ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. cii.

An Act for continuing the Term and enlarging the Powers of an Act of His present Majesty's Reign, for amending the Road leading from *Paddington* to *Harrow on the Hill*, in the County of *Middlesex*. [14th *June* 1819.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for amending, widening, improving and keeping in Repair the Road leading from* Paddington *to* Harrow on the Hill, *in the County of* Middlesex: And whereas an Act was passed in the Forty-third Year of the Reign of His said present Majesty, intituled *An Act for enabling the Keepers and Governors of the Possessions, Revenues, and Goods of the Free Grammar School of* John Lyon, *within the Town of* Harrow on the Hill, *in the County of* Middlesex, *to grant Building Leases of certain of the Grounds and Estates of the said* John Lyon: And whereas an Act passed in the Forty-fourth Year of the Reign of His present Majesty, intituled *An Act for enabling the Keepers and Governors of the Possessions, Revenues, and Goods, of the Free Grammar School of* John Lyon, *within the Town of* Harrow on the Hill, *in the County of* Middlesex, *to pay the Rents and Profits of certain Lands bequeathed by the said* John Lyon *for repairing the Road from* Harrow on the Hill *to* London, *to the Trustees acting in Execution of the several Acts for keeping the said Road in Repair*, it was amongst other Things enacted, that a certain Proportion of the Rents and Profits of the said Lands and Premises should, during the Continuance of the said first herein-before recited Act of the Forty-first Year of His present Majesty, be

41 G. 3. c. 129.

43 G. 3. c. 104.

44 G. 3. c. 80.

be paid by the ſaid Keepers and Governors to the Truſtees acting under the ſaid firſt-recited Act of the Forty-firſt Year of His preſent Majeſty, or their Treaſurer for the Time being, to be by them from Time to Time applied in making, repairing, widening, altering and improving, and keeping in Repair the ſaid Road leading from *Harrow* to *London*, and other the Purpoſes, Matters, and Things therein mentioned, and in paying the Intereſt and Principal of any Money borrowed or to be borrowed by virtue thereof, and the Coſts and Charges of making ſuch Securities, and in all reſpects in like Manner as the Tolls and Duties payable under the ſaid Act of the Forty-firſt Year of His preſent Majeſty were or might be liable to be paid and applied, and to no other Uſe or Purpoſe whatſoever; and various other Directions with regard to granting Leaſes of the ſaid Lands and Premiſes, and the Diſpoſal of the Rents and Profits thereof were thereby given: And whereas the Truſtees acting under and by virtue of the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty have proceeded to put the ſame in Execution, and for that Purpoſe have from Time to Time borrowed conſiderable Sums of Money on the Credit thereof, and of the Tolls thereby authorized to be taken, which Money with a conſiderable Arrear of Intereſt thereon ſtill remains due, and cannot be paid off, nor can the ſaid Road be properly maintained and improved, unleſs the Term of the ſaid Act of the Forty-firſt Year of His ſaid preſent Majeſty be continued, and the Directions, Powers, and Proviſions thereof altered, amended, and enlarged, and the Tolls increaſed and varied, and the Directions contained in the ſaid Act of the Forty-fourth Year of His preſent Majeſty alſo extended, and applied to ſuch Renewal and extended Term; but the ſame cannot be effected without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and all and every the Clauſes, Powers, Authorities, Proviſions, Exemptions, Forfeitures, Penalties, Matters, and Things therein contained (ſave and except ſuch Parts thereof as are varied, altered, or repealed), ſhall be and the ſame are hereby declared to be in full Force and Effect, and ſhall have Continuance for and during the Term herein-after mentioned, and ſhall be as good, valid, and effectual for carrying this Act into Execution, to all Intents and Purpoſes whatſoever, as if the ſame were repeated and re-enacted in the Body of this Act; and this Act, and the additional Term hereby granted, ſhall be ſubject and liable as well to the Payment of all Monies now due and owing on the Credit of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, or on the Tolls thereby granted, as alſo to the Payment of all Sums which may be hereafter borrowed for the Purpoſes of the ſaid Act and this Act, and of the Intereſt due and to grow due for the ſame reſpectively.

41 G. 3. c. 129. further continued.

44 G. 3. extended.

II. And be it further enacted, That the ſaid recited Act of the Forty-fourth Year of His preſent Majeſty, and the Directions, Powers, and Authorities relating to or veſted in the Truſtees for the Time being appointed or to be appointed by and acting or to act under and by virtue of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and regarding only the ſaid Road leading from *London* to *Harrow*, thereby

thereby intruſted to them, and the Payment of the Monies thereby directed to be paid to them, and the Application thereof, and every Clauſe, Power, Authority and Proviſion, Matter and Thing therein contained relating to the ſaid Truſtees, or the Money thereby directed to be paid to them, or the Application thereof, or other the Truſts thereby committed to them as aforeſaid, (ſave and except a Proviſo therein contained, rendering or declaring the Conſent and Approbation of Nine or more of the Truſtees acting in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and not being alſo Keepers and Governors as aforeſaid, to be neceſſary to the Validity of any Leaſe or Leaſes to be made or granted by the ſaid Keepers and Governors or their Succeſſors by virtue of the ſaid recited Act of the Forty-third Year of the Reign of His ſaid preſent Majeſty), ſhall be and the ſame are hereby declared to be and remain in full Force and Effect, and ſhall have Continuance for and during the Term herein-after mentioned; and this Act, and the additional Term hereby granted, ſhall be ſubject and liable, as well to the Payment of all Monies now due or owing on the Credit of the ſaid recited Acts of the Forty-firſt and Forty-fourth Years of the Reign of His ſaid preſent Majeſty, or on the Rents and Profits thereby reſpectively made payable to the ſaid Truſtees acting under the ſaid Act of the Forty-firſt Year of His ſaid preſent Majeſty, for the Purpoſes therein expreſſed, as alſo to the Payment of all Sums which may be hereafter borrowed for the Purpoſes of the ſaid recited Act of the Forty-firſt Year of His ſaid preſent Majeſty, and of this Act, and of the Intereſt due and to grow due for the ſame reſpectively.

