

ANNO TERTIO

GEORGII IV. REGIS.

CAP. CXXVI.

An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of *Great Britain* called *England*. [6th *August* 1822.]

WHEREAS the Laws now in force for the general Regulation of Turnpike Roads in that Part of *Great Britain* called *England*, are found to be ineffectual, and require Amendment; wherefore, for Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and twenty-three, an Act passed in the Thirteenth Year of the Reign of His 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 also an Act passed in the Fourteenth Year of His said late Majesty's Reign, intituled *An Act to repeal a Clause in an Act made in the Thirteenth Year of His present Majesty's Reign, 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,' which regulates the Width of the Wheels, and the Length of Carriages liable to be weighed, and for indemnifying Persons who have offended against the said Clause;* and also an Act passed in the Fourteenth Year of His said late Majesty's Reign, intituled *An Act*

The following Acts repealed, viz.

13 G. 3. c. 84.

14 G. 3. c. 14.

14 G. 3. c. 36.

to explain and amend an Act made in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act to explain, amend, and reduce 'into One Act of Parliament, the general Laws now in being for regu- 'lating the Turnpike Roads in that Part of Great Britain *called* 'England, *and for other Purposes,' so far as the same relates to the continuing and granting an additional Term of Five Years to Acts made for amending Turnpike Roads;* and also an Act made in the
14 G. 3. c. 57. Fourteenth Year of the Reign of His said late Majesty, intituled *An Act to repeal so much of an Act made in the last Session of Parliament, for reducing into One Act the general Laws relating to Turnpike Roads, as exempts Persons from the Payment of Tolls at Side Gates erected at Places specified in any Act of Parliament;* and also an Act made in the Fourteenth Year of His said late Majesty's Reign, inti-
14 G. 3. c. 82. tuled *An Act for explaining and altering an Act made in the Thirteenth Year of His present Majesty, 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,' so far as the same relates to the Payment of additional Tolls at Weighing Engines, and the Number of Horses to be used in Carriages drawn on Turnpike Roads, and for allowing certain Exemptions with respect to Weight and Payment of Toll in particular Cases;* and also an Act passed in the Sixteenth Year
16 G. 3. c. 39. of His said late Majesty's Reign, intituled *An Act for repealing a Clause in an Act made in the Thirteenth Year of the Reign of His present Majesty, 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,' which relates to the Countersinking of the Tire of the Wheels of all Waggons, Wains, and other Carriages to be used on Turnpike Roads; and for explaining a Provision in the said Act, with respect to the Fellies and Tire of Carriages having the Fellies of the Wheels of the Gauge of Six Inches or upwards;* and also an Act passed
16 G. 3. c. 44. in the Sixteenth Year of His said late Majesty's Reign, intituled *An Act for suspending, for a limited Time, so much of an Act made in the Thirteenth Year of His present Majesty's Reign, 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,' as is to subject Carriages having the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches to the Payment of Double Tolls, and for vacating Contracts for leasing Tolls;* and also an Act passed in the
17 G. 3. c. 16. Seventeenth Year of His said late Majesty's Reign, intituled *An Act for limiting the Exemptions from Tolls (granted by any Act or Acts of Parliament for repairing Turnpike Roads), on account of Cattle going to and from Water or Pasture;* and also an Act passed in the Eigh-
18 G. 3. c. 28. teenth Year of His said late Majesty's Reign, intituled *An Act for repealing so much of an Act made in the Thirteenth Year of His present Majesty's Reign, 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* Eng- 'land, *and for other Purposes,' as is to subject Carriages having the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches to the Payment of Double Tolls, and for vacating Contracts for leasing Tolls;*

Tolls; and also an Act passed in the Eighteenth Year of His said late Majesty's Reign, intituled *An Act for enabling Trustees under particular Turnpike Acts to meet and carry such Acts into Execution, notwithstanding they may not have met or adjourned agreeable to the Directions of such Acts, and for preventing Disputes touching the Payment of Tolls for Horses or Carriages belonging to or employed by Officers or Soldiers on Duty;* and also an Act passed in the Twenty-first Year of His said late Majesty's Reign, intituled *An Act for declaring certain Provisions of an Act made in the Thirteenth Year of His present Majesty, relating to the Turnpike Roads in that Part of* Great Britain *called* England, *to extend to all Acts made and to be made for repairing Roads subsequent to the passing of the said Act;* and also an Act passed in the Twenty-fifth Year of His said late Majesty's Reign, intituled *An Act to exempt Carriages carrying the Mail from paying Tolls at any Turnpike Gate in* Great Britain; and also an Act passed in the Fifty-second Year of His said late Majesty's Reign, intituled *An Act to explain the Exemption from Toll in several Acts of Parliament, for Carriages employed in Husbandry, and for regulating the Tolls to be paid on other Carriages, and on Horses, in certain other Cases therein specified;* and also an Act passed in the Fifty-third Year of His said late Majesty's Reign, intituled *An Act to amend an Act made in the Fifty-second Year of His present Majesty's Reign, intituled 'An Act to explain the 'Exemption from Toll in several Acts of Parliament, for Carriages 'employed in Husbandry, and for regulating the Tolls to be paid on 'other Carriages and on Horses in certain other Cases therein specified,' and for other Purposes relating thereto;* and also an Act passed in the Fifty-fifth Year of His said late Majesty's Reign, 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 also an Act passed in the Fifty-seventh Year of His said late Majesty's Reign, intituled *An Act to explain and amend an Act of the Fifty-third Year of His present Majesty, relating to Tolls on Carriages used in Husbandry, and to remove Doubts as to Exemption of Carriages not wholly laden with Manure from Payment of Toll*; shall be and the same is and are hereby repealed.

18 G. 3. c. 63.
21 G. 3. c. 20.
25 G. 3. c. 57.
52 G. 3. c. 145.
53 G. 3. c. 82.
55 G. 3. c. 119.
57 G. 3. c. 37.

II. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to revive or give any Force or Effect to any Act or Acts repealed by the said recited Acts, or any of them, but such Acts shall be and continue repealed, in such and the like Manner as if this Act had not been made.

