any Bridges, Docks, or Drains therein, and Parapets or Walls on the Sides thereof, and all Mile Stones, Mile Marks, and Direction Posts already or hereafter to be erected or set upon or by the Sides of the said Road, and of and in all working Tools, Implements, Utensils, Instruments, Materials, the Scrapings of the said Roads, and other Things whatsoever, which shall be got, collected, or provided for any the Purposes or under the Authority of this Act, shall be and every of them, and every Part and Parcel thereof respectively, is and are hereby vested in the said Trustees, and they the said Trustees are hereby authorized and empowered to sell and dispose of the same or any of them; when and as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted, any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or its Appurtenances, or shall dig up, break, pull down, damage, steal, take away, spoil, injure, or destroy any of such Turnpikes, Toll Gates, Toll Houses, Conveniencies, Appurtenances, Fences, Materials, Articles, or Things aforesaid, or any of them, or any Part or Parts thereof respectively, or disturb the said Trustees or any of their Agents or Servants in the Possession thereof; in which Bill or Bills of Indictment, it shall be sufficient to state generally such Toll Gates, Toll Houses, Conveniencies, Appurtenances, Fences, Materials, Articles, or Things to be the Property of the Clerk or Treasurer for the Time being to the said Trustees.

Power to take Tolls.

XXIV. And be it further enacted, That from and after the Thirtieth Day of *September* One thousand eight hundred and twenty-two, the Tolls heretofore taken on the said Roads shall cease and determine, and it shall be lawful for the said Trustees, their respective Farmers, Lessees, Tenants, or Renters, or any other Person or Persons already appointed or to be appointed by virtue of this Act, Collector or Collectors thereof, to demand and take at each and every Turnpike or Toll Gate erected and continued, or to be erected by virtue of this Act, and from the Owner or Owners of, or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage, of whatever Description herein-after enumerated, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, (subject to the Provisions and Restrictions herein-before and herein-after contained) the following Sums or Tolls, or Sum or Sums of Money not exceeding the following Sums or Tolls respectively, as the said Trustees shall appoint and order; (that is to say),

For every Horse or Beast of Draught drawing any Chaise, Caravan, Pleasure Carriage, or Calash, with Two Wheels, if drawn by One Horse or Beast of Draught, the Sum of Sixpence; if by Two Horses or Beasts of Draught, the Sum of One Shilling:

For every Horse or Beast of Draught drawing any Coach, Chaise, Berlin, Landau, Landaulet, Caravan, Calash, Hearse, and Pleasure Carriage, with Four Wheels, if drawn by One Horse or Beast of Draught, the Sum of Nine-pence; if by Two Horses or Beasts of Draught, the Sum of One Shilling; if by Three Horses or Beasts of Draught, the Sum

of One Shilling and Sixpence; if by Four Horses or Beasts of Draught, the Sum of Two Shillings; if by Six Horses or Beasts of Draught, the Sum of Three Shillings:

For any Cart or Dray, if drawn by One Horse or Beast of Draught, empty or laden, One Shilling; if drawn by Two Horses or Beasts of Draught, if abreast, Two Shillings and Sixpence; if at Length, Two Shillings; if drawn by Three or more Horses or Beasts of Draught, Two Shillings and Sixpence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Two Shillings and Sixpence *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 One Shilling and Sixpence *per* Score, and so in proportion for any greater or less Number:

For every Waggon or Wain, Three Shillings:

For every Timber Carriage drawn by less than Three Horses or other Beasts of Draught, Three Shillings; if by Three or more Horses or Beasts of Draught, Four Shillings:

And for every Waggon, Wain, Cart, Dray, or Timber Carriage, having the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches from Side to Side at the least, at the Bottom or Sole thereof, and for the Horses and Beasts of Draught drawing the same, One Half more than the Tolls or Duties which are above directed to be paid for the same respectively:

Tolls vested in the Trustees and upon Nonpayment may be levied by Distress.

Which respective Sums of Money hereby authorized to be taken as aforesaid shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls, shall, after Demand made thereof, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing, upon or in respect of which any such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage in respect of the Horses or Cattle drawing the Carriage for which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus Money arising by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

XXV. Provided

Tolls to be paid but once a Day.

XXV. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Toll for passing through any of the Turnpikes or Toll Gates already erected, and by this Act continued or to be erected by virtue hereof, upon and across or on the Side or Sides of the said Roads (other than and except Horses, Mares, Geldings, and other Beasts drawing any Stage Coach, Post Chaise, or other Carriage travelling for Hire), shall be liable to the Payment of any further or other Toll for afterwards passing or repassing at any Time or Times through the same Turnpike or Toll Gate, with the same Horse, Beast, or Cattle, if laden or unladen and not drawing; and if drawing with the same Horse, Beast, Cattle, and Carriage on any one Day except as herein-after mentioned (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), such Person or Persons so having paid Toll producing a Note or Ticket denoting the Payment thereof, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of the Toll.