Additional Truſtees.

III. And be it further enacted, That all His Majeſty's Juſtices of the Peace acting for the ſaid County of *Middleſex* ſhall be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty; and the Truſtees by this Act appointed are hereby empowered to act in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and this Act, as fully and effectually to all Intents and Purpoſes as if they had been named in or appointed under or by virtue of the ſaid recited Act.

Power to appoint additional Truſtees.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at their Firſt or Second Meeting to be holden in purſuance of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, or this Act, to elect any additional Number of fit and proper Perſons, not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of the ſaid recited Act and this Act; and ſuch Truſtees ſo elected ſhall be and are hereby veſted with the ſame Powers and Authorities for executing the ſaid recited Act and this Act, to all Intents and Purpoſes as if they had been named and appointed Truſtees in or by virtue of this Act.

Qualification of Truſtees.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and this Act, unleſs at the Time of his acting therein he ſhall have or be ſeized of in his own Right, or in the Right of his Wife, and be in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of a Real Eſtate, being

being Freehold or Copyhold, in the County of *Middleſex*, of the clear yearly Value of One hundred Pounds above Reprizes; or be Heir Apparent of ſome Perſon ſeized of ſuch an Eſtate of the yearly Value of One hundred and fifty Pounds; or be in Poſſeſſion of a Perſonal Eſtate to the Amount of Four thouſand Pounds; nor (except in adminiſtering the Oath or Affirmation herein-after mentioned, and giving Notice of the firſt Meeting of the Truſtees, as in the ſaid Act mentioned) unleſs he ſhall have taken and ſubſcribed, before any Two or more of the ſaid Truſtees, who are hereby authorized and empowered to adminiſter the ſame, the Oath or Affirmation in the Form or to the Effect following; (that is to ſay,)

Oath.

'I do ſwear [*or, being one of the People called Quakers*, do ſolemnly affirm], That I truly and *bonâ fide* am ſeiſed of in my own Right [*or*, in the Right of my Wife, *as the Caſe may be*] and in the actual Poſſeſſion, Enjoyment or Receipt of the Rents and Profits of a Real Eſtate being Freehold [*or*, Copyhold] ſituate in the County of *Middleſex*, of the clear yearly Value of One hundred Pounds [*or*, am Heir Apparent of a Perſon who to the beſt of my Knowledge and Belief is ſeiſed of ſuch an Eſtate of the clear yearly Value of One hundred and fifty Pounds [*or*, am poſſeſſed of a Perſonal Eſtate to the Amount of Four thouſand Pounds]. So help me GOD.'

And if any Perſon not ſo qualified ſhall preſume to act in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of the ſaid Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and this Act: Provided always, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and this Act, or either of them, (although not duly qualified) previouſly to his or their being convicted of the ſaid Offence, ſhall notwithſtanding ſuch Conviction be as good, valid, and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Repealing former Tolls, and granting new ones.

VI. And be it further enacted, That from and after the Firſt Day of *Auguſt* next after the paſſing of this Act, all and every the Tolls and Duties which now are payable at any Gate or Gates erected or to be erected by virtue of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, upon any Part of the ſaid Road leading from *London* to *Harrow*, directed to be repaired and kept in Repair, ſhall ceaſe and be no longer payable; and that in lieu and ſtead thereof the Tolls and Duties following ſhall and may be thenceforth demanded and taken, before any Horſe, Cattle, or Carriage ſhall be permitted to paſs through any ſuch Toll Gate; (that is to ſay,)

For

For every Coach, Berlin, Landau, Vis-a-vis, Chariot, Chaise, Hearse, Litter, or other such Carriage, having Four or Three Wheels, drawn by Six Horses or Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse or Beast of Draught, the Sum of Sixpence: Tolls.

For every Two-wheeled Chaise or Chair, drawn by Two Horses or Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse or Beast of Draught, the Sum of Five-pence:

For every Waggon, Wain, or other such Four-wheeled Carriage, with Wheels of the Breadth of Six Inches or upwards, on the Bottom or Sole thereof, drawn by Five Horses or Beasts of Draught, the Sum of One Shilling and Three-pence; and for every Horse above Five, the Sum of Three-pence; and drawn by Four Horses or Beasts of Draught, the Sum of Ten-pence; and drawn by Three Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, or other such Four-wheeled Carriage, with Wheels of less Breadth than Six Inches as aforesaid, and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Nine-pence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Ten-pence; and drawn by One Horse or Beast of Draught, the Sum of Eight-pence:

For every Cart, or other such Two-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid, or upwards, drawn by Four Horses or Beasts of Draught, the Sum of Eight-pence; and drawn by Three Horses or Beasts of Draught, the Sum of Sixpence; and drawn by Two Horses or Beasts of Draught, the Sum of Four-pence; and drawn by One Horse or Beast of Draught, the Sum of Three-pence:

