ANNO TERTIO

GEORGII IV. REGIS.

Cap. lxxxviii.

An Act for more effectually repairing and improving the Road from a Place called *The Old Gallows* in the Parish of *Sonning*, otherwise *Sunning* in the County of *Berks*, through *Wokingham*, *New Bracknowl* and *Sunninghill*, to *Virginia Water*, in the Parish of *Egham* in the County of *Surrey*.

[24th *June* 1822.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from a Place called* The Old Gallows *in the Parish of* Sunning *in the County of* Berks, *through* Wokingham, New Bracknowl, *and* Sunninghill, *to* Virginia Water, *in the Parish of* Egham *in the County of* Surrey: 32 G. 2. c. 46.
And whereas an Act was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Thirty-second Year of King* George *the Second, for repairing and widening the Road from a Place called* The Old Gallows *in the Parish of* Sunning *in the County of* Berks, *through* Wokingham, New Bracknowl, *and* Sunninghill, *to* Virginia Water, *in the Parish of* Egham *in the County* 20 G. 3. c. 99.

of Surrey: And whereas an Act was passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third,
41 G. 3. c. 2. intituled, *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarge the Powers of Two Acts passed in the Thirty-second Year of the Reign of His late Majesty King* George *the Second, and the Twentieth Year of the Reign of His present Majesty, for repairing and widening the Road from a Place called* The Old Gallows *in the Parish of* Sunning *in the County of* Berks, *through* Wokingham, New Bracknowl, *and* Sunninghill, *to* Virginia Water, *in the Parish of* Egham *in the County of* Surrey: And whereas the Trustees for executing the said recited Acts have proceeded to put the said Acts in Execution, for which Purpose they have borrowed a considerable Sum of Money upon the Credit of the Tolls authorized to be taken on the said Road, which Money now remains due and owing, and cannot be paid off, nor can the said Road be kept in sufficient Repair, unless the Term granted and continued by the said recited Acts be further continued; and it would be more convenient to the Trustees for executing the said recited Acts, and beneficial to the said Road, if the said Acts were repealed, and further, better, and more effectual Powers granted for making, amending, and from Time to Time improving and keeping in Repair the said Road, instead thereof, in One Act of Parliament; 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 said Acts repealed.

the Authority of the same, That the said recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, shall be and are hereby declared to be repealed, and null and void, to all Intents and Purposes whatsoever; and this Act, and the additional Term and Tolls hereby granted, shall be subject and liable to the

This Act liable to Money due.

Payment of all the Money now due on the Credit or on account of the said recited Acts, or any of them, or which shall be borrowed on the Credit of the said Acts and this Act, and the Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due and owing on the Credit or on account of the Tolls granted by this Act; and all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons, to or with the Trustees for executing the said recited Acts, or any of them, according to the Provisions and Directions thereof, shall remain in full force and effect, and shall be and continue available in all Courts of Law and Equity, until the same are or shall be fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made and entered into by the Trustees for executing the said Acts, or any of them, to or with any Person or Persons, shall remain in full force and effect, and shall be binding on the Trustees under this Act, and be observed and kept by them according to the Terms, Stipulations, Conditions, and Tenor thereof respectively.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the respective Counties of *Berks*, *Wilts*, and *Surrey*, together with *Daniel Agace*, *William Blane*, *Bartholomew Browne*, *Charles Bird*, *Richard Body*, *John Bartlett*, *James Bushell*, *George Henry Crutchley*, *Henry Clive*, *George James Cholmondeley*, *Richard Crabtree*, *Thomas Valentine Cooke*, *Thomas Creaker*, *John Deane*, *William Frederick Augustus Delane*, *Robert Fowler*, *Thomas Fraser*, *Peter Green*, *John Leveson Gower*, *William Humfrey*, *Paul Holten*, *James Hayward*, *Henry Hodgkinson* Clerk, *Askew Hillcoat* the younger, *Edward Horne*, *Samuel Homfray*, *William Hall*, *William Heelas*, *George Lyford*, *James Man*, *Robert Makepeace*, *Thomas Maynard*, *Richard Parry*, *Richard Parry* the younger, *Thomas William Ravenshaw*, *John Roberts*, *George Simson*, *John Simonds*, *Charles Simonds*, *John Stanbank*, *John Vernon*, *Henry Dormer Vincent*, *George Kemble Whatley* Clerk, *James Wheble*, *John Benn Walsh*, *James Wheeler*, *Richard Westbrook*, *William Wise* Clerk, and *John Rogers Wheeler*, shall be and they are hereby appointed Trustees for repairing, widening, altering, diverting, turning, and from Time to Time improving and keeping in Repair the Road herein-before mentioned and described, and for otherwise putting this Act in Execution.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees at their First Meeting to be holden in pursuance of this Act, to elect any additional Number of fit and proper Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act; and such Trustees when so elected shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed Trustees in or by virtue of this Act.

Election of new Trustees on Vacancies arising.

IV. And be it further enacted, That when and so often as any Trustees named in this Act, or to be appointed in manner hereinafter mentioned (save and except the Justices of the Peace for the Time being), shall become by Bankruptcy, Insolvency, or in any other Manner disqualified to act, or shall die, neglect, or refuse to act, then and in every such Case it shall be lawful to and for the remaining Trustees from Time to Time, at any Meeting of the said Trustees, (of the Time and Place of which Meeting Notice shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected upon the said Road, and also by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Road passes, at least Ten Days previously to such Meeting), by Writing under their Hands, to elect One other Person to be a Trustee in the Room of each Trustee so disqualified to act, or dying, or neglecting, or refusing to act as aforesaid; and every Person so elected shall be and he is hereby empowered to act in the Execution of this Act, in as full and ample a Manner, to all Intents and Purposes, as the Trustee in whose Room or Stead he shall be so elected could or might have done.

Qualification of Trustees.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, whilst he holds any Place

Place of Profit, or be concerned or interested in any Contract or Contracts under this Act; nor in any Case where he shall be personally interested otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such an Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath (or being One of the People called *Quakers*, an Affirmation) in the Words or to the Effect following; (that is to say),

Oath. '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], in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold [*or* Copyhold] Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or am possessed of a Personal Estate alone, [*or* Real and Personal Estate together,] to the Amount of Four thousand Pounds, [*or* am Heir Apparent of *A. B.* who, to the best of my Knowledge, is possessed of a Real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers vested and reposed in me by virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act.*]
So help me GOD.'

Penalty on acting not being qualified. And if any Person, not being so qualified, or becoming disqualified by Bankruptcy, Insolvency or otherwise, or not having taken and subscribed the Oath, or being a Quaker, not having made and subscribed such Affirmation as herein mentioned, or being concerned or interested in any Contract or Contracts under this Act, shall 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 who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill or Plaint, Suit or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, (although not duly qualified), previously to his or their being convicted of the said Offence, shall notwithstanding such Conviction, be

Acts of Trustees before Conviction to be deemed valid.

as

as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Persons holding any Place of Profit not to act as Trustees.

VI. And be it further enacted, That no Person appointed or to be appointed a Trustee for putting this Act into Execution, who shall have or accept any Place of Profit under the Authority of this Act, or who shall be interested or concerned in any Contract, or a Lessee or Farmer of the Tolls granted by this Act, shall, during the Continuance of such Office or Interest, be capable of acting as a Trustee in the Execution of this Act.