Stage Coaches, Post Chaises, &c. to pay every Time of passing.

XXVI. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses or Mules drawing any Stage Coach, for all and every Time of passing and repassing upon the said Roads on the same Day, to be computed as aforesaid, and that the said Tolls shall also be payable for or in respect of all Horses or Mules drawing any Post Chaise or other Carriage travelling for Hire, for passing and repassing upon the said Roads on the same Day (the Day to be computed as aforesaid), on a Ticket being produced denoting a new Hiring: Provided always, that all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage, for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Roads, shall, on returning without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

Tolls to be paid but once a Day.

XXVII. Provided always, and be it enacted, That nothing herein contained shall extend to empower the said Trustees to cause more than One Toll to be taken for the Passage of the same Horses, Beasts, Cattle, or Carriages on the same Day (to be computed as aforesaid) through all the Toll Gates erected or to be erected on the *Ongar* Turnpike Road, leading from *Epping* to *Ongar*, and other Places as aforesaid; nor more than One Toll for the Passage of the same Horses, Beasts, Cattle, or Carriages on the same Day (to be computed as aforesaid) through all the Turnpike Gates to be erected on the Road called the *Epping* Turnpike Road, leading from *Harlow* to *Woodford* as aforesaid (except for Stage Coaches, public Carriages, and Post Chaises as herein-after mentioned); and that every Person having paid the respective Tolls payable at any of the said Gates, and producing a Note or Ticket denoting the Payment thereof, and specifying the several other Gates (if any) at which such Payment shall be or operate as an Exemption from Toll, shall afterwards be allowed to pass and repass during the same Day (to be computed as aforesaid) with the same Horses, Cattle, Beasts, or Carriages (except as aforesaid) Toll-free through the Gate at which such Payment shall have been so made, and at such other specified Gates as aforesaid.

XXVIII. And

Tickets to be provided denoting Payment of Tolls.

XXVIII. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof 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 thereon the Name of the Gate at which such Ticket shall be delivered, and also the Names of the several and respective Gates freed by such Payment.

Table of Tolls to be put up.

XXIX. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads; and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Disputes concerning Tolls to be settled by a Justice.

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

Penalty on evading Tolls.

XXXI. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of the said Roads, (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family, Servant or Servants,) or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid, and the same not being a public Highway or Road, shall knowingly or wilfully permit or suffer any Person or Persons, not being of his, her, or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls, or any of them, or any Part thereof, or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except a Collector of the Tolls), any Note or Ticket of the Day by this Act directed to be

given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such for the Purpose of evading the said Tolls, or any of them, or shall forcibly or fraudulently pass through any Turnpike or Toll Gate with any Horse, Carriage, Cattle, or Beast without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or Cattle from any Carriage, or after having passed through any Turnpike or Toll Gate, shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left upon or near to the said Roads any Horse, Cattle, Beast or Carriage, or shall unload or cause to be unladen any Goods, Merchandize, or other Things, from or out of any Carriage with Intent to evade Payment of any of the said Tolls, all and every such Person or Persons so offending in any of the Cases aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

Exempting the Royal Family from Toll.

XXXII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Tolls any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning therefrom.

General Exemptions from Tolls.

XXXIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act of or from any Surveyor when engaged in executing the Powers of this Act; nor from any Person or Persons, for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from, or after having been used in the carrying or conveying only on the same Day, any Stones, Bricks, Tiles, Timber, Wood, Lime, Gravel, Mortar, or other Materials for repairing or improving the said Roads, or any public Road or Highway lying within any or either of the Parishes, Hamlets, or Places in which the said Roads hereby directed to be repaired are situate, or for the building or repairing any present or future Bridge or Bridges, or any Turnpike House, Toll Gate, Drain, or Fence, upon or on the Sides of the said Roads, or any of them, by or under the Order or Authority of the said Trustees, or any of them; or carrying or conveying any Seed for being immediately used in seeding Lands within any or either of the Parishes, Hamlets, or Places in which the said Roads hereby directed to be repaired are situate; or any Hay, Grass, Straw, or Corn or Pulse in the Straw only, or any Turnips, Potatoes, Milk, Furze, or Wood for the Use of the Owners, (such Owners being Inhabitants of some or One of the said Parishes, Hamlets, or Places), and not for Sale, or not sold or disposed of, and not passing to such Owners on a previous Sale thereof to them, but passing to be laid up or placed in the Houses, Outhouses, Barns, or Yards, or on the Lands of such Owners, or for their Use; or any Horse, Beast, or other Cattle or Carriage carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Drags, Harrows, or other Implements of Husbandry; or for any Horse, Beast, or other Cattle or Carriage, carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or