For every Cart, or other such Two-wheeled Carriage, with Wheels of less than Six Inches Breadth as aforesaid, drawn by Three Horses or Beasts of Draught, the Sum of Ten-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse or Beast of Draught, the Sum of Four-pence:

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

For every Drove of Oxen or Neat Cattle, *per* Score, and (in Proportion for a greater or less Number,) the Sum of One Shilling and Three-pence:

For every Drove of Swine, Sheep, or Lambs, *per* Score, (and so in Proportion for a greater or less Number) the Sum of Five-pence:

Which said several Tolls by this Act authorized to be taken, shall be and the same are hereby vested in the said Trustees for putting the said recited Act of the Forty-first Year of His said present Majesty's Reign, and this Act in Execution, and the same, and every Part thereof, shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, and Restrictions as are contained in the said recited Act with respect to the Tolls thereby authorized to be taken, but subject never-

nevertheleſs to this Act, and the Proviſions, Exemptions, and Regulations herein contained.

Tickets to be provided denoting Payment of Toll.

VII. And be it further enacted, That upon Payment of the ſaid Tolls 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, which Note or Ticket ſhall be provided by the ſaid Truſtees, and there ſhall be printed and ſpecified thereon, the Name or Names of the Gate or Gates freed by ſuch Payment.

Toll Collectors to put up their Names.

VIII. And be it further enacted, That all and every Toll Collector appointed either by the ſaid Truſtees, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the ſaid recited Act of the Forty-firſt Year of His ſaid preſent Majeſty's Reign, and this Act, or either of them, upon the ſaid Road, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate immediately upon coming on Duty, each of the Letters of ſuch Name to be at leaſt One Inch in length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of the ſaid recited Act and this Act, or either of them, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having been paid the ſaid Tolls, or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe to deliver a Ticket *gratis*, denoting the Payment of the Tolls, and naming and ſpecifying the Gate or ſeveral Gates freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Road, or ſhall, without ſufficient Cauſe, detain or delay any Perſon or Perſons travelling thereon, then and in every ſuch Caſe every ſuch Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be levied, recovered, paid, and applied in ſuch and the ſame Manner as other Penalties are by the ſaid recited Act of the Forty-firſt Year of His ſaid preſent Majeſty's Reign, or this Act, or either of them, directed to be levied, recovered, paid, and applied.

For ſettling Diſputes concerning Tolls.

IX. And be it further enacted, That if any Diſputes ſhall happen about the Amount of the Tolls, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall be lawful for the Collector, or the Perſon ſo diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, be aſcertained by ſome Juſtice of the Peace for the County or Place wherein ſuch

Diſpute ſhall happen to ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties, or other Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized to adminiſter) and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtice ſhall appear right and proper, all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) upon Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

Truſtees not to adminiſter Oaths on verifying Officer's Accounts.

X. Provided always, and be it further enacted, That nothing in the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty contained ſhall extend or be conſtrued to extend to authorize or empower the ſaid Truſtees, or any of them, to adminiſter any Oath or Oaths to any Clerk, Treaſurer, Collector of the Tolls, Surveyor or other Officer or Officers now appointed, or hereafter to be appointed under or by virtue of the ſaid recited Act and this Act, or either of them, for the Purpoſe of verifying his or their Accounts.

Accounts to be kept of Receipts and Diſburſements.

XI. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered, true and regular Accounts of all Sums of Money received, paid, laid out and expended for or on account of the ſaid Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the ſaid Tolls, 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 to inſpect ſuch Book or Books, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds.

Clerk reſtrained from acting as Treaſurer and vice verſâ.

XII. 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 in the Execution of this Act, or the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, or either of them, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of the ſaid Act, and this Act, or either of them, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing the ſaid Act, and this Act, or either of them; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of the ſaid Act, and this Act, or either of them, or if any Perſon, being the Partner of any ſuch Clerk, ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of the ſaid Act, and this Act, or either of them, every

Perſon

Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Exemptions from Toll.