Victuallers, &c. incapable of acting.

VII. Provided always, and be it further enacted, That no Person who shall keep any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Ale, Spirituous or other Strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he or she employ a Person to collect such Tolls who shall not be under any such Incapacity.

Trustees may act as Justices except where interested, &c.

VIII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest for the same, shall on that account be deemed disqualified to act as a Trustee.

Meetings of the Trustees.

IX. And be it further enacted, That for putting this Act in Execution the said Trustees shall and they are hereby required to meet at the *Rose Inn*, in *Wokingham*, or some other convenient Place on or near the said Road, on the Second *Wednesday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, and afterwards meet yearly, or oftener, at the Place aforesaid, or at such other convenient Place upon or near the said Road as the said Trustees shall think proper, for putting this Act into Execution; and the said Trustees shall and may from Time to Time, at their Discretion, at any such Meetings, adjourn themselves to some convenient Place upon or near the said Road for putting this Act in Execution; and if it shall happen that at any such Meeting there shall not appear a sufficient Number of Trustees to proceed in the Execution of this Act, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk to the said Trustees shall from Time to Time in either of such Cases (by Notice in Writing to be affixed on all the Turnpike Gates then erected on the said Road, and also inserted Once in some public Newspaper circulated in the Neighbourhood through which the said Road passes at least Ten

Days before the next Meeting), appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on such Day as shall be specified in such Notice, not exceeding Three Calendar Months next after the Day on which such last Meeting was appointed to be held; and in case the Clerk to the said Trustees shall in either of the Cases aforesaid neglect, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Three or more of the said Trustees (although not assembled at a Meeting held pursuant to this Act), at any Time after the Space of Ten Days from such Neglect or Prevention, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at the House where the last Meeting was held or appointed to be held, or at some other convenient House or Place upon or near to the said Road, upon the Day Three Weeks next after the Date of such last-mentioned Notice; but no Business shall be proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, nor later than Four of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Acts, Orders, and Proceedings relating to this Act, which are authorized or directed to be had, made, done or exercised by or before the said Trustees, shall and may be had, made, done and exercised, by or before the major Part of the Trustees present at their respective Meetings, the whole Number present not being less than Three (except in such Cases where any other Number is herein mentioned); and all Orders and Proceedings had, made, or done by or before such Three Trustees, shall have the same force and effect, and be as binding on all Persons, to all Intents and Purposes, as if the same were had, made, done, or executed by or before all the said Trustees: Provided always, that no Order or Proceeding shall be or be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act (except as herein is particularly mentioned), nor unless there shall be present at such Meeting Three Trustees at the least, nor unless the Majority of the Trustees present shall concur therein; nor shall any such Order or Proceeding be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless the Trustee or Trustees, Person or Persons desirous of having any such Order revoked or altered, shall give Notice thereof in Writing to the Clerk to the said Trustees, to be by him affixed and inserted in manner herein-before mentioned; nor unless a Majority of the Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration; and at every Meeting of the said Trustees a Chairman shall be appointed, and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in every such case the Chairman shall have and he is hereby empowered to give a double or casting Vote.

If Clerk shall omit or neglect to call a Meeting, Trustees may do it.

Hours of Meeting.

Trustees to pay their own Expences.

Three Trustees a Quorum.

Orders to be made at Meetings only.

Orders not to be revoked unless a Majority of Five Trustees concur.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that case the said Trustees or the Clerk to

the said Trustees, upon an Order in Writing, signed by any Two or more of the acting Trustees (although not assembled at a Meeting) mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such Order (not being less than Ten Days next after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees thereat shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Proceedings to be entered in a Book.

XI. And be it further enacted, That the said Trustees shall cause to be provided and kept proper Books, and fair and regular Entries to be made therein of all their Acts, Orders, Appointments, and Proceedings relative to the Execution of this Act, and of the Names of the Trustees who shall be present at their several Meetings; and all Entries in such Books, being signed by the Chairman then present, shall be deemed Originals, and shall be allowed to be read in Evidence in all Cases, Suits, Actions, Informations, Prosecutions and legal Proceedings, touching or concerning any thing done in pursuance of this Act; and that such Books shall at all seasonable Times be open to the Inspection of all and every the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence, and so in proportion for any greater Number of Words.

Books used under former Acts to be Evidence.

XII. And be it further enacted, That all 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.

Trustees may appoint Officers.

XIII. And be it further enacted, That the said Trustees shall and may at their First or any subsequent Meeting, as occasion shall require, elect and appoint a Clerk, Treasurer or Treasurers, Collector or Collectors, and all such other Officers respectively, as they shall from Time to Time think proper; and that the said Trustees shall and may from Time to Time remove such Clerk, Treasurers, Collectors and other Officers, or any of them, and from Time to Time appoint others in the Room of such of them as shall be so removed, or shall die, or resign, or refuse, or neglect to perform, or become incapable of performing their Duty; and the said Clerk, Treasurers, Collectors and other Officers, who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from Time to Time, as often as they shall be called upon for that Purpose, produce unto the said Trustees true and perfect Accounts, in Writing under their respective Hands, of all Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such

such Monies as shall remain in their Hands to the said Trustees, or to such Person or Persons as the said Trustees shall direct and appoint; and if any of the said Officers shall refuse to give such Account as aforesaid, or to produce and deliver to the said Trustees the Receipts and Vouchers relating to the same, or to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases it shall be lawful for any One Justice of the Peace for the County or Place where such Officer shall reside (and such Justice is hereby authorized and required) to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered and required to administer, without Fee or Reward); and if any Person shall be thereof convicted, such Justice shall commit the Party to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof, to the said Trustees; and in case any of the said Officers shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any One Justice of the Peace of the County or Place where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal, in a summary Way, in Manner aforesaid, and by Warrant under his Hand and Seal, to cause such Sum or Sums of Money as shall appear to him to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering the Overplus (if any) upon Demand, after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted, unto the Party on whom such Distress or Distresses shall be made; and if sufficient Distress or Distresses cannot be made, then the said Justice shall commit such Person or Persons to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he or they shall have paid over such Money in Manner aforesaid, or compounded for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, which Composition the said Trustees are hereby empowered to make: Provided always, that no Person who shall be committed to Prison for want of sufficient Distress shall remain in Prison for a longer Space of Time than Six Calendar Months.

Trustees to appoint temporary Collectors and discharge those misbehaving, and appoint

XIV. And be it further enacted, That as often as any Collector of the Tolls shall die, or shall neglect or become incapable of performing his or their Duty, or shall abscond, or absent or misbehave himself or themselves, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act), shall and may discharge such Collector so neglecting or becoming incapable of performing his or their Duty, or absconding or

or absenting or misbehaving himself or themselves, and shall and may nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such first named Collector, and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person in whose Place he was appointed; and if any Collector of the said Tolls who shall be discharged from his Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building erected or being in and upon or on the Side or Sides of the said Road, by virtue of this Act, for the Space of Three Days next after Demand made thereof, and Notice in Writing given for that Purpose by any Two of the said Trustees (although not assembled at a Meeting), or by their Clerk, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County or Place where such Toll House or Building shall be situate, by Warrant under his Hand and Seal, to order any Constable for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building 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 One or more of them, or their new appointed Officer, into the Possession thereof.

others, till the next Meeting.