conveying, having been employed only in carrying or conveying any Mould, Dung, Soil, Marl, Manure, or Compost to be used in manuring or improving of Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from any Pasture or any common Watering Place, or going to be or returning from being shoed or farried; or from any Person or Persons residing in any Parish, Hamlet, or Place in which the said Roads lie, going to or returning from his, her, or their parochial Church or Chapel; or from any Person or Persons going to or from his, her, or their usual Place of religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or going to, attending, or returning from attending the Funeral of any Person who shall die and be or to be buried in any such Parish, Hamlet, or Place; or from any Clergyman going to or returning from visiting any sick Person, or on other his parochial or ministerial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Mare, Gelding, or other Beast upon which any Person shall ride to and from any Lands in his, her, or their Occupation only, situate in any of the Parishes, Hamlets, or Places in which the said Roads lie; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, after having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, 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, employed in conveying any Ordnance, or Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; or for any Carriage conveying Volunteer Infantry; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses or Carriages employed only in carrying or conveying any Vagrant or Vagrants sent by legal Passes; or any Prisoner in Custody under any legal Warrant; or returning empty after having been so employed; or for any Horse or Horses, Coaches, or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Essex*, or on the Day before or Day after the Day whereon such Election shall begin or be concluded; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proofs of Exemption shall be upon the Person claiming the same.

Exempting Carriages conveying the King's Stores, &c. from Penalties for Overweight.

XXXIV. 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, or the Horse or Horses drawing the same, while so employed, 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 the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Tolls may be lessened or raised again.

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

Trustees may let the Tolls.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, upon Ten Days Notice thereof to be given in Writing (by affixing the same upon all the Toll Gates or Turnpikes then erected upon or across the said Roads) from Time to Time to let or lease and demise, or agree to let, lease, and demise the Tolls by this Act granted, or any Part or Parts of such Tolls, for any Term not exceeding Three Years at a Time for the best Price that, upon public Bidding or upon Tender, can be had or gotten for the same, payable at such Times to such Person or Persons under such Conditions and Agreements, and with such Surety or Sureties for the Payment thereof, and in such Manner as the said Trustees shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so let or leased are under this Act directed to be applied; and when such Tolls shall be put up to Auction, the said Trustees may, if they think proper, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for less than an adequate Value; any thing in any other Law or Statute to the contrary hereof notwithstanding; and in case at any Time or Times hereafter,

after, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees, or any Three or more of them, to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such letting, shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Lessees or Persons appointed by them may collect the Tolls.

XXXVII. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof by this Act granted, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall for that Purpose authorise or appoint, to demand and take the said Tolls so leased, demised, let, or farmed with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions for Misconduct as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, or any of them, is subject or liable to.

Penalty on Renters, &c. takinggreater Tolls.

XXXVIII. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls shall demand and take, or cause to be demanded and taken from any Person or Persons, any Toll not authorized by this Act to be taken, or a greater or less Toll than what is authorized to be taken by or under this Act, or by or under any Order of the Trustees made under the Powers of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also his Contract for renting the Tolls, if the said Trustees shall think fit to vacate the same, and every such Collector not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such Forfeitures respectively to be recovered in manner herein-after mentioned.

Toll Collectors to put up their Names.

XXXIX. And be it further enacted, That every Toll Collector being a Lessee or Renter of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees, Renter or Renters, to collect the Tolls payable at any Turnpike or Toll Gate, to be continued or erected by virtue of 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 of the Toll House immediately over the Door thereof, and where there shall be a Toll Gate without a Toll House, on the top Rail of the said Toll Gate, immediately upon his or her beginning to collect thereat, or coming on Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in Black Letters on a White Ground, or White Leters on a Black Ground, and shall continue the same so placed during

during the whole Time he or she shall collect such Toll, or be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall demand or take a greater or less Toll than directed by the Trustees, and authorized by this Act, 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 give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the Toll Gate at which such Payment shall have been made, and also the Toll Gate or Toll Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, Traveller or Travellers, or shall make use of any scurrilous, abusive, or blasphemous Language to any Passenger or Traveller, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied: Provided also, that if any Person or Persons shall at any Time wilfully break in Pieces, tear down, obliterate, or destroy the Board, or the Name or Names of any such Collector as aforesaid, thereon painted or written, or shall assault, obstruct, hinder, or molest any Collector or any Surveyor, or any other Person or Persons who shall be by or under the Order or Authority of the Trustees employed in the said Roads in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Enabling Trustees to take Possession of Toll Houses, in case of the Nonperformance of the Term of the Lease.