XIII. Provided always, and be it further enacted and declared, That no Toll ſhall be demanded or taken for any Horſe or Carriage attending His Majeſty or any of the Royal Family, or for any Cattle or Carriages laden only with Stone, Brick, Gravel, Rubbiſh, or other Materials for making or repairing the ſaid Road, or for repairing the Highways in any Pariſh or Place through which any Part of the ſaid Road leads, or laden only with Dung, Marl, Soil, Mould, Compoſt, or other Manure of what Nature or Kind ſoever (except Lime) to be uſed in manuring or improving of Land, or for any Cattle or Carriage laden only with Hay, Hay-graſs, Sainfoin, Fodder, Straw, or Corn in the Straw, to be laid up in any of the Houſes, Out-houſes, Barns, Yards, or other Places belonging to the Inhabitants in any of the ſaid Pariſhes or Places (except Carts or Carriages laden with Hay or Straw for Sale, or with Hay or Straw which ſhall have been bought, and ſhall be then drawing Home to the Purchaſer thereof), or for any Ploughs, Harrows, or other Implements of Huſbandry belonging to any of the ſaid Inhabitants, paſſing in order to the uſing or repairing the ſame; or for any Cattle or Carriages going empty and unladen for, or returning empty and unladen after having carried ſuch Stones, Bricks, Gravel, Rubbiſh, or other Materials for repairing the ſaid Road, or for repairing the Highways in any Pariſh or Place through which the ſaid Road leads, or ſuch Dung, Marl, Soil, Mould, Compoſt, or other Manure of any Kind or Nature whatſoever (except Lime) to be uſed in manuring and improving Land, or any Hay or Corn in the Straw to be laid up in any of the Houſes, Out-houſes, Barns, Yards or other Places belonging to the Inhabitants of any of the ſaid Pariſhes or Places, or any Ploughs, Harrows, or other Implements of Huſbandry belonging to any of the ſaid Inhabitants; nor ſhall any Toll be demanded or taken for any Cattle belonging to any of the ſaid Inhabitants, which ſhall be only going to or returning from Paſture, Water, or drawing any Plough or Harrow, or for any Cattle or Carriage belonging to any Inhabitant of any Pariſh or Place wherein any ſuch Turnpike ſhall be erected, which ſhall be only paſſing to the Smith's Shop in order to be ſhoed or farried, or for the Return of any ſuch Cattle or Carriage unladen; or for any Horſes or Carriages of whatever Deſcription employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, or in returning back from conveying or guarding the ſame; or for the Horſes of Soldiers upon their March or upon Duty, or for Cattle or Carriages attending them, or laden only with their Arms or Luggage, or returning after having been ſo employed; or for any Horſes or Carriages travelling with Vagrants ſent by Paſſes; nor for any Coaches, Berlins, Landaus, Chariots, Calaſhes, Chaiſes, Chairs, or Paſſengers on Horſeback going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Middleſex*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions

tions by this Act granted from the Whole or any Part of the ſeveral Tolls hereby authorized to be taken, not being entitled to the ſame, ſuch Perſon for every ſuch Offence ſhall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as the other Penalties by the ſaid recited Act of the Forty-firſt Year of His preſent Majeſty, or this Act, are directed.

Exemption in Favour of Horſes having once paid as Saddle Horſes, returning with a Carriage.

XIV. Provided alſo, and be it further enacted, That in caſe any Horſe or Horſes, or other Beaſt of Draught or Burthen, ſhall in any Day have paſſed through any of the ſaid Toll Gates or Bars, and the Tolls for ſo paſſing ſhall have been paid in reſpect of ſuch Horſe or Horſes, or other Beaſt of Draught or Burthen, having ſo paſſed through ſuch Bar or Gate, and it ſhall happen that ſuch Horſe or Horſes, or other Beaſt of Draught or Burthen, ſhall afterwards and during the ſame Day, be attached to any Coach, Landau, Curricle, Chaiſe, Cart, Wain, Waggon or other Carriage or Vehicle whatſoever, and the Driver thereof ſhall demand to paſs with ſuch Carriage and Horſe or Horſes, or other Beaſt of Draught or Burthen, through any Gate or Toll Bar erected by virtue or Authority of the ſaid recited Act or this Act, then and in ſuch Caſe the Perſon or Perſons collecting the Toll at ſuch Gate or Bar ſhall not take or demand any Toll in reſpect of ſuch Horſe or Horſes or Beaſt of Draught or Burthen ſo returning or going through ſuch Gate or Bar on the ſame Day, although drawing ſuch Carriage, but ſhall abate and allow to the Driver or Drivers of ſuch Vehicle out of and from the Toll which would otherwiſe be payable in reſpect of ſuch Coach or other Vehicle ſo drawn by ſuch Horſe or Horſes, or other Beaſt of Draught or Burthen, ſo much Money as ſhall have been paid for the ſaid Horſe or Horſes, or other Beaſt or Beaſts of Draught or Burthen, firſt paſſing through any of the ſaid Bars or Gates on the ſame Day, and ſhall demand and receive only the Remainder of the Toll payable in reſpect of ſuch Vehicle ſo drawn, after ſuch Allowance and Abatement thereout as aforeſaid.

Owners or Drivers of Waggons in the King's Service not ſubject to Penalties for Overweight.

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

Limiting the Number of Tolls to be taken on the Road.

XVI. And whereas through the great Increaſe of Inhabitants on the ſaid Road, and in the Pariſhes and Places adjoining thereto, and of the Trade and Traffic carried on by Cartage upon and over the ſaid Roads, it hath become a Practice for Perſons concerned in ſuch Trade or Traffic to paſs and repaſs in, over, and upon, and through the ſaid Roads, and the Toll Gates and Bars erected thereon, ſeveral Times within one Day, with Carts and other Carriages heavily laden, whereby the ſaid Road is greatly worn and uſed, and ſuch Perſons are not by the ſaid recited Act of the Forty-