Not to revive repealed Acts;

III. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to prevent the suing for and Recovery of any Penalty incurred by any Offence committed against the Provisions of the said herein-before recited Acts, or any of them, previous to the Repeal of the said Acts in and by this Act, or to prevent or defeat any Prosecution commenced or to be brought for such Offence, but all Penalties incurred may be sued for, and all Encroachments, Nuisances, and other Offences made or committed previous to the Repeal

nor to prevent the Recovery of Penalties incurred for Offences against Acts repealed.

Repeal of the said Acts, against the Provisions of the said recited Acts, or any of them, may be abated or prosecuted in the same Manner to all Intents and Purposes as if this Act had not been passed.

After Jan. 1. 1823, this Act to extend to all Local Acts for making and repairing Turnpike Roads.

IV. And whereas it is of great Importance that one uniform System should be adhered to in the Laws for regulating the Management and Maintenance of Turnpike Roads throughout the Kingdom; be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred and twenty-three, all the Enactments, Provisions, Matters, and Things in this Act contained, shall extend, and be deemed, construed, and taken to extend, to all Acts of Parliament now in force, and to all Acts which shall hereafter be passed, for making, widening, turning, amending, repairing, or maintaining any Turnpike Road or Roads in that Part of *Great Britain* called *England*, save and except where any other Commencement is particularly directed by this Act, and as to such Enactments, Provisions, Matters, and Things as shall be expressly referred to, and varied, altered, or repealed by any such Act or Acts as shall be hereafter passed.

After Jan. 1. 1826, all Wheels of Waggons and other Carriages to be of the Construction herein mentioned.

V. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty-six, if the Tire or Tires of any Wheel or Wheels of any Waggon, Cart, or other such Carriage, which shall be used or drawn on any Turnpike Road, shall not be so made or constructed as not to deviate more than Half an Inch from a flat or level Surface in Wheels exceeding Six Inches in Breadth, or more than One Quarter of an Inch from a flat or level Surface in Wheels less than Six Inches in Breadth, or in case the several Nails of the Tire or Tires of every such Wheel or Wheels shall not be so countersunk as not to project above One Quarter of an Inch above the Surface of such Tire or Tires, then and in every such Case the Owner of every such Waggon, Cart, or other such Carriage, shall for every such Offence forfeit and pay the Sum of Five Pounds, and every Driver thereof the Sum of Forty Shillings.

Penalty 5*l.* on the Owner, and 40*s.* on the Driver.

Nor shall any Waggon or Cart be used with Wheels of less Breadth than Three Inches on any Turnpike Road.

VI. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty-six, no Waggon or other such Carriage shall be allowed to travel or be used on any Road, with the Fellies of the Wheels thereof of a less Breadth than Three Inches; and from and after the Day and Year last mentioned, if any Waggon or other such Carriage, having the Fellies of the Wheels thereof of less Breadth than Three Inches, shall be used or drawn on any Turnpike Road, the Owner of every such Waggon or other such Carriage so used, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every Driver thereof, not being the Owner, any Sum not exceeding Forty Shillings.

Penalty.

After Jan. 1. 1823, Waggons, &c. having the

VII. And be it further enacted, That from and after the said First Day of *January* One thousand eight hundred and twenty-three, the Trustees or Commissioners appointed by virtue or under the Authority

rity of any Act or Acts of Parliament made or to be made for making or maintaining any Turnpike Road, shall and they are hereby required to demand and take, or cause to be demanded and taken, for every Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, or for the Horse or Horses or Cattle drawing the same, One Half more than the Tolls which are or shall be payable for any Carriage of the same Description, having the Wheels thereof of the Breadth of Six Inches: And for every Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches, and less than Six Inches at the Bottom or Soles thereof, or for the Horse or Horses or other Cattle drawing the same, One-fourth more than the Tolls or Duties which are or shall be payable on any Carriage of the like Description, having the Wheels thereof of the Breadth of Six Inches, by any Act or Acts of Parliament now in force, or hereafter to be passed, for making or maintaining any Turnpike Road, before any such Waggon, Wain, Cart, or other Carriage respectively, shall be permitted to pass through any Turnpike Gate or Gates, Bar or Bars, where Tolls shall be payable by virtue of any such Acts.

Fellies of Wheels of less Breadth than Four and a Half Inches to pay One Half more than the Toll payable on Waggons, &c. having Six Inch Wheels.

Where the Wheels shall be Four and a Half Inches, and less than Six Inches in Breadth, One-fourth more Toll shall be paid.

VIII. Provided always, and be it further enacted, That where any particular Act or Acts of Parliament now in force for the making, repairing, or maintaining any Turnpike Road, shall direct an higher Rate of Toll or Tolls to be taken on any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of less Breadth than Six Inches, and such higher Rate is more than the Addition which is herein-before directed to be taken, such higher Rate of Tolls in and by such Act or Acts imposed shall continue to be levied and collected on the Road or Roads to which the said Act or Acts relate, in the Proportions therein fixed.

Where any Act now in force has a Scale of Tolls on Waggons, &c. with less than Six Inch Wheels, such Scale shall be continued.

IX. And be it further enacted, That where any Waggon or Cart shall have the Sole or Bottom of the Wheels thereof rolling on a flat Surface, and the Nails of the Tire of such Wheels countersunk and be cylindrical, (that is to say) of the same Diameter on the Inside next the Carriage as on the Outside, so that when such Wheels shall be rolling on a flat or level Surface, the whole Breadth thereof shall bear equally on such flat or level Surface, and shall have the opposite Ends of the Axletrees of such Waggon, Cart, or other Carriage, so far as the same shall be inserted into the respective Naves of the Wheels thereof, horizontal, and in the Continuance of One straight Line, without forming any Angle with each other, and in each Pair of Wheels belonging to such Carriage, the lower Parts when resting on the Ground shall be at the same Distance from each other as the upper Parts of such Wheels, it shall and may be lawful for the Trustees or Commissioners of any Turnpike Road, at a General Meeting, if they shall think fit so to do, to make an Order for every such Waggon and Cart to pass through any Toll Gate or Bar under the Superintendance of the Trustees or Commissioners making such Order, upon paying only so much of the Tolls and Duties as shall not be less than Two-thirds of the full Toll or Duty payable by any Turnpike Act, on such

Where Waggons or Carts are constructed in a particular Manner, Trustees may make Order that the Toll to be taken shall not be less than Two-thirds of the full Toll.

such Waggon, Cart, or other Carriage, and the Horse or Horses or Cattle drawing the same.