XL. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid; or in case such Lease or Agreement shall in any other Manner or for any other Cause become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County, Liberty, or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or their Clerk, Treasurer, or Surveyor, or by any other Person authorized by Writing under their Hands, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or weighing Engine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or any other Person or Persons who may be found therein, from the Possession thereof, and from the Collection of such Tolls,

and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes whatsoever (save only as to the Obligations, Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls, Toll Houses, Gates, and Appurtenances again to any other Person or Persons, or cause the said Tolls to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

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

XLI. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, on the Credit of the Tolls arising by virtue of this Act, such further Sum or Sums of Money as they shall from Time to Time think fit; and they may and are hereby empowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same (the Costs and Charges of such Mortgages to be paid out of such Tolls), as a Security to any Person or Persons, or their Trustees, who shall advance such further Sum or Sums of Money; which Mortgages shall be in the Words or to the Effect following; (that is to say),

Form of Mortgage.

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

Mortgages to be entered in Books, &c.

And Copies of all such Mortgages shall be entered and numbered progressively, in a Book or Books to be kept and provided for that Purpose, by the Clerk or Treasurer to the said Trustees; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any such Mortgage, Warrant, Order, or other Security heretofore made or given under the Authority of the said recited Acts, or either

of them, or who shall be entitled to the Money thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Mortgages, Warrants, Orders, or other Securities respectively, and the principal Monies and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Mortgages, Warrants, Orders, or other Securities, in the Words or to the Effect following; (that is to say),

Form of Transfer.

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

Memorial of Transfer to be registered.

Which said Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry and Memorial to be made thereof, in the before-mentioned Book or Books, containing the Number, Date, Names of the Parties, and Sum of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more, which said Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner transfer the same again, and so *toties quoties*; and it shall not be lawful for any Person or Persons making such Transfer, to make void, release, or discharge the original Security, or any Monies due thereon, or any Part thereof; and all Persons who shall be possessed of, or entitled to any such Mortgage, Warrant, Order, or other Security as aforesaid, shall, in proportion to the Sum or Sums thereby secured respectively, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Toll Houses, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing their Money, or of the Dates of the Securities: Provided always, that the Trustees appointed or to be appointed by virtue of this Act, or the Trustees who have acted in the Execution of any of the former Acts relating to the said Roads, or any of them, shall not be subject to or charged with the Payment of any Sum or Sums of Money, by reason of their having signed or executed any Mortgage, Warrant, Order, or other Security made or to be made as aforesaid.

Creditors to have no Preference.

Trustees not to be personally liable for Money borrowed.

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

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

XLIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to give, execute, or deliver to any Person or Persons,

No Mortgage to be for less than 100*l.*

Persons, any Mortgage, under the Authority of this present Act, for a less Principal Sum than One hundred Pounds, notwithstanding the said Trustees shall borrow and take up at Interest of the same Person or Persons, at one and the same Time, a greater Sum of Money than One hundred Pounds; and notwithstanding they shall be required to exchange and give a new Mortgage or Mortgages, in lieu of any Security or Securities now standing out and remaining unsatisfied, which were granted by virtue of the said former Acts, or any or either of them; but that the said Monies to be advanced or secured as aforesaid shall be secured by separate Mortgages for One hundred Pounds each, or for any other Sum or Sums of Money as the said Trustees and the Person or Persons to receive such Security or Securities shall agree upon.

Ejectment may be supported by one Mortgagee alone, but without Prejudice to the rest.

XLIV. 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 such Tolls, Toll Gates, Bars, Chains, Toll Houses, or 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, 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 so 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 Premises, *pari passu*, and in proportion to the several Sums which shall be then due to them as such Mortgagees.

Application of Tolls and Money borrowed.

XLV. And be it further enacted, That the Monies already received by virtue of the said recited Acts, or which shall be raised or received by virtue of this Act, shall by the said Trustees from Time to Time be applied it the first Place, in paying the Charges and Expences of obtaining and passing this Act, and the Remainder of all such Monies shall be applied in repaying all the Principal Monies by this Act charged upon the said Tolls or to be borrowed, and the Interest due and to grow due thereon by virtue of this Act, and in repairing, improving, and rendering commodious the said Roads, and in putting this Act in Execution in all other Respects.

Trustees may purchase Land, &c. for improving the Road.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owner of, and Persons interested in any Houses, Buildings, Lands, Tenements, Hereditaments, and Premises, with their Appurtenances, which they shall deem necessary to purchase for the Purpose of widening, diverting, altering, and improving the said Roads for the Purchase thereof, and for the Loss and Damage such Owners or Persons may otherwise sustain, and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them; and for and

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on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell, and convey unto the said Trustees, all or any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid, and all Contracts, Sales, and Conveyances, which shall be so made, shall be good, valid, and effectual, to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, Custom, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

When Persons interested neglect or refuse to treat,

XLVII. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, shall for the Space of Fourteen Days next 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 such Case the said Trustees shall cause such Damage, Value, or Recompence, to be inquired into, and ascertained by a Jury of Twelve indifferent Men of the County, Liberty, or Place, wherein such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises do lie; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees or any or either of them are and is hereby empowered to administer), and such Trustees shall by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners or other Persons interested according

the Damage or Value to be ascertained by a Jury.

according to the Verdict or Inquisition of such Jury, and such Verdict or Inquisition, and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Idiots, Lunatics, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants in Writing, signed by any Three or more of them, to the Sheriff of the County wherein such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises do lie, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear, or cause to be sworn, Twelve Men, who shall be a 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 Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees, or any Three or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall without sufficient Excuse refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no one Fine be more than Ten Pounds on any such Sheriff or Deputy, nor more than Five Pounds on any other Person for one Offence.