first Year of His present Majesty made liable to pay any further or other Toll than once in the Course of each Day; and it is but reasonable that they should be subjected and liable to pay the said Tolls and Duties for the First and also for the Second Time they go, pass or repass with such Waggons, Carts, or other Carriages loaded; be it therefore enacted, That it shall and may be lawful for the said Trustees, from and after the said First Day of *August* to demand and take, or cause to be demanded and taken, such Tolls and Duties as are by this Act made payable in respect of the same passing a First Time through any of the said Toll Gates for the First and Second Time in each Day, any loaded Waggon, Cart, Wain, or Dray (except such Waggons, Carts, or Drays, as by this present Act are exempt from Payment of Tolls), shall pass through any Toll Gate or Turnpike already erected, or to be erected by virtue of the said recited Act of the Forty-first Year of His present Majesty, or this Act, upon any Part of the Road by the said recited Act of the Forty-first Year of His present Majesty or this Act, directed to be repaired and kept in Repair, before such loaded Waggon, Cart, Wain, or Dray, shall be permitted to pass through such Toll Gate or Turnpike, notwithstanding such Waggon, Cart, Wain, or Dray, shall or may in the same Day have passed through any of the said Gates, and paid Toll thereat, or at either of them, such Tolls or Duties to be vested in the Trustees appointed by and to be recovered by such Ways and Means, and to be paid and applied by them as directed by the said above recited Act of Parliament of the Forty-first Year of His present Majesty, with regard to the Tolls or Duties thereby granted, or directed to be taken and hereby repealed and varied: Provided nevertheless, that no Person who shall have paid Toll at any one Toll Gate continued or erected by virtue of the said recited Act of the Forty-first Year of His present Majesty, or of this Act, on any Part of the said Roads, shall be liable to pay any Toll for passing with the same Waggon, Cart, Wain or Dray, loaded with the same Load, or on returning from delivering such Load, and empty, through any other Toll Gate on the said Road through which the Toll so first paid would, before the passing of this Act, have entitled him or her to pass without any further Payment; but on producing a Note or Ticket denoting such Payments, shall be permitted to pass with the same Carriage, Cattle, and the same Load, or empty on returning from delivering such Load, through such respective Toll Gates and Turnpikes, as such Toll, when so first paid, would before the passing of this Act, have cleared and entitled him to pass through without any further Payments; nor shall any Person be liable to pay Toll for the same Waggon, Cart, Wain, Horse, Mare, Gelding, Ass or Mule, more than Twice in any one Day, to be computed from Twelve of the Clock on one Night, till Twelve of the Clock on the next succeeding Night.

For repealing the Clauses in the said Act which restrains the Trustees from erecting a Gate, &c. on a certain Part of the Road, and the Clause allowing

XVII. And whereas by the said recited Act of the Forty-first Year of His present Majesty, it is enacted, That the Company of Proprietors of the Grand Junction Canal were thereby required to pay to the said Trustees and their Successors, for the Injury which might be done to the said Road by the Carriage of any Goods, Wares, Merchandizes or Things which might be carried or conveyed to or from any of the Wharfs, Quays, Warehouses, or Premises of the said Company of Proprietors at *Paddington* aforesaid, or by any Horses, Cattle or Carriages passing to or from the same, the yearly Sum of Forty Pounds, to be paid by quarterly Payments on the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*,

December, the Twenty-fifth Day of *March*, and the Twenty-fourth Day of *June*, which ſaid Sum ſhould continue payable ſo long as the ſaid Road ſhould be kept in good and ſubſtantial Repair; and ſuch annual Sum of Forty Pounds was thereby declared to be a Compenſation for and in lieu of the Tolls impoſed by the ſaid Act, which might otherwiſe have been collected from the ſaid Company, their Tenants, Agents, Servants, or other Perſon or Perſons trafficking or trading on the ſaid Canal, or at or to the Wharfs and Conveniences thereof, in caſe any Gate, Bar, or Turnpike had been placed or ſet up at the Commencement of the ſaid Road at *Paddington*, or any Point or Space within the Diſtance aforeſaid; ſuch quarterly Payments, in caſe the ſame were omitted to be paid, to be recovered by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*; but it was provided that nothing therein contained ſhould extend or be conſtrued to extend to reſtrain or prevent the Truſtees thereby appointed, or their Succeſſors from erecting or ſetting up any Toll Gate or Bar, or collecting, levying, and taking, any Toll or Duty (empowered and authorized by the ſaid Act to be levied, collected, and taken from the ſaid Company, their Tenants, Agents, or others trafficking on the ſaid Canal, or at and to the Wharfs and Conveniences thereof), from paſſing on the ſaid Road, at any other Part, Point, or Place than along and between the Points and Places above ſpecified, in caſe they or any of them ſhould ſo paſs, go, or travel for the Space of One hundred Yards or any greater Space or Length of Way: And whereas the ſaid annual Sum of Forty Pounds ſo by the ſaid recited Act directed to be paid by the ſaid Company of Proprietors to the ſaid Truſtees appointed by the ſaid Act and their Succeſſors as aforeſaid, is a very inadequate Compenſation for ſuch Damage as aforeſaid; be it therefore further enacted, That from and after the ſaid Firſt Day of *Auguſt* next after the paſſing of this Act, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to contract and agree, or to compound with the ſaid Company of Proprietors of the ſaid Grand Junction Canal for, and the ſaid Company of Proprietors are hereby required to pay, or cauſe to be paid to the ſaid Truſtees and their Succeſſors, ſuch annual Sum or Sums of Money as ſhall be expreſſed in ſuch Contract or Agreement, for the Injury which may be done to the ſaid Road by the Carriage of any Goods, Wares, Merchandizes or Things which may be carried or conveyed to or from any of the Wharfs, Warehouſes, or Premiſes of the ſaid Company of Proprietors at *Paddington* aforeſaid, or by any Horſes, Cattle, or Carriages paſſing to or from the ſame.

Forty Pounds a Year from the Grand Junction Canal Company.