XV. And be it further enacted, That out of the Money to arise by virtue of this Act, such Salaries or Allowances shall be made to the Collectors, Clerk, Treasurers, Surveyors, and such other Persons as shall be assisting in the Execution of this Act, as to the said Trustees shall seem reasonable.

Trustees may allow Salaries.

XVI. Provided always, and be it further enacted, That the said Trustees shall take such Security from their Treasurers, Clerk, Collectors, and other Officers, for the due Execution of their respective Offices, and accounting for the Money received by them respectively, as to the said Trustees shall seem meet.

Treasurer, &c. to give Security.

XVII. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of any One or more of them, or in the Name or Names of their Treasurer or Treasurers, or Clerk; and that no Action or Suit to be commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of any Trustee, Treasurer or Treasurers, or Clerk, shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees; but no Trustee, Treasurer, Clerk, or any of them, shall be subject to the Payment of any Debt, Costs or Expences, on account thereof; all which Debts, Costs and Expences, shall be wholly defrayed out of the Money arising under or by virtue of this Act.

Actions to be brought in the Name of any One Trustee, or in the Name of the Treasurer or Clerk.

Officers under the former Acts to account to the Trustees for executing this Act.

XVIII. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Road, shall account, pay, and deliver over the same to the said Trustees, in like manner and under the like Penalties as are herein-before inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things by virtue of this Act.

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

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 their Clerk for the Time being, in which Book or Books such Clerk, shall enter or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out and expended for or on account of the said Road, and of the several Articles, Matters and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls by this Act 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, 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.

XX. 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 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 Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; 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, together 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, or more than One Imparlance shall be allowed.

Trustees and others not disqualified from being Witnesses.

XXI. And be it further enacted, That the being a Trustee of the said Road, or a Mortgagee of the Tolls thereof, or being a Treasurer, or Clerk or Surveyor under this Act, or the being an Inhabitant of any Township, Parish or Place through which the said Road does or shall pass, shall not disqualify any Trustee, or other such Persons as are herein-

herein-before described, from giving his or her Testimony or Evidence, in any Suit, Prosecution, or other legal Proceedings under this Act, nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be liable to be questioned or set aside.

Power to continue or remove Turnpikes, and set up others.

XXII. And be it further enacted, That it shall be lawful for the said Trustees to continue and use every or any of the Turnpikes already erected upon the said Road, and from Time to Time to erect and set up, or cause to be erected and set up, such other Turnpike or Turnpikes, Toll Gate or Toll Gates, or Bars, in, upon, across, or on the Side or Sides of the said Road, or across any Lane or Way leading into or out of the same respectively, and such and so many Toll House or Toll Houses, Weighing Engine or Engines, with suitable Outbuildings thereto, and add, make, and take such Garden Spots, and other Conveniences, not exceeding One-eighth Part of an Acre, to and for the Use and Occupancy thereof, as they shall think expedient.

Turnpikes, Toll Houses, &c. vested in the Trustees.

XXIII. And be it further enacted, That the several Turnpikes, or Toll Gates and Toll Houses, and other Erections and Buildings, and the several Conveniences and Appurtenances thereto respectively belonging, already erected or provided, or hereafter to be erected or provided, in or upon and across the said Road, or the Sides thereof, and the Materials for building or altering the same, and all Materials and Things which shall be provided, collected, or made use of for repairing the said Road, shall be and the same are hereby vested in the said Trustees; and they are hereby authorized and empowered to sell and dispose of the same, or any Part or Parts thereof, as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name of their Clerk, or to prefer and prosecute, or cause to be preferred and prosecuted, at the Expence of the Revenues of the said Road, any Bill or Bills of Indictment against any Person or Persons who shall steal, take, carry away, break down, or damage the same or any Part thereof, or disturb them or their Agents or Servants in the Possession of the same, or any Part thereof, in which Bill or Bills of Indictment it shall be sufficient to state generally such Articles, Matters and Things to be the Property, of the Trustees for executing an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [here insert the Title of this Act], without naming or otherwise describing them.

Power to take Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons by them or by virtue of this Act to be appointed Collector or Collectors as aforesaid, to demand and take at each and every of the respective Turnpikes or Toll Gates erected or which shall be erected in, upon, or across the said Road, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), such Tolls as the said Trustees, at any Meeting to be held for that Purpose, from Time to Time shall direct or appoint, not exceeding the several and respective Sums herein-after mentioned; (that is to say),

For

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Gig, Curricle, Hearse, Calash, Marine, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Wain, Waggon, Cart, or other such like Carriage, the Sum of Four-pence:

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

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

For every Drove of Calves or Hogs, the Sum of Sixpence *per* Score, and so in proportion for any greater or less Number: And,

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

Tolls vested in the Trustees.

Which said respective Sums shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be levied and recovered, paid and applied in manner in this Act mentioned.

Power to erect Side Gates, &c.

XXV. And be it further enacted, That it shall be lawful for the said Trustees to cause to be erected and set up and provided One or more Turnpike Gate or Turnpike Gates, Toll House or Toll Houses, on the Side or Sides of the said Road, or across any Highway leading into the same respectively, and to cause such Tolls to be collected and levied at such respective Turnpikes or Side Gates as are by this Act made payable at the other Turnpikes or Toll Gates upon or across the same Road.

Exempting return Chaises from Payment of Toll for re-passing, &c.

XXVI. Provided always, and be it further enacted, 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 Road, 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.

General Exemptions from Tolls.

XXVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage, employed in 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 Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any Bridge or Bridges thereon, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or with Seed for seeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in Houses, Barns, Outhouses or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or Cattle, or Carriage employed in 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,

Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost or Manure, (Lime and Chalk excepted), employed in Husbandry for manuring or improving Land or any other thing employed in the Management of any Farm or Lands, or for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going to or returning 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 or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies, or from any Clergyman going to visit or returning from visiting any sick Person, or on other his parochial or ministerial Duty; or for any Horse or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from fetching or guarding the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family; 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 therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or 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, which shall be 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 from having been so employed; or for any Horse, Mare, or Gelding 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, provided that such Person shall be dressed in the Uniform of his Corps, and shall be equipped with, and have his Arms, Furniture, and Accoutrements according to the Regulation of such Corps, at the Time of claiming the Exemption; or for any Horse or Carriage travelling with Vagrants sent by legal Passes, or in the Conveyance of Prisoners in Custody under any legal Warrant, or returning after having been so employed; or for any 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 said County of *Berks*, or for the said County of *Surrey*, or for the County of *Wilts*, on the Day or Days of such Election, or the Day before or Day after 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 forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be

applied to the Purposes of this Act; and in all Cases the Proof of such Exemption shall lie on the Person or Persons claiming the same: Provided always, that nothing herein contained shall extend or be construed to extend to repeal or alter the Provisions and Regulations made and provided in and by the Act of Parliament of the Fifty-second Year of His said late Majesty King *George* the Third, with regard to the Payment of Tolls for empty Carriages, to be afterwards repaid in Manner therein mentioned.