Breadth of Wheels not to extend to Coaches, &c.

X. Provided always, and be it further enacted, That nothing herein contained relating to the Breadth of the Wheels of Carriages, or to the Tolls payable thereon, shall extend or be construed to extend to any Chaise Marine, Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricle, Gig, Chair, or Taxed Cart, Market Cart, or other Cart for the Conveyance of Passengers or light Goods or Articles.

Power to Trustees to measure Wheels.

XI. And be it further enacted, That it shall and may be lawful for any Trustee or Commissioner of any Turnpike Road, and for every Collector or his Deputy or Deputies, or other Person acting by or under the Authority of the Trustees or Commissioners of any Turnpike Road, or of their Lessee or Lessees of Tolls, to measure and examine, or cause to be measured and examined, the Breadth and Construction of the Wheels of every Waggon, Cart, or other such Carriage passing on such Turnpike Road; such Measurement and Examination to take place, if the Trustee, Commissioner, or other authorized Persons making the same shall so require, previously to such Waggon, Cart, or other Carriage being allowed to pass through any Toll Gate or Bar at which Toll shall be payable; and if any Owner or Driver of any such Waggon, Cart, or other Carriage, shall turn or drive out of the Road, in order to avoid or evade the measuring of the Wheels of such Waggon, Cart, or other Carriage, or if any such Owner, Driver, or any other Person, shall refuse to allow the Wheels of any such Waggon, Cart, or other Carriage to be measured, and the Construction thereof examined, or shall attempt to pass through any Toll Gate or Bar before such Measurement and Examination shall be made (the same having been required), or shall in any way hinder or obstruct any such Trustee or Commissioner, or other authorized Person, in making such Measurement and Examination, every such Owner, Driver, or other Person so misbehaving, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and that it shall not be lawful for any such Waggon, Cart, or other Carriage, not permitted to be measured or examined as aforesaid, to pass along any Turnpike Road; and if any Collector or his Deputy, or any other Person appointed to collect the Tolls, shall allow the same to pass before such Measurement and Examination shall be made (the same having been required), every Collector, Deputy, or other Person, shall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing Measurement, not exceeding 5*l.*

Penalty on Toll Collector allowing Waggons to pass before Measurement, &c. not exceeding 5*l.*

Regulating the Weights of Waggons, &c.

XII. And for regulating the Weights to be allowed to Waggons, Wains, Carts, and other Carriages, be it further enacted, That the Weights hereafter next specified shall be allowed to every Waggon, Wain, Cart, or other such Carriage, (that is to say), to every Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Nine Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Six Ton Ten Hundred Weight in Summer, and Six Ton in Winter; to every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof

thereof of the like Breadth, together with the Loading of such Carriage, Three Ton Ten Hundred Weight in Summer, and Three Ton in Winter; to every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches and less than Nine Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Four Ton Fifteen Hundred Weight in Summer, and Four Ton Five Hundred Weight in Winter; to every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels of the Breadth last mentioned at the Bottom or Soles thereof, together with the Loading of such last-mentioned Carriage, Three Tons in Summer, and Two Ton Fifteen Hundred Weight in Winter; to every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Four Ton Five Hundred Weight in Summer, and Three Ton Fifteen Hundred Weight in Winter; to every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth last mentioned at the Bottom or Soles thereof, together with the Loading of such Carriage, Two Ton Twelve Hundred Weight in Summer, and Two Ton Seven Hundred Weight in Winter; to every Waggon, Wain, or other such Four wheeled Carriage, having the Fellies of the Wheels thereof of a less Breadth than Four Inches and a Half at the Bottom or Soles thereof, together with the Loading of such Carriage, Three Ton Fifteen Hundred Weight in Summer, and Three Ton Five Hundred Weight in Winter; to every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth last mentioned, together with the Loading of such Carriage, One Ton Fifteen Hundred Weight in Summer, and One Ton Ten Hundred Weight in Winter; and for the several Purposes of this Act, it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive.

Additional Weights for Carriages built with Springs.

XIII. And be it further enacted, That to every Caravan, or other Four-wheeled Carriage used for the Conveyance of Goods, and built and constructed with Springs, shall be allowed the Weights following; that is to say, for every such Carriage Three Tons and Fifteen Hundred Weight in Winter, and Four Tons Five Hundred Weight in Summer.

Two-wheeled Drays drawn with Three Horses allowed Two Tons 16 Cwt.

XIV. Provided always, and be it further enacted, That to each and every Dray with Two Wheels of not less than Four Inches and a Half in Breadth, and drawn by not more than Three Horses, and used in *London*, or within the Bills of Mortality, there shall be allowed at all Times of the Year, together with the Loading of such Dray, the full Weight of Two Tons Sixteen Hundred Weight; any thing in this or any other Act of Parliament to the contrary notwithstanding.

Additional Tolls for Overweight.

XV. And be it further enacted, That it shall and may be lawful for all Trustees and Commissioners appointed by or under any Act or

or Acts of Parliament, for the making or maintaining of any Turnpike Road, or for any Person or Persons authorized by them, and they are hereby empowered and required, to receive, take, and demand, over and above the Tolls payable by any Act or Acts of Parliament now in force or hereafter to be passed, the following Sums of Money as additional Toll for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart, or other such Carriage, together with the Loading thereof, shall weigh at any Weighing Engine over and above the Weights herein-before allowed to each of them respectively, (that is to say); For the First and Second Hundred of such Overweight, the Sum of Three-pence for each Hundred; for every Hundred of such Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Six-pence; for every Hundred of such Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Six-pence; and for every Hundred of such Overweight exceeding Ten Hundred, the Sum of Five Shillings; which said additional Sums or Tolls hereby granted and made payable at any Weighing Engine, shall and may be levied and recovered in any of the Cases aforesaid, in such Manner as any other Toll or Duty payable on the Road on which any such Weighing Engine shall be erected, is or shall be by Law to be levied and recovered, and the Monies arising therefrom shall be applied to the Repairs of the Turnpike Road on which the same shall be recovered.

Regulations as to Weight not to extend to Manure, &c.