XVIII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the ſaid Road, ſhall be made and hung to open and ſwing inwards into ſuch Field or Ground, and not outward towards the ſaid Road; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order all ſuch Gates as are now erected or may hereafter be erected, and open and ſwing outward towards the ſaid Road, to be altered and made to open and ſwing inward, as they the ſaid Truſtees or any Five or more of them ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or ſhall be conſtructed ſo as to open and ſwing outward towards the ſaid Road, ſhall (after Ten Days Notice from the Surveyor of the ſaid Road, requiring him, her, or them to alter ſuch Gate or Gates, and make the ſame to open and ſwing inwards), refuſe or neglect

Gates not to open or ſwing into the Road.

neglect to make such Alteration, or after such Alteration shall have been once made, shall again alter the same, every such Occupier or Occupiers, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, paid, and applied in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, or this Act.

An Action or Ejectment may be supported by One Mortgagee.

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

Restraining the Trustees from deviating more than One hundred Yards from the present Line of Road.

XX. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Road comprised in the said recited Act of the Forty-first Year of the Reign of His said present Majesty, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners, or reputed Owners and Occupiers for the Time being, of the Lands and Grounds which may be affected by any such Diversion or Alteration; any thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Houses, &c. not to be injured.

XXI. Provided always, and be it further enacted, That nothing in the said recited Act of the Forty-first Year of the Reign of His said present Majesty and this Act contained, shall extend or be construed to extend to authorize the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the said Road, to take or pull down, injure, or damage any Dwelling House, or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

For getting Materials to make and repair the Road.

XXII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road, out of or from any Commons or Waste Grounds, common River, Brook, or Pit, in any Parish, Township, or Place in which any Part of the said Road shall lie, or in any adjoining Parish, Township, or Place, without paying any Thing for the same; the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the

Ground, or ſloping down the Banks, where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries; ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, may by Order of any Two or more Juſtices of the Peace for the County or Place in which the ſaid Road doth lie, ſearch for, cut, dig, get, gather, and take away ſuch Materials as aforeſaid, in, out of, or from the private Lands, Fields, or Grounds of any Perſon or Perſons in any Pariſh, Townſhip or Place in which any Part of the ſaid Road lies or is ſituate, where the ſame may be had or found, ſuch Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to an Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees, making or tendering ſuch Satisfaction for the ſame, and for any Damages done thereby to the Owners or Occupiers of the Grounds and Premiſes where and from whence the ſame ſhall be cut, dug, gotten, gathered, and taken or carried away, or over which the ſame, or any other Materials for repairing the ſaid Road ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Ground and Premiſes, as the ſaid Truſtees or any Five or more of them ſhall deem reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning the Value of ſuch Materials and Damages, it ſhall be lawful for any Two Juſtices of the Peace for the County or Place in which the ſaid Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages; and the Judgment or Order of the ſaid Juſtices therein, ſhall be final and concluſive to all Parties.

Notice to be given to Occupiers of Lands before Materials are taken therefrom.

XXIII. And be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, or this Act, or either of them, to dig, gather, get, take, or carry away any Materials for repairing the ſaid Road, out of or from any incloſed Lands or Grounds, until Ten Days Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Occupier at his or her laſt or uſual Place of Reſidence, to appear before any One or more Juſtice or Juſtices of the Peace acting for the County or Place where ſuch Premiſes ſhall lie, to ſhow Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier, or his or her Agent, ſhall attend purſuant to ſuch Notice, but ſhall not ſhow ſufficient Cauſe to the contrary, then and in ſuch Caſe it ſhall be lawful for the ſaid Juſtice or Juſtices, by his or their Order or Orders, to authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall refuſe or neglect to appear, by himſelf or herſelf, or his or her Agent, ſuch Juſtice or Juſtices ſhall and may make ſuch Order therein as he or 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; any thing in the ſaid recited Act contained to the contrary notwithſtanding.

Penalty on taking away Materials got by the Surveyor.

XXIV. Provided always, and be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall have been dug or gathered for the Purpoſe of repairing, amending, or improving the ſaid Road, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been dug or opened for the Purpoſe of getting the ſaid Materials, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Forty Days, (except the Owner or Occupier of any Private Ground, and the Perſon or Perſons authorized by ſuch Owner or Occupier to get Materials for his own Private Uſe only, and not for Sale), every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied in Manner by the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty mentioned.

In caſe of not making out Titles.

XXV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid Acts, or any of them, or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, 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 Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order the 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 Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier and Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Perſons in Poſſeſſion to be deemed preſumptively entitled, &c.

XXVI. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Acts and of this Act, or any of them, or to any Bank Annuities to be purchaſed with ſuch Monies, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have

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

Court of Chancery to direct Payment of Expences.

XXVII. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed by the ſaid Truſtees under the Authority of the ſaid recited Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſame Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this or the ſaid recited Acts, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Repealing Part of 41 G. 3.