Not to repeal 52G.3.c.145. s. 2. as to Tolls on empty Carriages.

Exempting Carriages conveying King's Stores from Penalties for Overweight.

XXVIII. 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 being drawn by any Number of Horses or Oxen or other Cattle; 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 or other Cattle 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.

Abatement of Tolls in certain Cases.

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

55G.3.c.119.

Limiting the Number of Tolls to be taken.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees to demand or take more than Two full Tolls on the said Road on the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, for or in respect of the passing of the same Horses, Cattle, or Carriages, through all or any of the Gates erected or to be erected upon the said Road.

Tolls on Non-payment may be levied by Distress.

XXXI. And be it further enacted, That if any Person subject or liable to the Payment of any of the said Tolls shall, after Demand thereof made, 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 such Tolls are 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 the same; 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 Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriage, or Thing so seized and distrained, or a sufficient Part thereof, returning the Overplus 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.

Table of Tolls to be put up.

XXXII. 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 Road, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Tickets to be provided, denoting Payment of Toll.

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

Trustees may let the Tolls.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings to be held under or by virtue of this Act, from Time to Time to demise or let to farm, in such Manner and Form as they shall think fit, by Writing under their Hands and Seals, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the highest Bidder, and for the best Rent or Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and in case at any Time or Times hereafter, 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 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 last let, any thing in any Law or Statute to the contrary notwithstanding; and the Money arising

arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Trustees may bid at the Letting of Tolls.

XXXV. And be it further enacted, That when the Tolls payable by virtue of this Act shall be put up to be let to farm, the said Trustees may, if they shall think fit, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

Rent of Tolls to be paid always One Month in advance.

XXXVI. Provided always, and be it further enacted, That on every Letting of any Tolls the said Trustees shall take from the respective Renters or Farmers thereof One Month's Rent in advance, before they shall put such Renters or Farmers in Possession of the Toll Gate, Toll House, or Turnpike at which Tolls are to be collected; and that in every Agreement to be entered into for letting any Tolls, the Rent or Money payable for such Tolls shall be made payable Monthly, and in advance; and that there be contained in such Agreement, Clauses and Conditions that if the Rent or Money to be paid at the Commencement of any Month shall not be paid within Three Days after the same shall become due and payable, the said Agreement shall be void if the Trustees shall think proper; and they shall be entitled to take Possession of the Toll Gate, Toll House, or Turnpike at which such Tolls shall be received, and the respective Renters or Farmers of such Tolls shall produce Two sufficient Sureties to join in the said Agreement, undertaking on their Parts for the due and punctual Payment of the Rent or Sum of Money to be paid for the said Tolls; and in every Case where the Terms of such Agreement shall not be fulfilled, the said Trustees shall and they are hereby empowered, if they shall think proper, to re-enter and take Possession of any such Toll Gate or Toll House, and the Tolls there collected, and to relet the same in Manner herein-before directed, or to appoint a Collector to receive the same; and it shall be lawful for any Justice of the Peace acting for the County or Place in which such Lessee or Lessees, Farmer or Farmers of the said Tolls shall live or reside, by Warrant under his Hand and Seal (which Warrant such Justice is hereby empowered and required to grant, upon the Request of the said Trustees), to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses, and take Possession of such Gates, Turnpikes, or Bars and Premises, and to remove the Person and Persons who shall be found in such Toll House or Toll Houses, together with his, her, and their Goods, out of the said Houses and Premises, and to put such Person or Persons into Possession of the said Toll House or Toll Houses, Gates, Turnpikes, Bars and Premises, and into the Receipt and Collection of the said Tolls, and to do such other Acts in the Premises as the said Trustees shall appoint.

For settling Disputes concerning Tolls.

XXXVII. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector, or 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,

or

or the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen), be ascertained by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized and empowered 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 Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on 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.

An Action of Ejectment may be supported by One Mortgagee.

XXXVIII. And be it further enacted, That if any Mortgagee or Mortgagees, or Assignee 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 the Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of such 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 or Assignees.

Toll Collectors to put up their Names.

XXXIX. 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 this Act, 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 this Act, 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 refuse to permit or suffer, or shall in anywise hinder any Person

or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Tolls, and naming and specifying the Gate at which such Payment shall have been made, and also 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 this Act directed to be levied, recovered, paid, and applied.

Power for Trustees to take Possession of Toll Houses on breach of Contract by Lessee of Tolls. 13 G. 3. c. 78.

XL. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, at the Turnpike Gates now or hereafter to be erected upon the said Road, or either of them, shall be demised or let to farm to any Person or Persons in pursuance of this Act, or the Act of the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*; and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him, her, or them, either by taking a greater or less Toll in respect of any Kind of Carriage, Waggon, Cart, Horse, Beast, or other Cattle than those demised or let to him, her, or them, or in any other Way or Manner, or in case the Rent for which such Tolls shall be demised or let, or any Instalment thereof, shall be in arrear and unpaid for the Space of One Calendar Month next after any of the Days or Times whereon the same shall become due and ought to be paid pursuant to such Demise or Contract, and the Toll House or Toll Houses appertaining to such Turnpike Gate or Gates shall be in the Possession of any such Lessee or Lessees, Farmer or Farmers, or Person or Persons by him, her, or them appointed to collect the Tolls thereat, then and in any of the said Cases it shall be lawful for the said Trustees, if they shall think proper, to vacate and determine such Demise and Contract, giving Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Toll Houses at such respective Turnpike or Turnpikes, and such Lease or Contract shall from that Time be utterly void to all Intents and Purposes (save as to the Covenant for Payment of the Rent to the Day of such Notice being delivered); and in case such Lessee or Lessees, Farmer or Farmers shall not, on Service of such Notice as aforesaid, deliver the Possession of the Toll House or Toll Houses, and the Turnpike Gate or Gates, with the Appurtenances so demised or let to him, her, or them, it shall be lawful for any Justice of the Peace of the County or Place wherein such Toll House

or

or Toll Houses, and Turnpike Gate or Gates shall or may be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses and 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 such House or Houses, and to put such Person or Persons into the Possession thereof as the said Trustees shall appoint.

Penalty on permitting private Passage, &c. or evading Tolls.

XLI. 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 Road (except the Owner or Occupier of such Land, Ground, or Place, or any of his, her, or their Family, Servant or Servants); or if any Person or Persons owning or occupying any Passage, Land, Ground, or Place situate as aforesaid, 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 Tolls hereby granted, or any of them, or any Part thereof; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, (except a Collector of the Tolls) any Ticket 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, fraudulently, or wilfully pass through or over any Turnpike Gate, with any Horse, Carriage, Cattle, or Beast, without Payment of Toll, or shall not pay such Toll upon Demand; or shall take off, or cause to be taken off, any Horse, Beast, or other Cattle from any Carriage, or after passing through any Turnpike Gate shall put on an additional Horse or Beast to any such Carriage; or shall unload or cause to be unladen any Goods, Wares, Merchandize, or other Things, from or out of any Carriage, in order to evade the Payment of any of the Tolls or Duties hereinbefore mentioned, or any Part thereof, all and every such Persons or Person so offending in any of the Cases aforesaid shall for each and every Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishments as he, she, or they shall be otherwise liable to by Law, and over and besides any Tolls or Duties, which upon the Hearing of any of the Matters aforesaid shall appear due from such Person or Persons, which Tolls or Duties shall be paid to the Collector or Person entitled thereto, and recoverable and enforced by such Means as any Penalty hereby inflicted can or may be recovered.