XVI. Provided always, and be it further enacted, That the Regulations of Weight herein-before mentioned and provided shall not extend or be deemed or construed to extend to any Waggons, Carts, or other Carriages carrying only Manure or Lime for the Improvement of Land, or any Hay, Straw, Fodder, or Corn unthrashed, except Hay, Straw, Fodder, or Corn carried for Sale; nor to any Waggons, Carts, or other Carriages, carrying only One Tree or One Log of Timber, or One Block of Stone, or One Cable or Rope; nor shall the said Regulations of Weight extend to any Chaise Marine, Coach, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Break, Gig, Chaise, or Taxed Cart.

Contractors of Tolls may be released from their Contracts, so far as regards Tolls or Penalties for Overweight, on giving Notice to the Treasurer or Clerk of the Trustees by September 1, 1822.

XVII. And whereas many Persons may at the Time of passing this Act be Farmers or Contractors for the Tolls arising or payable on Turnpike Roads, and for Tolls and Penalties for Overweight, and whose Contracts will not expire until after the First Day of *January* One thousand eight hundred and twenty-three; for Remedy whereof, and for Protection of such Lessees or Contractors, be it further enacted, That in case any Lessee or Lessees, Farmer or Farmers, Contractor or Contractors for any Toll or Tolls and Penalties for Overweight, payable to any Trustees or Commissioners appointed by virtue of any Act of Parliament for making, repairing, or amending Turnpike Roads, whose Contract will not expire until after the First Day of *January* One thousand eight hundred and twenty-three, shall by reason of this Act be desirous of being discharged from his, her, or their Contract or Contracts, so far as regards such Tolls or Penalties for Overweight, and of such his, her, or their Desire shall, on or before the First Day of *September* One thousand eight hundred and

twenty-two, give Notice in Writing to the Treasurer or Clerk of any such Trustees, then and in every such Case all such Farmers, Lessees, or Contractors shall, from and after the said First Day of *January* One thousand eight hundred and twenty-three, be released and discharged from their respective Contracts, so far as the same relate to such Tolls or Penalties for Overweight; and all and every such Contracts shall from thenceforth cease and be null and void as to the Residue of the Term or Time then to come and unexpired therein, so far as such Contracts relate to such Tolls or Penalties for Overweight; any thing in such Leases or Agreements to the contrary notwithstanding.

New Contracts may be made with Contractors.

XVIII. Provided also, and be it enacted, That in case any such Lessee or Lessees, Farmer or Farmers, Contractor or Contractors, shall give such Notice of determining his, her, or their Contract as hereinbefore mentioned, then and in every such Case it shall be lawful for such Trustees or Commissioners, if they think fit, to make any new Contract or Contracts with such Lessee or Lessees, Farmer or Farmers, Contractor or Contractors, or to make any Compensation to him, her, or them, in respect of such Tolls or Penalties for Overweight, or to cause the said Tolls or Penalties for Overweight to be relet on a Day and at a Place to be by them appointed, of which One Month's Notice at least shall be given, and thereupon to proceed to relet the same, and to relet the same for the best Price they may then be enabled to obtain for the same, without being compelled to put up the said Tolls or Penalties for Overweight at the Sum at which they were last let, or to have any other Meeting for the letting thereof; any Law or Custom to the contrary notwithstanding.

Trustees not to make Composition for Overweight.

Penalty, 50*l.*

XIX. And be it enacted, That it shall not be lawful for the Trustees or Commissioners of any Turnpike Road, their Lessee or Lessees, Collector or Collectors, or other Officers, to make any Composition for any additional Tolls or Duties for or in respect of the Overweight, or in any other Manner as to the Weight which any Waggon, Wain, Cart, or Carriage shall carry or weigh, any Law to the contrary thereof notwithstanding; but every Contract and Agreement for such Composition for Overweight shall be null and void to all Intents and Purposes whatsoever; and every Lessee, Collector, or other Officer entering into or agreeing to any such Composition, and every Person or Persons with whom any such Composition or Agreement shall be made or entered into, shall for every such Composition or Agreement, and for every Abatement of Toll for Overweight in consequence thereof respectively, forfeit and pay the Sum of Fifty Pounds to any Person or Persons suing for the same.

Penalty on unloading Goods, &c. to evade Toll, or obstructing the weighing, 5*l.* on the Owner of the Waggon, &c.

XX. And be it further enacted, That if any Person or Persons shall unload, or cause to be unladen, any Goods, Wares, or Merchandize, from any Cart, Waggon, or other Carriage, at or before the same shall come to any Turnpike Gate or Weighing Engine erected by virtue or in pursuance of this or any other Act made for the Repair or Preservation of any Turnpike Road, or shall load or lay upon such Carriage after the same shall have passed any such Turnpike

and not exceeding 40s. on the Driver.

or Weighing Engine, any Goods, Wares, or Merchandize, taken or unladen from any Horse, Cart, or other Carriages belonging to or hired or borrowed by the same Waggoner or Carrier, in order to avoid the Payment of the said respective Duties payable for Overweight; or if any Person shall so unload in order to carry considerable Quantities of Goods through any Turnpike Gate or by any Weighing Engine in one and the same Day, and thereby pay less Toll at such Turnpike Gate or Weighing Engine than would have been paid if such Goods, Wares, or Merchandize had not been so unladen; or if any Driver of any Waggon or Cart shall not wait a reasonable Time whilst any other Carriage shall be weighed, which shall have come to the Weighing Engine before the Carriage of which he shall be the Driver; or if the Driver of any Waggon or Cart shall refuse or delay to remove or drive any such Waggon or Cart from the Weighing Machine, in order by such Neglect or Refusal to impede or delay the Weighing of any other Waggon or Cart, or shall turn or drive out of any Road in order to avoid or evade the Weighing of any Waggon or Cart; each and every Person so offending in any of the Cases aforesaid, and being thereof lawfully convicted before One or more Justice or Justices of the Peace for the Limit where the Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses, shall forfeit and pay the Sum of Five Pounds, to be levied upon the Goods and Chattels of the Owner of such Cart, Waggon, or other Carriage; and each and every Driver, not being the Owner of such Waggon or Carriage, so offending, and being thereof convicted as aforesaid, shall forfeit and pay any Sum not exceeding Forty Shillings, and in case of Non-payment thereof, shall be committed to the House of Correction for any Time not exceeding Two Calendar Months.