Trustees to issue Warrants to the Sheriff to impannel Juries.

Trustees may impose Fines on Sheriffs, and on Jury and on Witnesses making Default.

How the Expences of the Jury and Witnesses are to be paid.

XLVIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the

said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of the Monies to be received by virtue of this Act; but if any such Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or Losses and Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, 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, Liberty, or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed such Damages, and shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in manner aforesaid.

Absentees not liable to pay Expences.

XLIX. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England* in manner by this Act directed (as the Case may be); and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, and after Twenty-one Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises, then such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises respectively, shall and may be taken and used for the Purposes of this Act, and such Lands, and the Site of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Roads, in such manner as the said Trustees shall direct, and shall be repaired and kept in Repair by the said Trustees, by the same Ways and Means as any other Part of the said Roads is or ought to be kept in Repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road shall be completed, the

Money assessed for Lands, &c. how to be charged and tendered.

Old Roads may be stopped up and sold.

the Lands or Grounds, constituting any former Roads or Road, or so much and such Part or Parts thereof as in the Judgment of the said Trustees may thereby become useless or unnecessary, shall or may be stopped up and discontinued as Public Highways (unless leading over some Moor, Heath, Common, uncultivated Land, or Waste Ground, or to some Church, Mill, Village, Town, or Place, Lands or Tenements, to which such new Road or Roads doth not or do not immediately lead, and which may therefore be deemed proper to be kept open, either as a public or private Way or Ways for the Use of any Inhabitant at large, or any Individual or Individuals), and shall be vested in, and shall and may be sold and conveyed by the said Trustees in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances, being executed by the said Trustees, or any Three or more of them, and inrolled in the Office of the Clerk of the Peace for the County, Liberty, or Place wherein such Road shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever; or it shall be lawful for the said Trustees, instead of making such Sale as aforesaid, to give up to the Owners or Proprietors of any adjoining Lands, Tenements, or Hereditaments, whose Building, Land, or Ground shall be had or taken for the Purposes of this Act, any Part or Parts of the present or old Roads in lieu and in exchange for the same, in such way and manner as such Trustees and Owners or Proprietors shall agree upon and think fit.

When any Parts of the old Roads are to be sold, the first Offer to be made to original or adjoining Owners.

L. Provided always, and be it further enacted, That the said Trustees before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid, to any other Person or Persons, shall first offer the same to the Person or Persons of whom the same shall have been purchased, to the Person or Persons whose Lands shall adjoin thereto, and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Liberty, or Place where such Ground is situate (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the Trustees shall differ or not agree with respect to the Price thereof, then the said Price or Prices thereof shall be ascertained by a Jury in manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference, shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground, shall be applied by

by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads hereinbefore directed to be sold.

Application of Compensation Monies for Lands, &c. if amounting to 200*l.*

LI. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, 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, Houses, Buildings, Tenements, Hereditaments, and Premises in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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 or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest, and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said

Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement was made.

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

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

Where under 20*l.*

LIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned, shall be less than Twenty Pounds, then and in such Case 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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order

LIV. 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, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to any such Lands, Houses, Buildings, Tenements, Hereditaments,

Hereditaments, and Premises, be not known or discovered, then and in every such Case, it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises (describing them), subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

of the Court of Chancery, on Motion or Petition.

LV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or of any Estate, Right, Title, or Interest, in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, 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, Houses, Buildings, Tenements, Hereditaments, and Premises, according to such Possession, until the contrary shall be shown to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, to 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, Houses, Buildings, Tenements, Hereditaments, and Premises, or to some Estate or Interest therein.

In case of disputed Titles.

LVI. 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, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used, under the Authority of this

Expences how to be paid.

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

Trustees may widen or alter Road.

LVII. And be it further enacted, That it shall not be lawful for the said Trustees to make, widen, divert, turn, or alter any other Part or Parts of the said Roads beyond the Limits of One hundred Yards, without the Consent in Writing of the Owners or Proprietors of the Lands through which the same shall be carried.

Power to get Materials.

LVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Stones, Gravel, or Materials, for making or repairing the said Roads, or any Bridge or Bridges thereon, out of any common River or Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place, in which any Part of the said Roads lie, or in any adjoining Parish, Hamlet, or Place, and to haul and carry away any such Materials, when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Stones, Gravel, or Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Stones, Gravel, or other Materials, and such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Stones, Gravel, or other Materials, in or out of the Land of any Person or Persons, where the same may be had or found in any Parish, Hamlet, or Place, in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Hamlet, or Place, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable, and also to land on, and carry through or over any inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), or on, through, or over, any open Land or Common, any Stones, Gravel, or other Materials, for making or repairing the said Roads, on or by the Sides thereof, from any River, Stream, or Canal, in any Parish, Hamlet, or

or Place in which the said Roads lie, or in any adjoining Parish, Hamlet, or Place, paying or tendering for the Damage done in landing on or going through or over any enclosed Lands or Grounds for or with such Stones, Gravel, or other Materials, such Sum or Sums of Money as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners or Occupiers of such Lands or any of them concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County, Liberty, or Place, wherein the Place from whence such Materials shall have been taken, shall be situate, on Five Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

Notice to be given before Materials taken from private Lands.

LIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, out of or from any enclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County, Liberty, or Place, where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person, to dig, get, gather, take, and carry away such Stones, Gravel, or other Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier, shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may, (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended.

Power to contract for Land to get Materials.

LX. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to contract and agree with any Person or Persons whomsoever for the Purchase or Demise from him, her, or them, of and to hold any Land or Ground for the Purpose of digging Stones, Gravel, and Materials therefrom, for the Repair or Use of the said Roads, and at any Time afterwards to sell the Land or Ground so purchased by Public Auction or Tender: Provided always, nevertheless, that the entering into any such Contract or Agreement as last aforesaid, shall not be compulsory against any Person or Persons unwilling to enter into the same.

Penalty on taking away Materials raised by Surveyors.

LXI. And be it further enacted, That if any Person or Persons shall take away any Stones, Gravel, or other Materials, which shall be dug, gotten, or gathered, for the Repair or Use of the said Roads, or shall raise

raise or carry away any Stones, Gravel, or other Materials, out of, or otherwise interfere with or obstruct the working of any Pit which shall have been made or opened for the Purpose of getting Materials for making or repairing the said Roads, or any other the Purposes of this Act, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of the Land in which such Pit shall be made, as to Materials for his own private Use only, and not for or on Sale), every Person or Persons so offending, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for erecting Encroachments on the Side of the Roads.

LXII. And be it further enacted, That if any Person shall encroach upon the said Roads by making, or causing to be made, any Dwelling House, or other Building, Hedge, Ditch, or other Fence (except Turnpike Houses, or other Buildings erected by Order of the said Trustees), any Person or Persons so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to such Person as shall give Information of the same; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the County, Liberty, or Place where the Premises shall be situated, upon Proof thereof to him or them made upon Oath (which Oath any such Justice or Justices is and are hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up of the Ditches aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

For the removing other Annoyances and Nuisances.

LXIII. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Roads, or upon open, common, or waste Land, within Fifteen Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Roads, in case the Owners thereof shall neglect to remove the same, for the Space of Ten Days after Notice in Writing, signed by the Surveyor of the said Roads, given to such Owners for that Purpose; or in case the Owners are not known, after a like Notice affixed for Ten Days on the nearest Turnpike Gate, and it shall and may be lawful to and for the said Trustees, or their Surveyor, or such Person or Persons as he or they shall appoint, from Time to Time, to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourse or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and at proper Seasons of the Year, to cut down or lop any Branches, Shrubs, or Bushes, growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Tree, being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Five Feet, in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in

Writing given for that Purpose, by such Surveyor or Surveyors, neglect to lop, cut down, or remove such Branches, Shrubs, or Bushes, or to cut and reduce such Hedges, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees or their said Surveyor or Surveyors shall require, the Charges whereof to be settled by any Justice or Justices of the Peace, of the County, Liberty, or Place, where the same shall happen, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if, after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons committing Nuisances.

LXIV. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Roads, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, upon such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, Mile Stones, Mile Marks, or Fences thereof, or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the said Trustees, under the Authority of this or any former Act, or repaired or repairable by them, or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in Part upon wheeled Carriages, to drag or trail upon the said Roads, to the Prejudice thereof; or shall in or upon the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Roads; or bait or run for the Purpose of baiting any Bull, or play at Foot Ball, Tennis, Fives, Cricket, or any other Game or Games upon the said Roads, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, or Cart (except in case of Accident) upon the said Roads, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same, during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Roads or Footways, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon; or shall suffer

suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever, to run or flow into or upon the said Roads or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if the Surveyor of the said Roads, or any Undertaker or Contractor for the Repairs thereof, or any Person acting by or under his or their Authority, shall lay or cause to be laid upon the said Roads any Heap of Stones or other Materials for the Repair thereof, or of any Part thereof, and shall permit or suffer the same to remain longer than shall be necessary for spreading or laying such Stones or Materials over or upon the said Roads; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer such Pigs or Swine to root up or damage the said Roads, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Roads, the Stone or other thing with which such Cart or other Carriage shall have been blocked or stopped, or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts, or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon the said Roads, without having some proper Person immediately on the Side of and attending to guide such Horses or Beasts of Draught thereof, and if any such Person meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Roads, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care upon the said Roads; or if any Person driving any Horse or other Beast on the said Roads carrying Iron in Bars or Rods, or any other Matter or Thing, shall place such Bars or Rods, Matter or Thing, so that the same shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Hawker, Higler, Gipsey, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Sides of any Part of the said Roads; or if any Blacksmith, or other Persons occupying a Blacksmith's Shop, situate near the said Roads, and having a Window or Windows fronting the said Roads, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads, every Person offending in any of the Cases aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above such Damages occasioned thereby.