Penalty on Persons obstructing the Execution of this Act.

XLII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered any Collector of the Tolls, or other Person employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XLIII. Pro-

Power to reduce the Tolls.

XLIII. Provided always, and be it further enacted, That the said Trustees may and they are hereby authorized and empowered, from Time to Time during the Continuance of this Act, to reduce all or any of the several Tolls hereby granted, and to raise the same again, so as that the same do not exceed the Tolls hereby authorized to be taken, and so that such Reduction be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due and owing upon the Credit of the said Tolls, and such Tolls so reduced shall be collected, levied, and applied respectively, in the same Manner as the Tolls by this Act granted are directed to be collected, levied, and applied respectively.

Trustees empowered to compound for Tolls.

XLIV. And be it further enacted, That the said Trustees may and they are hereby empowered from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons for the Toll of any Horses or other Cattle or Beast drawing any Carriage, or not drawing, passing through any of the said Turnpikes, so that no Composition shall be made with any Person or Persons for the Toll of any Horse or other Cattle or Beast drawing any Carriage employed in carrying for Hire; and all such Composition Money shall be paid in advance, otherwise such Agreement or Composition to be void.

Trustees may borrow Money.

XLV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby authorized and empowered to borrow and take up at Interest such Sums of Money as they may think necessary upon the Credit of the Tolls arising by virtue of this Act; and at any Meeting or Meetings to assign over or mortgage all or any of the Tolls to be collected and arising under and by virtue of this Act, and also the Turnpike Gates, Toll Houses, Erections, and Buildings for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls), for any Term during the Continuance of this Act, as a Security for any Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, and Assigns who shall advance and lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees, or any Five or more of them, shall think proper; which said Money so to be borrowed shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said several Turnpikes are hereby directed to be applied and disposed of, and that such Mortgage or Mortgages, Assignment or Assignments, shall and may be in the Form following, or such other Form as the Trustees making the same shall think proper; (that is to say),

Form of Mortgage.

'BY virtue and in pursuance of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled '*An Act, &c.* [*here insert the Title of this Act*] and in consideration 'of the Sum of to *A. B.* the Treasurer appointed by the Trustees for putting the said Act into Execution, 'having been on the Day of paid by '*C. D.* of , we whose Names are hereunto subscribed, 'and Seals affixed, being of the said Trustees, do grant 'and

'and assign unto the said *C. D.* Executors, Administrators, 'and Assigns, such Proportion of the Tolls arising upon the Road 'in the said Act mentioned, and of the Turnpikes and Toll Houses, 'Weighing Machines, and other Engines for collecting the said Tolls, 'as the said Sum of doth or shall 'bear to the whole Sum due and owing on the Credit of the said 'Tolls, or charged thereupon for the Term of this Act; to have, 'hold, receive, and take such Proportion of the said Tolls, Turn-'pikes, and Toll Houses, Weighing Machines, and other Engines 'and Premises, with the Appurtenances, unto the said *C. D.* 'Executors, Administrators, and Assigns, for the Residue and Re-'mainder now to come of the Term of Years for 'which the said Tolls are granted by the said Act, subject to the 'Proviso following; (that is to say), Provided always, that if the said 'Sum of shall be repaid to the said *C. D.* 'Executors, Administrators, or Assigns, together with Interest for 'the same after the Rate of *per Centum per* '*Annum*, without any Deduction whatsoever, on or before the 'Day of next ensuing, then this As-'signment shall be void, or else shall remain in full force. In witness 'whereof we have hereunto set our Hands and Seals, this 'Day of One thousand eight hundred and .'

Copies of all which Mortgages or Assignments shall be entered in a Book, to be kept for that Purpose by the Clerk to the said Trustees, for which the said Clerk shall be paid the Sum of Ten Shillings and Sixpence and no more; but nothing in this Act contained shall extend or be construed to extend to charge the said Trustees or any of them, or the Persons appointed to receive the said Money or any Part thereof, to any Repayment of the same by reason of their or any of their signing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said recited Acts or any of them, or who shall be entitled to the same, or to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any Person whomsoever, by Indorsement on the Back of such Security or any Assignment thereof, or by any other Writing or Writings, before Two credible Witnesses, in the following Words, or in Words to the like Effect; (that is to say),

Copies to be entered.

Trustees not liable in their private Capacities.

Mortgages may be assigned.

'I do transfer this Mortgage [*or* a certain Mort-'gage, &c. *as the Case may be*,] with all my Right and Title to the 'Principal thereby secured, and to all Interest now due and to 'become due upon the same, unto Executors, 'Administrators, and Assigns. Dated this Day of 'One thousand eight hundred and *A. B.*'

Form of Transfer.

All which Assignments or Transfers shall be produced to the Clerk to the said Trustees within Sixty Days after the Date thereof, who shall cause an Entry to be made thereof in the before-mentioned

Book, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, for which the said Clerk shall be paid the Sum of Ten Shillings and no more, and which said Book shall and may at all seasonable Times be perused and inspected by the said Trustees and Creditors without any Fee or Reward; and after such Entry so made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment, and the Monies thereby secured and so assigned or transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like manner assign or transfer again, and so *toties quoties;* and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies due thereon.

No Priority of Mortgages.

XLVI. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person who shall advance any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said former Acts, in respect to the Priority of advancing or of having advanced any such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be (in proportion to the Sums of Money due to them) Creditors on this Act, in equal Degree one with another.

Application of Tolls.

XLVII. And be it further enacted, That all the Monies and other Effects which the said Trustees or any of them, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said former Acts, shall be by the said Trustees applied for the Purposes of this Act; and that out of the Monies arising or to arise by virtue of the said Acts and this Act, the Expences of procuring and passing this Act shall be first paid and discharged; and the Remainder thereof shall from Time to Time be applied, first in paying the Principal and Interest of all Monies now due and owing on the Credit of the said Acts, or which may hereafter become due and owing on the Credit of this Act, then in making, repairing, widening, altering, diverting, turning, and from Time to Time improving the said Road, and afterwards in otherwise defraying the Expences attending the Execution of this Act, and to and for no other Use or Purpose whatsoever.

Surveyors may make Causeways, &c.

XLVIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to make Causeways and Footpaths, and also Ditches and Drains, in and upon the said Road, and also through any Grounds lying contiguous thereto; and also to make a Road through any Ground adjoining or lying near to any hollow Way, or narrow or ruinous Part of the said Road (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a public Highway whilst the old Road is repairing; and also to

to build, erect, and repair any Bridge or Bridges, Arch or Arches, Culvert or Culverts, upon any Part of the said Road, and across any River, Brook, Stream, Water, Ditch, or Drain thereon or contiguous thereto; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the Amount of such Damages, any One Justice of the Peace for the County or Place where such Difference shall arise (on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode), shall hear, settle, and determine the Matter of such Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

Surveyors may remove Annoyances.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part of the said Road, by Rails, Steps, Cellar Holes, Sign Posts, Walls, Windows, Shutters, Projections, Watering Troughs, or otherwise, and to turn, stop, or cover any Watercourse, Ditches, Sinks, or Drains running into, along, out of, or by the Side of any Part of the said Road, to the Prejudice or Injury thereof, and to open, scour, and cleanse any Sough, Ditch, or Watercourse adjoining to or leading into or out of any Part or Parts of the said Road, not being in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, and to make the same as deep and large as the said Trustees shall think proper and necessary; and at proper Seasons of the Year to cut down, lop, or top any Branches of Trees, Shrubs, or Bushes growing in or by the Side of any Part of the said Road, or in the Hedges or Banks adjoining thereto, not being Shrubs or Bushes planted as a Shelter or Ornament to a House or other Building, or standing in any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, (in case the Person or Persons who ought to cleanse such Ditch or Watercourse, or to cut down or lop such Branches of Trees, Shrubs, or Bushes, shall neglect so to do for the Space of Fourteen Days next after Notice in Writing given for that Purpose, signed by the Surveyor or Surveyors for the Time being), the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person or Persons shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any Penalty inflicted by this Act; 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

Offence (over and above such Charges as aforesaid) forfeit and pay any Sum not exceeding Five Pounds.

Power to widen any Part of the Roads.

L. And be it further enacted, That it shall be lawful for the said Trustees, at any Time during the Continuance of this Act, and they are hereby authorized and empowered to widen any Part or Parts of the said Road to be made, repaired, and kept in Repair by this Act, so as to make such Parts of the said Road not exceeding Sixty Feet in width, for the Accommodation of Passengers; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any such private Lands, Grounds, and Hereditaments, and stake out and make the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, or Hereditaments respectively, first making or tendering Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may thereby sustain.

Trustees may purchase, and incapacitated Persons sell Lands and other Hereditaments wanted for the Purposes of this Act.

LI. And be it further enacted, That for the Purposes of this Act it shall be lawful for the said Trustees to contract with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, Husbands, Guardians, and all Trustees or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, for and on the Behalf of any Infants, Femes Covert, Cestuique Trusts, and other Persons whomsoever, to contract and agree with the said Trustees for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as occasion shall be and require; and all such Contracts, Agreements, Sales, and Conveyances shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Persons shall be and they are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

If Parties cannot agree, or the Owner cannot make a Title, the Value of the Premises to be settled by a Jury.

LII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, Tenants for Life or in Fee Tail General or Special, or any other Person or Persons whomsoever, interested in any such Lands, Grounds, or Hereditaments, upon Notice to him or them given or left in Writing at the Dwelling House or Dwelling Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments which the said

Trustees are by this Act empowered to purchase, shall, for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Persons of the County where such Road shall lie or be situate, and from the Neighbourhood of the Place where such Lands and Hereditaments 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 or proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all Ways and Means, as well for their own as for the said Jury's better Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage, Value, or Recompence, they the said Trustees shall thereupon order, adjudge, and appoint the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments respectively, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order, and Determination thereupon, 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, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate and Collegiate, Corporations Aggregate and Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the respective County (as the Case may be), thereby commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands lie, 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 they 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 any of the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, or his Deputy or Deputies, Bailiff or Bailiffs, Agent or

Trustees to issue Warrants to the Sheriff to impannel a Jury.

Jury may be challenged.

Trustees may impose Fines on the Sheriff mak-

ing default, or on the Jury or Witnesses.

Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who 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 refuse or neglect to appear, after having been paid or tendered a reasonable Sum for their Costs, Charges, and Expences, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no Fine be more than Five Pounds on any One Person for One Offence, which said Fine or Fines shall be levied and applied as the Penalties for Offences against this Act are herein-after directed to be levied and disposed of.

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

LIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any such Loss or Damage, than what 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 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 Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Tolls, Duties, or Monies arising by virtue of this Act, or out of any Money borrowed upon the Credit thereof; but if any 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 or returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences 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 respective County, not interested in the Matter in question, who is hereby required to 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 Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after having been so ascertained and settled as aforesaid, may be levied and recovered by the Ways and Means hereinafter provided for levying and recovering of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence out of the

Kingdom have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees as aforesaid, out of the Money to be raised and received under and by virtue of this Act.

Money allowed for Lands how to be paid.

LIV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed and ascertained as aforesaid, shall be paid out of the Tolls and Duties hereby granted, or out of the Money borrowed or to be borrowed on the Credit thereof, to the Parties or Persons respectively entitled thereto, or to their Agents; and upon Payment thereof, or depositing the same in the Bank of *England* as herein-after directed (as the Case may be), and after Eight Days Notice thereof given to such Parties or Persons, or their Agents, or to the Tenant in Possession of the Premises, such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be by them, or by such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road for ever thereafter.

Lands purchased to become Part of the Roads.

For impounding Cattle or Swine straying on the Roads.

LV. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other live Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying, or lying upon, about, or on the Sides of the said Road, or any Part thereof respectively, except on such Part or Parts of the said Road where the same is not fenced in, or are open on either Side to any Common or Waste Ground, it shall be lawful to and for the Surveyor of the said Road for the Time being, or any other Person or Persons whomsoever, to seize and impound any such Cow, Horse, Ass, Swine, or other live Stock or Cattle, in the Common Pound (if any) of the Hamlet, Township, Parish, or Place in which the same shall be found tied or fastened, or wandering, straying, or lying about or on the Sides of the said Road or any Part thereof, or in such other Place or Places as the said Trustees, although not assembled at a Meeting, or the said Surveyor, shall find convenient, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other live Stock or Cattle so impounded, pay the Sum of Ten 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 Five Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other live Stock or Cattle to be sold, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same so sold shall appear to have been.

LVI. And

Punishment of Persons guilty of Pound breach.

LVI. 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, 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, 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.

Roads to be measured, and Mile Stones or Posts to be set up, and Penalty on Persons damaging them, &c.

LVII. And be it further enacted, That the said Trustees 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, with such Inscription thereon, denoting the Number of Miles and Distances of Places, as they the said Trustees shall think proper; and if any Person or Persons shall pull up or damage any Direction Posts, Mile Posts, or Mile Stones now erected or to be erected upon or on the Side or Sides of or adjoining the said Road, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or shall break, throw down, damage, or injure any Lamp, Lamp Post, or other Works placed or to be placed upon, adjoining, or near or on the Side or Sides of the said Road, or shall put out or extinguish the Lights therein, such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, levied, paid and applied as herein-after mentioned.