Power given for erecting Weighing Machines.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees or Commissioners, at any of their respective Meetings, if they think proper, to order and cause to be built and erected, at any of the Turnpikes or Toll Gates on the Roads under their Care and Management, or at such Distance therefrom as they shall think expedient, One or more Crane or Cranes, Machines, or Engines, with a suitable House or other Building thereto, proper for the Weighing of Waggons or Carriages conveying any Goods or Merchandize whatsoever, and by Notice on a Board for that Purpose, to be put up at every such Weighing Machine, to order and direct all and every such Waggons or Carriages which shall come within One hundred Yards of any Crane, Machine, or Engine, to be weighed, together with the Loading thereof.

Where Weighing Engines are erected, Toll Keepers to weigh Waggons, &c. of greater Weight than allowed, and not suffer them to pass without pay-

XXII. And be it further enacted, That the Keeper of every Toll Gate or Bar where any Weighing Engine shall be erected, or any other Person appointed or to be appointed by the Trustees or Commissioners, or by their Lessee or Lessees, to the Care of such Weighing Engine, shall and is hereby required to weigh all such Waggons, Carts, and other Carriages liable to be weighed, which shall pass loaded through such Gates or Bars respectively, and which he shall believe to carry greater Weights than are allowed to pass without paying the said additional Toll; and if any Collector or Person so appointed shall permit any such Waggon, Cart, or other Carriage to

pass by or through any such Toll Gate with greater Weights than are hereby allowed, without weighing the same and receiving such additional Tolls as aforesaid, he shall for every such Offence forfeit the Sum of Five Pounds; and if the Owner or Driver of any Waggon, Cart, or other Carriage shall refuse to allow the same to be weighed, or shall resist any Gate Keeper or Toll Collector in weighing the same, every Owner or Driver so offending shall forfeit and pay any Sum not exceeding Five Pounds.

ing the additional Toll.

Penalty on obstructing the weighing not exceeding 5*l.*

XXIII. And in order to detect the said Collector or Receiver in any fraudulent Contrivance or Neglect of Duty in the Matters aforesaid, be it further enacted, That it shall and may be lawful for any Trustee or Commissioner, or Surveyor of every Turnpike Road, if he shall suspect any such Connivance or Neglect as aforesaid, to cause any Waggon, Cart, or other Carriage which shall have passed through any Toll Gate where any Weighing Engine shall be erected, and shall not have passed above Three hundred Yards beyond such Toll Gate, to return to such Weighing Engine, and be there weighed with the Loading which passed through such Toll Gate, in the Presence of such Trustee or Commissioner or Surveyor, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine, and upon paying or tendering to him the Sum of One Shilling for so doing, which Sum of One Shilling shall be returned to the Person paying the same, if upon weighing such Carriage and the Loading thereof it shall be found above the Weight hereby allowed.

Trustees, &c. may cause Waggons, &c. to return to be weighed, in case of Neglect of Duty of the Collector.

XXIV. And for the better enforcing the Authority of this Act, be it further enacted, That the Surveyors of every Turnpike Road shall, and they are hereby authorized and required to make convenient Places for turning such Carriages upon every such Turnpike Road where any Weighing Engine shall be erected, within Three hundred Yards of such Toll Gate, on each Side thereof, if the Ground will admit of the same; and if the Driver of any such Carriage, being so requested to return with his Carriage to such Weighing Engine, shall neglect or refuse so to do, he shall forfeit any Sum not exceeding Five Pounds; and it shall and may be lawful for any Peace Officer or other Person or Persons being then present, upon such Neglect or Refusal, to drive and take such Carriage back to such Weighing Engine, in order to be weighed as aforesaid.

Surveyors to make convenient Places for turning Carriages where Weighing Engines are erected.

Drivers refusing to return to forfeit not exceeding 5*l.*

XXV. Provided also, and be it further enacted, That when Two or more Turnpike Roads meet at or near the same Place, it shall and may be lawful for the Trustees or Commissioners of such Turnpike Roads respectively, at a Meeting to be held for that Purpose, to fix upon some convenient Place to erect a Weighing Engine upon, which will accommodate all such Turnpike Roads, and by Agreement amongst themselves at such Meeting to proportion the Expences which may attend the making, erecting, maintaining, and keeping in repair such Weighing Engine, and likewise the Money arising from Forfeitures to be incurred for Overweight at such Weighing Machine, amongst all such Turnpike Roads, in such Manner as to them shall appear just and reasonable.

Where Turnpike Roads on different Trusts meet, Trustees to fix on some Place for erecting a Weighing Engine, and proportion the Expence, &c.

XXVI. And

Exemptions from Toll on Manure, &c. contained in any Act, to be in force notwithstanding the same should be carried into or brought from an adjoining Parish.

XXVI. And be it further enacted, That in every Case in which, under any Act or Acts of Parliament relating to any Turnpike Road, there is an Exemption from Toll or Duty in respect of any Horse, Mule, Ass, Ox, Waggon, Cart, or other Carriage, drawing or carrying any Dung, Mould, Marl, or Compost, of any Nature or Kind soever, for improving or manuring the Land, or Hay, Straw, or any other Fodder for Cattle, or Materials for repairing any Turnpike Road or Highway, such Exemption shall be deemed to extend in respect of every such Waggon, Cart, or other Carriage, and also in respect to the Cattle drawing the same, going empty or loaded only with Implements necessary for more convenient Carriage, or loading or unloading such Lading, or returning empty, or with such Implements as aforesaid, having been so laden, notwithstanding the said Waggon, Cart, or other Carriage shall, for the Purpose aforesaid, go to or return from any Parish or Place in which the said Turnpike does not lie.

Tolls payable on Waggons going empty for Road Materials, &c. to be repaid when returning laden.