XXVIII. And whereas it is by the ſaid recited Act of the Forty-firſt Year of His ſaid preſent Majeſty's Reign enacted, that the ſaid Truſtees, or any Five of them, ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Road, at the Diſtance of one Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as the ſaid Truſtees or any Five or more of them ſhall think proper; and they may alſo cauſe to be erected ſuch and ſo many Direction Poſts as they may think neceſſary; and if any Perſon ſhall wilfully pull up or damage any of ſuch Poſts or Stones, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon, or ſhall pull up, injure, or take away any Bridge, Arch, Poſt, Rail, Mound or Bank erected or to be erected in, upon, or under any Part of the ſaid Road, or ſhall take or carry away any Ballaſt, Gravel, Drift, Sand, or other Materials laid or to be laid on or near the ſaid Road for the Repair thereof, or ſcraped off and lying near the ſaid Road, and belonging to the ſaid Truſtees, without Licence in Writing under the Hands of the ſaid Truſtees, or any Seven or more of them, ſpecifying the Quantity to be taken, and the Time for taking the ſame, and be thereof convicted before the ſaid Truſtees, or any Five or more of them, or before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Middleſex*, either by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, ſuch Perſon or Perſons ſo offending ſhall reſpectively forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings for each Stone or Poſt ſo wilfully broken, pulled up, obliterated or defaced, for each

each ſuch Offence as aforeſaid, to be levied and recovered as hereinafter mentioned; or if any Perſon ſhall ride upon any Footway adjoining to any Part of the ſaid Road, or ſhall drive any Horſe or other Beaſt or Cattle, or any Swine, or any Cart or Carriage thereon, or ſhall cauſe any Damage to be done to any of ſuch Footways; or if the Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones erected for the Security of the ſaid Footways; or drive the Wheel of his Carriage againſt the ſame, or the Side or Sides of the ſaid Footway; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon any wheeled Carriage to drag upon any Part of the ſaid Road to the Prejudice thereof; or if any Perſon or Perſons ſhall lay any Hay, Straw, or other Matter or Thing upon any Part of the ſaid Road, to be made into Manure, or ſhall ſcrape off the ſame, or any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Road, with any ſharp-pointed Inſtrument, ſo as to damage the ſaid Road, or any Part thereof; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, except in caſe of Accident, in, upon, or on the Sides of the ſaid Road, either with or without any Horſe or Beaſt harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh or other Matter or Thing whatſoever, in any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof; or of any Perſon or Perſons travelling thereon; or ſhall ſuffer any Oxen, Cows, Sheep, Lambs, Hogs, or other Cattle to ſtand, lie, or loiter on the ſaid Road, or on any Part thereof, or have, ſet, place, or leave any Timber or Trees, or other Matter or Thing thereon, for more than the Space of Two Hours, and be convicted thereof by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before any Five or more of the ſaid Truſtees, or before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Middleſex*, (which Oath the ſaid Truſtees, Juſtice or Juſtices is and are hereby empowered and required upon Application made to him or them for that Purpoſe to adminiſter), every Perſon ſo offending ſhall forfeit and pay a Sum not leſs than Ten Shillings nor more than Forty Shillings for every ſuch Offence; one Moiety whereof ſhall be allowed and paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act: And whereas it is expedient that the ſaid Clauſe ſhould be repealed; be it therefore enacted, That the ſaid Clauſe ſhall be and the ſame is hereby declared to be null and void to all Intents and Purpoſes whatſoever.

For preventing Nuiſances on the Road.

XXIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Side or Sides thereof, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any City, Town, or Place; and the ſaid Truſtees, or any Five or more of them, may alſo erect and ſet up, or cauſe to be erected and ſet up, ſuch and ſo many Direction Poſts as they may think neceſſary; and if any Perſon or Perſons ſhall wilfully pull up, damage or take away any of ſuch Stones or Poſts, or ſhall obliterate or deface any of the Letters, Figures or Marks which ſhall be inſcribed thereon; or ſhall break

break, pull up, injure or take away any Bridge, Arch, Poſt, Rail, Mound, or Bank, erected or to be erected in, upon, or under, any Part of the ſaid Road; or ſhall take or carry away any Ballaſt, Gravel, Drift, Sand, or other Materials laid or to be laid on or near the ſaid Road for the Uſe or Repair thereof, or ſcraped off and lying upon or near the ſaid Road, and belonging to the ſaid Truſtees, without the Licence in Writing under the Hands of the ſaid Truſtees, or any Five or more of them, ſpecifying the Quantity to be taken, and the Time for taking the ſame; or if any Perſon or Perſons ſhall ſlaughter, burn or dreſs any Animal on or adjoining the ſaid Road; or ſhall leave or ſuffer any Horſe, Cattle, Sheep, Pig, or Beaſt to graze or be and remain looſe on the ſaid Road, or any Footway or Path on the Side or Sides thereof; or if any Perſon ſhall ride upon any Footway, Cauſeway, or Path formed upon or on the Side of or adjoining the ſaid Road, or ſhall drive any Horſe, Beaſt, Cattle or Swine, or any Carriage upon, or cauſe any Damage to be done to any Footway, Cauſeway or Path; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road any Timber, Stone, or other Thing (otherwiſe than upon wheeled Carriages), or ſhall ſuffer any Timber, Stone or other Thing which ſhall be carried upon wheeled Carriages to drag upon the ſaid Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer them to root up or damage the ſame, or the Hedges or Fences on either Side thereof; or if any Perſon driving any Waggon, Wain, Cart or other Carriage, ſhall ride on the Shafts or other Part of ſuch Waggon, Wain, Cart or other Carriage, or on any of the Horſes drawing the ſame; or if any Perſon driving or having the Care of any Coach, Chaiſe or other ſuch like Carriage upon the ſaid Road ſhall drive the ſame without holding the Reins; or if any Perſon driving or having the Care of any Carriage whatſoever, and meeting another Carriage, ſhall not keep his Carriage on the Left or Near Side of the ſaid Road, and alſo keep on the ſame Side himſelf or herſelf; or if any Perſon ſhall in any other Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage under his or her Care upon the ſaid Road; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent or Firework whatſoever, or play at Football, or any other Game or Games on the ſaid Road, or on any Part or Parts thereof, or on any Footway or Path adjoining thereto, to the Annoyance of any Paſſenger or Paſſengers; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart or other Carriage (except in Caſes of Accident) upon or on the Side of the ſaid Road, without a proper Perſon in the 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 thereof as near to the Side of the ſaid Road as conveniently may be, either with or without any Horſe or other Beaſt of Draught, harneſſed or yoked thereto; or if any Perſon after having blocked any Waggon, Wain, Cart or other Carriage whatſoever, in going up any Hill or riſing Ground, ſhall leave on the ſaid Road the Stone or other Matter or Thing uſed in ſuch blocking, or ſhall plough, dig, or break up any of the Soil within Twenty Feet of the Centre of the ſaid Road; or ſhall ſcrape off any Soil or other Thing from the ſaid Road, or the Side or Sides thereof; or ſhall take up or carry away any Scrapings thereof, without leave of the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors; or if any Perſon ſhall

lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, upon the ſaid Road, or on the Side or Sides thereof, to the Prejudice of the ſaid Road, or to the Prejudice, Annoyance, or Interruption of any Perſon or Perſons paſſing or travelling thereon; or if any Perſon or Perſons ſhall wilfully commit any other Nuiſance or Annoyance upon the ſaid Road, or on the Side or Sides thereof, every Perſon offending in any or either of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Statute Duty.

XXX. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the County or Place in which the ſaid Road doth lie, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by their Treaſurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or to their Treaſurer; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as 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 Road as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Road as the ſaid Truſtees or any Five or more of them, 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 Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the Surveyor or Surveyors of any ſuch Pariſh or Place, to be by him or them paid over to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment

thereof, in like Manner as any Penalty is by the ſaid Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, or 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 Fine, 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 who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid, and in that caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments as aforeſaid, in ſuch and the ſame Manner as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer of the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in any ſuch Liſt as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, or ſhall refuſe or neglect to collect or pay over ſuch Compoſition Money, or any Part thereof, in Manner aforeſaid, every Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, paid and applied in ſuch and the ſame Manner as Penalties are by the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, or this Act, directed to be levied, recovered, paid and applied.

Truſtees may compound for Statute Work.

XXXI. Provided always, and be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, by and with the Conſent of the Inhabitants of ſuch Pariſhes or Places reſpectively, firſt had at any Veſtry, or other public Meeting of ſuch Inhabitants, who ſhall be ſummoned together for that Purpoſe, or for any ſuch Inhabitant or Inhabitants reſpectively if no ſuch general Compoſition ſhall be made, to compound and agree from Time to Time with the ſaid Truſtees, or any Five or more of them, for a certain Sum of Money, by the Year or otherwiſe, in lieu of the Statute Work to be performed by ſuch reſpective Inhabitants upon any Part of the ſaid Road; and in caſe ſuch Compoſition Money ſhall not be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch other Perſon as they ſhall appoint to receive the ſame, within Thirty Days after the ſame ſhall be due and demanded, it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Middleſex*, upon Oath made before them of ſuch Default (which Oath the ſaid Juſtices are hereby empowered to adminiſter), and they are hereby required, to iſſue a Warrant under their Hands and Seals, empowering ſuch Perſon ſo by the ſaid Truſtees, or any Five or more of them, appointed to receive ſuch Compoſition Money, to levy the ſame by Diſtreſs of the Goods and Chattels of the Perſon

or

or Perſons who ſhall have made ſuch Compoſition as aforeſaid; and ſuch Goods and Chattels ſo diſtrained, after the Space of Five Days (ſuch Compoſition Money, and the reaſonable Charges of diſtraining and keeping the ſame, not being paid) to ſell, returning the Overplus (if any) to the Owner or Owners thereof, upon Demand, after the Compoſition Money, and all reaſonable Charges of ſuch Diſtreſs and Sale, ſhall be deducted, which Compoſition Money ſhall be applied to the Purpoſes of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and this Act; and ſuch Surveyors by whom ſuch Compoſition ſhall be made on the Behalf of any Pariſh or Place as aforeſaid, ſhall be reimburſed ſuch Compoſition Money in ſuch Manner as Surveyors of the Highways are by the Laws now in being to be reimburſed the Monies expended by them in buying Materials for the repairing of the Highways.

For paying the Expences of the Act.

XXXII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act ſhall be paid and diſcharged by the ſaid Truſtees, or any Five or more of them, out of the firſt Money which ſhall ariſe by virtue of the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty, and of this Act, together with lawful Intereſt for the ſame from the Time of advancing or diſburſing the ſame.

Saving the Rights of the Commiſſioners of Sewers at Weſtminſter.

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

Public Act.

XXXIV. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and others, without being ſpecially pleaded.

Term of the ſaid Act and this Act.

XXXV. And be it further enacted, That the Term granted by the ſaid recited Act of the Forty-firſt Year of the Reign of His ſaid preſent Majeſty ſhall, upon the ſaid Firſt Day of *Auguſt* next after the paſſing of this Act, ceaſe and determine; and that the ſaid recited Act and this Act (ſubject to the Alterations, Variations, and Additions herein-before contained) ſhall commence, continue, and be in force, and be executed 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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