Gates to open inwards.

LXV. And be it further enacted, That no Door or Gate of or to any Building, Yard, Paddock, Field, or Inclosure whatsoever, shall hereafter be made to open into or towards any Part of the said Roads, or the Footpaths belonging thereto, or be suffered to continue so to open, except the hanging Post thereof shall be so far removed from the Centre of any such Part of the said Roads, so that no Part of such Door or Gate shall project

project over any Part of the said Roads, or any Footpath belonging thereto; and the Occupier or Occupiers of every such Building, Yard, Park, Paddock, Field, or Inclosure having any Door or Gate opening outwards, contrary to the Meaning of this Act, shall within Ten Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Door or Gate to be hung so that no Part of the Door or Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in default thereof, the Surveyor of the said Roads is hereby authorized to cause the Door or Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County, Liberty, or Place where such Neglect shall happen, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Door or Gate, and shall also forfeit and pay a further Sum of Money, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Impounding Cattle straying on the Roads.

LXVI. And be it further enacted, That if any Horse, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof, or by the Sides thereof (except where the same passes over any Common or Waste Land), it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, or any other Person or Persons whomsoever, to seize and impound every such Horse, Swine, or other Beast or Cattle in the Common Pound of the Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall; for every and each Horse, Swine, or other Beast or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences, shall not be paid within Four Days after such impounding, it shall and may be lawful to and for the said Trustees to sell, or cause to be sold, every such Horse, Swine, or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty and Charges, and Expences of impounding, keeping, and selling every such Horse, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Punishment of Persons guilty of Pound Breach.

LXVII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded, under the Authority of this Act; or shall release or attempt to release any Horse, Cow, Ass, Swine, or other Live Stock or Cattle, which shall be impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded; or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened;

fastened; or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County or Place wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Power to make Causeways, Bridges, &c.

LXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as he or they shall appoint by Order of the said Trustees, to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways, for the Use of Foot Passengers in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper, and to erect, rebuild, and keep in Repair, all Bridges, Culverts, and Arches, upon the said Roads, or across any of the Ditches, Watercourses, or Drains, where necessary, and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads, (not being the Scite or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, and Carriages, as a Public Highway, whilst the old Road, Bridge, Culvert, or Arch is new building, making, repairing, or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such Private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and such Trustees, that then it shall and may be lawful for any Two or more Justices of the Peace, acting in and for the County, Liberty, or Place, wherein such Grounds shall be situate, on Five Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Mile Stones and Direction Posts to be erected.

LXIX. And be it further enacted, That the said Trustees shall cause the Mile Stones already erected to be continued, or Stones or Posts to be set up or placed in or near the Sides of the said Roads at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place; and also such Direction Post at the several Roads leading out of the said Roads, or at any Crossings, Turnings, or Terminations thereof, with such Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees

shall think proper; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Posts or Stones, or shall obliterate, deface, spoil, or destroy all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, and be thereof convicted before any Justice of the Peace for the County, Liberty, or Place where such Stones or Posts shall be so as aforesaid erected, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Statute Labour.

LXX. 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 the repairing and amending the said Roads, shall be and remain liable thereto in like Manner in every respect as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace in and for the said County of *Essex*, and they are hereby required and empowered upon Application made to them by the Treasurer, Clerk, or Surveyor of the said Roads, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlet, and Places in or through which the said Roads doth or shall lie, lead, or pass; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, 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 be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place to bring Lists before the said 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, Hamlet, 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 are or may be directed by any Law or Statute in force or effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times, (not being Hay-time or Harvest), and on such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for the Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such Parishes, Hamlets, and Places respectively, to be by him or them paid over to the said Trustees or their Treasurer, at such Time

Justices to apportion yearly the Statute Labour, and Payment of Composition Money.

Time or Times as the said Justices shall direct, and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act 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 Fines, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute now in force or 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 any Part of the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be so found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as 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 Roads, all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, or Places, shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and 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 Ten Pounds.

Trustees may compound for Statute Work.