XXVII. Provided always, and be it further enacted, That for the preventing of Frauds on Toll Collectors by Waggons, Carts, or other Carriages passing empty, or loaded only with Implements necessary for the more convenient Carriage of, or for loading or unloading Manure, or Materials for the Repair of any Turnpike Road or Highway, through Turnpike Gates, under Pretence of going for such Manure or Materials, the Owner or Driver of every such empty Waggon, Cart, or Carriage, claiming the same Exemptions or any of them, shall in all Cases pay the Toll in respect of such Waggon, Cart, or other Carriage, before the same shall be permitted to pass through such Turnpike Gate; and the Collector of such Toll shall thereupon deliver to such Owner or Driver a Ticket, to be marked "Manure Exemption" or "Road Materials" (as the Case may be), with the Name of the Gate and the Date when delivered, and the Amount of the Toll so paid; all which Sum or Sums so paid shall be repaid to the Owner or Driver of such Waggon, Cart, or other Carriage, upon his or their returning with such Waggon, Cart, or other Carriage so laden as aforesaid, and producing such Ticket; and every Collector of such Toll refusing to give such Ticket on receiving the Toll, or refusing or neglecting to return the same Toll upon the Return of such Waggon, Cart, or other Carriage so laden, and Re-delivery of the "Manure Exemption" or "Road Materials" Ticket, as the Case may be, shall for every such Offence forfeit and pay to the Owner of such Waggon, Cart, or other Carriage, a Penalty of not more than Five Pounds, upon Conviction thereof before One or more Justice or Justices of the Peace for the County, Riding, Division, or Place where such Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses.

Penalty for not returning such Tolls, not exceeding 5*l*.

Toll not to be taken on account of Baskets, &c. being in Waggons, &c. laden with Manure, &c.

XXVIII. And be it further enacted, That the Owner or Driver of any Waggon, Cart, or other Carriage laden with Manure for Land, or Materials for any Turnpike Road or Highway, passing through any Turnpike Gate, or otherwise passing on or across any Turnpike Road, shall not be liable to pay any Toll, nor shall any Toll be demanded for such Carriage so laden, or the Cattle drawing the same, by reason only of any Basket or Baskets, empty Sack or Sacks, or Spade, Shovel, or

or Fork necessary for loading or unloading such Manure or Materials, being in or upon any such Waggon, Cart, or other Carriage, in addition to such Manure or Materials, if the Loading thereof is substantially Manure for Land, or Materials for the Repair of any Turnpike Road or Highway as aforesaid; any thing in any Act contained to the contrary thereof notwithstanding.

Post Horses having passed through any Gate may return Toll-free before Nine in the Morning of the following Day.

XXIX. And be it further enacted, That all Horses travelling for Hire under the Post Horse Duties Acts, having passed through any Turnpike Gate erected or to be erected on any Turnpike Road, drawing any Carriage in respect of which any Toll shall have been paid, on returning through the Turnpike Gate at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage, or drawing such Carriage, the same being empty, and without a Ticket denoting a fresh Hiring, shall be permitted to repass Toll-free, although such Horses or Carriage shall not have passed through such Turnpike Gate on the same Day; provided that such Horses so travelling shall return before Nine of the Clock of the Morning succeeding the Day on which they first passed the Turnpike Gate at which the Toll shall have been paid.

Horses having passed through a Gate, and returning drawing a Carriage, the Toll paid on the Horses to be deducted.

XXX. And be it further enacted, That where any Horse or Horses shall pass through any Turnpike Gate on any Road, not drawing any Carriage, and a Toll shall be paid on such Horse or Horses at such Turnpike Gate, and the same Horse or Horses shall return drawing any Carriage on the same Day, or within Eight Hours after their first passing through such Gate, the Toll paid on such Horse or Horses on their originally passing shall be deducted from the Toll payable on the same when drawing the Carriage to which they shall be attached on their Return, so that no higher Toll shall in the whole be taken than if such Horse or Horses had in the first place passed through such Turnpike Gate drawing the said Carriage.

Tolls to be paid upon Carriages affixed to others.

XXXI. And whereas Coaches, Chariots, Chaises, Chairs, Carts, and other Carriages, sometimes pass through Turnpike Gates affixed, tied, or secured to Waggons or Carts, and Horses are sometimes sent under the Charge of the Drivers of such Waggons and Carts, and are fastened thereto; and it is expedient to determine what Tolls such Coaches, Chariots, Chaises, Chairs, Carts, and other Carriages, and Horses, ought to pay on passing through such Gates; be it therefore enacted, That where by any Act for repairing any Turnpike Road no Toll is directed to be taken for or in respect of any Coach, Chariot, Chaise, or any other Carriage whatsoever with Four Wheels, passing through any Turnpike Gate on such Road, affixed, tied, or secured to any Waggon or Cart, the same Toll, and no more, shall and may be demanded and taken for and in respect of such Coach, Chariot, Chaise, or other Carriage, as if the same had passed through drawn by Two Horses; and where by any Act for repairing any Turnpike Road no Toll is directed to be taken for or in respect of any Chair, Cart, or other Carriage whatsoever, with Two Wheels only, passing through any Turnpike Gate on such Road, so affixed, tied, or secured to any Waggon or Cart as aforesaid, the same Toll, and no more, shall and

may be demanded and taken for and in respect of such Chair, Cart, or other Carriage with Two Wheels only, as if the same had passed through drawn by One Horse only; and where any Horse shall be fastened to but not used in drawing any Waggon, Cart, or other Carriage, such Horse shall not be liable to a higher Toll than a single Horse; provided that if any Coach, Chariot, Chaise, Chair, Cart, or other Carriage so affixed, tied, or secured to any Waggon or Cart, shall have any Goods conveyed therein other than the Harness thereto belonging, and such Articles of Package as may be necessary for the Protection of such Carriages, the same shall be liable to Double the Toll hereby imposed.

Exemptions from Tolls: Horses and Carriages attending His Majesty, &c. or conveying Materials for Roads and Bridges;