Penalty on Persons not keeping on the Left Side of the Road when meeting or being overtaken by another Carriage, and Penalty on Persons committing Nuisance on the Road;

LVIII. And be it further enacted, That if any Person or Persons driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road (except when overtaking in order to pass any other Coach, Chaise, Waggon, Cart, or other Carriage), shall not drive or keep his Carriage on the Left Hand Side of the Middle of the said Road; or if any Person shall ride upon any Footway on the Side of or adjoining to the said Road, or shall drive any Horse or other Cattle, or any Swine or Sheep, or any Cart or other Carriage upon any such Footway, or shall cause any Damage to be done thereto; or if any Person driving any Waggon or Cart shall absent himself therefrom, or shall not drive on the Left Hand Side of his Horse or Horses; or if any Person or Persons driving or riding upon any Horse or other Beast carrying Milk Pans, Crates, Cans or Panniers, shall not,

on being overtaken by or meeting any other Person riding or driving any other Horse, Beast, or Carriage, keep the said Horse or other Beast on the Left Hand Side of the Middle of the said Road; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Road, or shall play at Football, or any other Game or Games upon the said Road, or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person shall in or upon any Part of the said Road, or by the Side thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, or dress, or cut up any Beast, Swine, Calf, Lamb or other Cattle; or if any Person riding, attending, or driving any Horse or other Beast on the said Road, and carrying any Iron Bar or Rod, Basket, Pannier, or any other Matter or Thing, shall place such Bar or Rod, or Basket or Pannier, Matter or Thing, across such Horse or other Beast, in such Manner as that the same or any of them shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person or Persons, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Road; or if any Hawker, Pedlar, Gipsey, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Road, or any Part thereof; or if any Blacksmith or other Person occupying a Blacksmith's Shop having Doors or Windows to the Front of the said Road, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into or upon the said Road; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Road, or the Sides thereof, to be made into Manure, or scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, without the Leave of the Surveyor of the said Road; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure or Soil, or leave any Cart, Carriage, or Wheelbarrow, Rubbish, or other Matter or Thing whatsoever (except Materials for the repairing of the said Road, deposited by or by the Order of the Surveyor thereof, for his immediate Use), on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon; or if any Person or Persons, after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave or suffer or permit to lie and remain on any Part of the said Road, the Stone or other Matter or Thing used in blocking or stopping; or if any Person or Persons shall do any other wilful Act, Damage, or Injury to the said Road, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the said Penalties, Forfeitures, and Fines, and other the Penalties, Forfeitures, and Fines mentioned and imposed by this Act, shall be recoverable

laying Straw, &c. on the Roads, to be made into Manure or scraping the Road.

recoverable and applied in Manner herein-after mentioned and directed.

Gates not to open into the Road.

LIX. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging-post thereof shall be so far removed from the Centre of the said Road, so that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing outward towards the said Road, contrary to the true Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Road, cause such Gate to be hung so that no Part of such Gate shall when open project over any Part of the said Road, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Direction of this Act, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration and hanging such Gate in a proper Manner, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and such Penalty shall be levied, recovered, paid, and applied in Manner herein-after mentioned.

Trustees may divert the Road.

LX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered from Time to Time to divert, shorten, vary, alter, and improve the Course or Path of any Part or Parts of the said Road, through any waste Grounds or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments within the Limits herein-after mentioned, first tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they shall sustain thereby; and such Road when diverted and turned under the Authority of this Act, shall and is hereby declared to be a common Highway to all Intents and Purposes, and shall be thence forward repaired and maintained by the Inhabitants of the respective Townships, Hamlets, or Places in which the same are situate, by such Means as the common Highways of this Kingdom are by Law to be repaired and maintained by the Inhabitants of the Parishes in which they are situate.

Trustees not to deviate more than One hundred Yards from the present

LXI. And be it further enacted, That it shall not be lawful for the said Trustees in diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Road, without the Consent in Writing of the Owners, or reputed Owners

and Occupiers for the Time being, of the Lands or Grounds which may be affected by any such Diversion or Alteration. Line of the Old Road.

LXII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Trustees in diverting or altering the Line 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. Houses, &c. not to be injured.

LXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity as herein particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes, or where such Money shall not be so employed, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood, settled, or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Application of Compensation when exceeding 200*l.*

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ments, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* but not less than 20*l.*

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

Application where the Money is less than 20*l.*

LXV. 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 all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Title,

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

LXVI. 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 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 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 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,

cery, to be placed to his Account to the Credit of the Parties interested in the Lands, Tenements, and Hereditaments [describing them], subject to the Order, Controul, or Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the 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 said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

LXVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Monies, and also the Capital of such Bank Annuities, shall be 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 in certain Cases.

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

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

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

LXIX. And whereas by reason of the Purchases which the said Trustees are hereby empowered to make, or by reason of the diverting of some Part or Parts of the said Road, or otherwise, they may happen to be seised of some Piece or Parcel of the said old Road, or of some other Piece or Parcel of Land over and above what may be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of the said Piece or Pieces of Ground, or Piece or Pieces of the said old Road, either together or in Parcels as they shall think proper, to such Persons as shall be willing to contract for and purchase the same: Provided, that the said Trustees before they shall sell and dispose of any such Piece or Pieces of the said old Road or other Land, shall first offer the same to the Person whose Lands shall adjoin thereto; and that the said Trustees before they shall sell or dispose of any Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person from whom they shall have purchased such Piece or Pieces of Ground; and in case such Persons shall refuse to purchase or repurchase the same respectively, on an Affidavit being made and sworn to 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 or Place where such Piece or Parcel of old Road or Ground shall lie, by some Person or Persons not interested in the said Piece or Pieces of old Road or Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to or was refused by the Person to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused by the Person to whom it was made (as the Case may be); and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Pieces or Parcels of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Persons whose Lands adjoin to have the Preference.

For getting Materials to make and repair the Roads.

LXX. 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 lies, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found in any Parish, Township, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Township, or Place (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a 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 Grounds and Premises, as the said Trustees 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 lies, 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; any thing in this Act contained to the contrary thereof notwithstanding.

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

LXXI. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, 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 usual Place of Residence, to appear before any Two Justices of the Peace acting for the County or Place where such Premises shall lie, to shew 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 shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices, by their Order, 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 Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent had attended; any thing in this Act contained to the contrary notwithstanding.

Penalty on taking away Materials

LXXII. Provided also, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug

got for the Road.

dug or gathered for the Purpose of repairing or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, 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 or her 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, the same to be recovered, levied, and applied, in Manner by this Act mentioned.

Persons liable to the Repair of the present Roads to continue so.

LXXIII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable by reason of any Tenure, Inclosure, Prescription, Custom, or other lawful Cause of Obligation, to the amending, maintaining, or repairing, or to contribute to the amending or repairing of any Part or Parts of the said Road, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall, notwithstanding any thing herein contained, still remain liable and chargeable in such Manner as they were before the passing of this Act, or have been held and considered liable during the Term of the said recited Acts.

Trustees to pay an annual Sum for the Repair of Lodden Bridge.

LXXIV. Provided always, and be it further enacted, That the annual Payment of Seven Pounds hitherto paid, under the Directions of the said first recited Act to *Daniel Rich* Esquire, his Heirs or Assigns, towards the Support and Repair of *Lodden Bridge*, shall be continued to be paid, out of the Money to be collected and received by virtue of this Act, to the Person or Persons who for the Time being shall be liable to the Support and Repair of the said Bridge.

Parishes, Townships, &c. to be liable to Repairs.

LXXV. And be it further enacted, That all the Inhabitants of the several Parishes, Townships, Hamlets, Divisions, or Places through which the said Road doth pass, shall be liable to the Repair of such Parts of the said Road as are within their respective Parishes, Townships, Hamlets, Divisions or Places, in such and the same Manner as they are liable to the Repair of any other common public Highways within the same, or have been held and considered liable during the Term of the said recited Acts.