LXXI. And be it further enacted, That it shall be lawful 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 him, her, or them, done on the said Roads, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets, or Places, in which the said Roads doth or shall lie, and be 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 any Part of the Statute Work or other Work, to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer of the Trustees in advance, on or before the Twenty-ninth Day of *September* in each and every Year; or otherwise such Person or Persons, Bodies Politic or Corporate, or Inhabitants or Occupiers within such Parish, Hamlet, or Place, shall not be permitted to compound for that Year; and all such Composition Money shall be applied for the Purposes of this Act; and that every such Surveyor of the Highways, who shall pay any such Composition Money, shall be reimbursed the same, in like Manner as Surveyors of the Highways are by the Laws in being to be reimbursed

reimbursed the Money by them laid out and expended in buying Materials for the repairing of any other Highway or Highways.

Trustees may contract for Repairs.

LXXII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract and agree with any Person or Persons, for amending, widening, making, improving, and keeping in Repair the said Roads, or any Part thereof, for erecting Mile and Direction Stones, Marks, or Posts thereon, the building of Turnpike Houses, making of Fences, raising Materials, or for doing any other Work to be performed or necessary to be done in the Execution of this Act, in such Manner, and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements entered into by them, the said Trustees, or by their respective Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer in pursuance of their Order, with any Workmen, or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons making the same, his, her, and their Executors or Administrators, and that Actions and Suits shall and may be maintained thereon, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any such Action or Suit, against any such Party or Person, Parties or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

In case of Non-payment of Compensation for Materials, Damages, &c. done by the said Trustees, &c. the same to be levied by Distress of Goods of such Trustees or their Treasurer.

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

pensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Recovery of Penalties and Forfeitures.

LXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the County, Liberty, or Place where the Offence shall have been committed (as the Case may require) either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is in every Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take, by way of Recognizance or otherwise; but if, upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction of the County, Liberty, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied and disposed of for the Purposes of the said Roads, and of this Act.

If Penalties, &c. cannot be levied, the Offenders to be committed for any Time not exceeding Three Months.

Application of them.

For securing transient Offenders.

LXXV. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Lessees, or Farmers of Tolls, Surveyors,

Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance (and which all By-Standers and other Persons, on Demand, are hereby required to give), without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Lessees, Farmers, Surveyors, or other Officers), who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County, Liberty, or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall, and is and are hereby required to proceed and act, with respect to such Offender or Offenders, according to the Provisions of this Act.

Clerk to sign Summonses and Notices for Trustees.

LXXVI. And be it further enacted, That in all Cases where any Notice or Notices of Meeting the said Trustees, or any of them, or for any other the Purposes of this Act, shall be requisite to be given, affixed, or published pursuant to the Directions of this Act, it shall and may be lawful to and for any Clerk to the said Trustees, for the Time being, to sign and subscribe his Name to all and every or any such Notice or Notices, and every such Notice so signed by the said Clerk shall be as good and effectual, to all Intents and Purposes, as if the same had been signed by the said Trustees, or any Number of them; and all Notices of Meetings, and other Business of the said Trustees, which by this Act are required to be publicly announced or promulgated, shall be so announced and given by being affixed, at the respective Times by this Act directed, at or upon all the Toll Gates which shall be then erected upon and across the said Roads; or if it shall be found or deemed to be more convenient, by inserting the same in some one public Newspaper usually circulated in the Neighbourhood of or through which the said Roads pass, and in such last-mentioned Case such Newspaper Publication (without affixing on the said Gates) shall be sufficient for all Purposes, save and except only as in this Act is or are otherwise directed.

Notices how to be given.

For convicting Offenders.

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

' } BE it remembered, That on the Day of
' to wit. } in the Year of our Lord
' of is convicted before
' of His Majesty's Justices of the Peace for the
' of [*specifying the Offence, Time and*
' *Place when and where the same was committed, as the Case shall be*].
' Given under Hand and Seal, the Day and Year first above-
' mentioned.'

LXXVIII. And

Proceedings not to be quashed for Want of Form;

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

nor Distress illegal.

Persons aggrieved may appeal to the Quarter Sessions.

LXXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Three Calendar Months next after such Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County, Liberty, or Place in which the Cause of Complaint shall arise (as the Case may be), unless such Complaint shall arise within Fourteen Days preceding such Sessions, in which Case such Appeal may be brought at the following Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Respondent or Respondents, and to the Clerk or Clerks of the said Trustees, and within Two Days after such Notice, entering into a sufficient Recognizance before some Justice of the County, Liberty, or Place (as the Case may be) with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs.

Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County, Liberty, or Place (as the Case may be), wherein the Offence shall be committed, for any Time not exceeding the Term of Three Calendar Months, or until Payment of such Costs.

Limitation of Actions.

LXXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed, and every such Action shall be laid and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his and their Election, plead specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid; or if such Action shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

General Issue.

Treble Costs.

For paying the Expences of the Act.

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

Public Act.

LXXXII. 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.

LXXXIII. And be it further enacted, That this Act shall commence upon the Thirtieth Day of *September* One thousand eight hundred and twenty-

twenty-two, 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.

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