XXXII. And be it further enacted, That no Toll shall be demanded or taken by virtue of this or any other Act or Acts of Parliament, on any Turnpike Road, for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; or of or from any Person or Persons, 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 any Turnpike Road or public Highway, or for building, rebuilding, or repairing any present or any future Bridge or Bridges on any such Road or public Highway, or of or from the Surveyor of any Turnpike Road when engaged in executing or proceeding to execute, within the Limits of his own or any adjoining Trust, the Powers of this or any other Act or Acts of Parliament for repairing, maintaining, or relating to any Turnpike Road; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, or Manure (save and except Lime) for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other Thing not hereby exempted from Toll), or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, or for any Horses or other Beasts employed in Husbandry going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the Turnpike Road on which the Exemption shall be claimed; or of or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or of or from any other 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 Day on which Divine Service is by Authority ordered to be celebrated; or of or from any Inhabitant of any Parish, Township, or Place, going to or returning from attending the Funeral of any Person who shall die and be buried in the Parish, Township, or Hamlet in which any Turnpike Road shall lie; or from

or Manure (except Lime);

or Agricultural Produce not sold or for Sale;

or for Horses employed in Husbandry;

or for going to or returning from Church;

or for attending Funerals;

any Rector, Vicar, or Curate going to or returning from visiting any sick Parishioner, or on other his Parochial Duty within his Parish; or for Horses, Carts, or Waggons employed only in carrying or conveying any Vagrant sent by a legal Pass, or any Prisoner sent by any legal Warrant, or returning empty after having been so employed; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other Public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses or Carriages carrying or conveying any Person or Persons to or from any Election or Elections of a Knight or Knights of the Shire, to serve in Parliament for the County or Counties in which such Turnpike Road shall be situated; or for any Horses or Carriages which shall only cross any Turnpike Road, or shall not pass above One hundred Yards thereon.

or from Ministers attending their Duty;

or for conveying Vagrants;

or for conveying the Mails;

or for Horses of Officers or Soldiers on Duty;

or for conveying Baggage, or any Sick, Ordnance, or Public Stores;

or for Horses and Carriages used by Corps of Yeomanry, &c.;

or for conveying Persons to or from County Elections;

or for crossing Roads, &c.

XXXIII. Provided always, and be it enacted, That so much of this Act as directs that no Toll shall be demanded or taken from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or of or from any other 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 Day on which Divine Service is ordered by Authority to be celebrated, shall not extend or be construed to extend so as to exempt any such Person or Persons from the Payment of Toll at any Turnpike Gate or Gates situate within the Distance of Five Miles of the *Royal Exchange* in the City of *London*, or within the Distance of Five Miles of *Westminster Hall* in the City and Liberties of *Westminster*.

Exemption from Toll on Sundays, &c. for Persons going to and returning from Church not to extend to any Turnpike within the Distance of Five Miles of London, &c.

XXXIV. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend, so as to exempt any Waggon, Cart, or other Carriage laden with Dung, Soil, Compost, or Manure

Not to exempt from Toll any Waggon, &c.

laden with Manure, if imposed by any Local Act

Manure for manuring Land, or any Horse or other Beast drawing the same, from any Toll imposed in respect thereof by virtue of any Local Act or Acts now passed, whereby such Toll has been imposed for the Maintenance of the Roads therein respectively mentioned.

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

XXXV. 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, or 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 additional Toll, Penalty, or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Penalty not exceeding 5*l.* on fraudulently taking the Benefit of Exemption.

XXXVI. And be it further enacted, That if any Person or Persons shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any Exemption from Toll or from Overweight, or for using any additional Horse or Horses, or of any other Exemption or Exemptions whatsoever in this Act contained, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Trustees to put up a Table of the Tolls.

XXXVII. And be it further enacted, That on or before the First Day of *January* One thousand eight hundred and twenty-three, the Trustees and Commissioners of every Turnpike Road shall and they are hereby required to put up or cause to be put up, and afterwards to be continued at every Toll Gate within their respective Districts, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls, and the different Sorts of Carriages for which they are to be paid, where there shall be any Variation therein, and also a List of the several Gates which shall be wholly or partially cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and the said Trustees or Commissioners shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Payment, one of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned as being cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate

Tickets denoting Payment of Toll to be provided and delivered to the Persons paying the Toll.

or

or Gates therein mentioned, without paying any further or additional Toll.

Two Oxen to be considered as One Horse.

XXXVIII. And be it further enacted, That in all Carriages wherein Oxen or Neat Cattle shall be used, Two Oxen or Neat Cattle shall be considered as One Horse, for all the Purposes mentioned in this Act, or any particular Turnpike Act with respect to Tolls or other Things.

For Recovery of Tolls.

Collector may distrain.

XXXIX. And be it further enacted, That if any Person subject or liable to the Payment of any of the Toll or Tolls under and by virtue of this or any other Act of Parliament for making, repairing, or maintaining any Turnpike Road, 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 or appointed to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing, upon or in respect of which any such Toll is 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 on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriages, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise 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.

If Toll and Charges be not paid in Four Days, Distress may be sold.

Any Justice may settle Disputes concerning Tolls.

XL. And be it further enacted, That if any Dispute shall happen or arise about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress made for Non-payment of any Tolls, it shall be lawful for the Collector, or the Person distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may be), until the Amount of the Tolls due and the Charges of the making, keeping, and selling the Distress be ascertained by some Justice of the Peace for the County, Division, or Place wherein the Turnpike or Toll Gate at which the Toll in Dispute shall be payable shall or may be situate, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized 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 so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice,

rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Penalty not exceeding 5*l.* for evading Tolls.

XLI. And be it further enacted, That if any Person shall with any Horse, Cattle, Beast, or Carriage, go off or pass from any Turnpike Road, through or over any Land or Ground near or adjoining thereto, (not being a public Highway, and such Person not being the Owner or Occupier, or Servant or One of the Family of the Owner or Occupier of such Land or Ground) with Intent to evade the Payment of the Tolls granted by any Act of Parliament; or if any Owner or Occupier of any such Land or Ground shall knowingly or willingly permit or suffer any Person, (except as aforesaid), with any Horse, Cattle, Beast, or Carriage whatsoever, to go or pass through or over such Land or Ground with Intent to evade any such Tolls; or if any Person shall give or receive from any Person other than the Collectors of the Tolls, or forge, counterfeit, or alter any Note or Ticket directed to be given, with Intent to evade the Payment of the Tolls, or any Part thereof; or if any Person shall fraudulently or forcibly pass through any such Toll Gate with any Horse, Cattle, Beast or Carriage; or shall leave upon the said Road any Horse, Cattle, Beast, or Carriage whatsoever, by reason whereof the Payment of any Tolls or Duties shall be avoided or lessened; or shall take off, or cause to be taken off, any Horse or other Beast or Cattle from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of any Turnpike Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage after the same shall have passed through any Toll Gate, whereby the Payment of all or any of the Tolls shall or may be evaded; or if any Person shall do any other Act whatever in order or with Intent to evade the Payment of all or any of the Tolls, and whereby the same shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Tolls, for a Term not exceeding Three Years.