Statute Labour.

LXXVI. 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 lies, and they are hereby required and empowered, upon Application made to them by the said Trustees, 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

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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 as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as to the same Justices shall seem reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest), and in such Parts of the said Road, 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 Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such Parish, Township, or Place respectively, to be by him, her, or them paid over to the said Trustees, or their Treasurer or Surveyor, 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 Penalties are 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 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 employing or sending such Labourer 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 the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers 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 Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect and pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, paid, and applied in such and the same Manner as Penalties are by this Act directed to be levied, recovered, paid and applied.

Trustees may compound for Statute Work.

LXXVII. Provided always, and be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of any Township or Place through which the said Road passes, or any other Person or Persons appointed for that Purpose at any Vestry or other public Meeting of the Inhabitants of such Township or Place, who shall be summoned together for that Purpose, to compound and agree from Time to Time with the said Trustees, 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 to such Person as they shall appoint to receive the same, within Ten Days next after the same shall become due and be demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the County, Town, or Place where such Inhabitants shall live or reside, upon Oath made before him or them of such Default, which Oath the said Justice or Justices is or are hereby empowered to administer, and he or they is and are hereby required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, empowering such Person so by the said Trustees appointed to receive such Composition Money, or to levy the same by Distress of the Goods and Chattels of the Person or Persons who hath or 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 such Distress and keeping the same not being sooner paid) to sell, rendering the Overplus (if any there be) 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 this Act; and such Surveyors and other Persons, by whom such Composition shall be made on behalf of any of the said Townships or Places as aforesaid, shall be reimbursed such Composition Money in such manner as the Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

LXXVIII. And be it further enacted That the said Trustees, or such Person or Persons as they shall for that Purpose delegate or appoint, are hereby empowered to contract with any Person or Persons for

for the altering, widening, repairing, improving, and cleansing the said Road, or any Part thereof, and for the erecting and setting up Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the Trustees shall think proper; and all the Contracts and Agreements and Writings entered into pursuant to any Order of the said Trustees, by their Clerk, Treasurer, Surveyor, or other Officer, 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 Persons who shall sign the same, his, her, or their Executors or Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for altering, widening, repairing, improving, and cleansing the said Road, or any Part thereof, 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 Action or Suit against such Party or Persons as aforesaid making default in fulfilling his, her, or their Contract or Agreement, any Law or Usage to the contrary in anywise notwithstanding.

Distress not to be deemed unlawful for Want of Form.

LXXIX. And be it further enacted, That where any Distress shall be made for any Penalty or 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 *ab initio*, on account of any Irregularity which shall be done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, may at any Time before Issue joined pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, or Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover if Tender of Amends.

For securing transient Offenders.

LXXX. And whereas Offences may be committed against this Act, by Persons unknown to the Collectors, Surveyors, or other Officer appointed to put the same in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of their Assistance,

Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County near to the Place where the Offence or Offences shall have been committed, and such Justice is hereby empowered to proceed to the hearing and determining of the Complaint.

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

LXXXI. 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 Compensation 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.

Penalty on Witnesses not attending when summoned.

LXXXII. And be it further enacted, That if any Person or Persons, after having been summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, shall refuse or neglect to appear at the Time and Place for that Purpose appointed (after having been paid or tendered a reasonable Sum of Money for his, her, or their Expences), without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or being a Quaker, upon Affirmation, and give Evidence before such Justice of the Peace, then and in either of the said Cases every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LXXXIII. And

Recovery and Application of Penalties.

LXXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, upon Proof of the Offences respectively before any One Justice of the Peace of the County or Place wherein the Offence shall be committed, either by Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale are recovered and deducted shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid, Half to the Informer, and Half to any One or more of the said Trustees, or to their Treasurer or Clerk, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties or 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 conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, 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 Fourteen 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 and in such case it shall be lawful for any One 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 or Place wherein the Offence shall be committed, 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, shall be sooner paid and satisfied.

For the more easy Conviction of Offenders.

LXXXIV. And for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That all and every 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 Words, or in any other Form of Words to the like Effect, as the Case shall happen; (that is to say),

Form of Conviction.

‘ County of } BE it remembered, That on the Day of
‘ to wit. } in the Year of our Lord
‘ *A. B.* is convicted before me, *C. D.* One of His
‘ Majesty's

'Majesty's Justices of the Peace for the County of
'[*specifying the Offence, Time and Place when and where the same was*
'*committed* (*as the Case may be*), *without further setting forth the In-*
'*formation or Evidence against the Defendant.*] Given under my
'Hand and Seal the Day and Year first above mentioned.'

Proceedings not to be quashed for want of Form.

And that no Objection shall be made or Advantages taken for want of Form in any such Conviction, by any Person or Persons whomsoever; and that no Proceedings of any Nature or Kind soever to be had touching any Offender or Offenders against this Act, shall be quashed, vacated, or discharged for want of Form only.

Allowing an Appeal.

LXXXV. And be it further enacted, That if the said Trustees, or any Person or Persons, shall think himself, herself, or themselves aggrieved by any thing done by virtue or in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Trustees or Person and Persons shall and may appeal to the Justices of the Peace at the first General Quarter Sessions of the Peace to be holden in and for the County or Place where the Cause of Appeal shall arise, within Six Calendar Months next after the Matter of such Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice to the other Party at the least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the said Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice having been given, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way, and if they see cause may, by Order of such Sessions, mitigate at their Discretion all or any of the said Penalties, or quash and annul any Conviction or Convictions, Orders or other Proceedings of any Justice or Justices of the Peace, or otherwise may ratify and confirm the same, and award such Costs to either of the Parties, or otherwise as they may think proper, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of the said Justices shall be binding and conclusive upon all Parties to all Intents and Purposes.

Twenty-one Days Notice of Appeal to be given.

Recognizance to be entered into.

Limitation of Actions.

LXXXVI. And be it further enacted, That no Action or Suit shall be brought or commenced by any Person or Persons for any thing done by virtue of this Act, till after Fourteen clear Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action or Suit shall be intended to be so brought or commenced, thereby fully setting forth the Cause of such Action or Suit, and the Nature thereof, or left at his or their last or usual Place of Abode; and that every Action or Suit commenced or brought for any thing done as aforesaid, shall be brought within the Space of Three Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or

Defendants

Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence, and that the same was done by virtue thereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Fourteen Days next after such Notice shall have been so given or left as aforesaid, or after the End of Three Calendar Months next after the Cause thereof shall have arisen; or if such Action shall be brought or laid in any other County than as aforesaid, or if after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, then and in every of the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Paintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and shall also have the like Remedies for recovering the same, as Defendants have for recovering their Costs in other Cases by Law. General Issue. Treble Costs.

LXXXVII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest from the Time of advancing the same until Payment thereof, shall be paid and discharged by the said Trustees out of the Monies already collected or received, or out of the first Monies to be collected or received by virtue of this Act, in preference to all other Payments whatsoever. For paying the Expences of this Act.

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

LXXXIX. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall 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. Commencement and Continnance of this Act.

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