XLII. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Roads, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding Three Years at any one Time, with all or any of the Inhabitants of the several Parishes, Hamlets, or Places, to or through which such Road may lead or pass, for the passing of their Horses, Cattle, or Carriages through all or any of the Toll Gates to be erected on such Road, or on the Sides thereof; which Composition shall be paid yearly in advance, and in default thereof, the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are directed to be paid and applied: Provided always, that no such Composition shall extend to the additional Tolls for Overweight herein-before directed to be taken; but all such additional Tolls shall be demanded and recovered notwithstanding any Composition for Tolls.

Such Composition not to extend to Overweight.

XLIII. And

Trustees may reduce Tolls;

XLIII. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners appointed in and by virtue of any Act of Parliament for the repairing and amending any Turnpike Roads, in case no Power or effectual Power should be given to them under the Act by which they are appointed, and they are hereby empowered, at a Meeting to be held for that Purpose (of which One Calendar Month's Notice shall be given in Writing, to be affixed on all Turnpike Gates which shall be then erected upon such Roads, and in some Public Newspaper circulated in that Part of the Country), from Time to Time to lessen and reduce all or any of the Tolls granted by any of the said respective Acts, for and during such Time as the said Trustees or Commissioners shall think proper; and afterwards, at any Meeting to be held as aforesaid, from Time to Time, as they shall see Occasion, to advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the several Rates granted by such Acts of Parliament and this Act respectively: Provided nevertheless, that where the whole Money borrowed on the Credit of the Tolls granted by any such Act shall not have been paid and discharged, no such Tolls shall be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixths of the Money remaining due upon such respective Tolls.

and afterwards advance them.

Reduction not to be made without Consent of Creditors in certain Cases.

Reduction or Advance of Tolls to be made proportionably.

XLIV. Provided also, and be it further enacted, That in all Cases where the Trustees or Commissioners of any Turnpike Road shall reduce or advance the Tolls on the Road or Roads for which they shall act, such Reduction or Advance shall be made as to Waggons, Carts, and other Carriages, the Breadth of the Wheels whereof is regulated by this Act, with reference to the Proportion or Scale of Tolls payable on such Waggons, Carts, or other Carriages, according to the Breadth of the Wheels thereof; (that is to say), the Trustees or Commissioners making the Reduction or Advance shall reduce or advance the Toll payable on Waggons, Carts, or other such Carriages, having the Fellies of the Wheels thereof of the Breadth of Six Inches, and shall then take and demand double or other Proportions (as the Case may be) of such reduced or advanced Tolls on Waggons, Carts, or other Carriages, having the Fellies of the Wheels thereof of a greater or less Breadth than Six Inches; and the Reduction or Advance of the Proportion of Toll to be payable by this or any other Act of Parliament, in respect of the Breadth of Wheels, or any other Reduction or Advance of Tolls, to be made in any other Way than in Manner aforesaid, shall be null and void to all Intents and Purposes whatsoever.

Restriction as to the erecting Toll Gates on the Sides of Turnpike Roads.

XLV. And be it further enacted, That no Toll Gate shall hereafter be erected on the Side of any Turnpike Road, unless the same be ordered by the Trustees or Commissioners at a Meeting, of which Fourteen Days public Notice shall have been given in Writing affixed upon all the Toll Gates erected on such Road within Ten Miles of the Place where such intended Gate is to be erected, and within the Trust for erecting the same, and also in some public Newspaper circulated in that Part of the Country, specifying the Place where such Toll Gate is proposed to be erected, and unless Five Trustees or Commissioners at least shall sign the said Order at such Meeting.

XLVI. And

If Trustees cause Gates to be erected contrary to any Act of Parliament, Justices may order them to be removed.

XLVI. And be it enacted, That if the Trustees or Commissioners appointed to put any Act of Parliament made for the Repair of any Turnpike Road into Execution, shall exceed their Power by erecting or continuing any Gate or Gates, Turnpike or Turnpikes, where they have not any Power, by virtue of any Act of Parliament, to erect such Gate or Gates, Turnpike or Turnpikes, it shall and may be lawful for the Justices of the Peace for the Limit where any such Gate or Gates, Turnpike or Turnpikes, is or shall be erected or continued, in their General Quarter Session assembled, upon Complaint of such Excess of Power in such Trustees, in a summary Way to hear and determine whether such Power has been exceeded, and if such Power has been exceeded, to order the Sheriff of the County, who is hereby authorized and required to execute such Order, to remove any such Gate or Gates, Turnpike or Turnpikes.

Mortgagees in Possession of the Tolls to account to the Trustees.

XLVII. And be it enacted, That all and every Mortgagee and Mortgagees that hath or have taken or been in Possession, or shall hereafter take or be in Possession of any Toll Gate or Bar set up or erected on any Turnpike Road, or of any Lands or Tenements, the Rents and Profits whereof are appropriated to the Repairs of any Part of any Turnpike Road, shall, within Twenty-one Days after he, she, or they shall have received Notice in Writing from the Trustees or Commissioners of such Turnpike Road, render an exact Account in Writing to such Trustees or Commissioners, or to such Person as they shall appoint, of all Monies received by such Mortgagee or Mortgagees, or by any other Person or Persons for his, her, or their Use and Benefit, or by his, her, or their Authority, at such Toll Gate or Bar or otherwise, and what he, she, or they have expended in keeping or repairing the same; and in case he, she, or they shall neglect to render such Account when required as aforesaid, he, she, or they shall severally forfeit and pay to the said Trustees or Commissioners, for every Refusal, Neglect, or Omission, the Sum of Fifty Pounds, to be applied to the Use of the Road on which such Toll Gate or Bar shall be erected.

Penalty, 50*l.*

If Mortgagee keeps Possession after he has received the Money due, he shall forfeit Double the Sum and Treble Costs.

XLVIII. And be it further enacted, That if any such Mortgagee or Mortgagees shall keep Possession of any Toll Gate or Bar by him, her, or themselves, or by any other Person or Persons on his, her, or their Behalf, and receive the Tolls or Duties thereat, or of any such Rents and Profits as aforesaid, after such Mortgagee or Mortgagees shall have received the full Sum or Sums of Money due on their respective Mortgage or Mortgages, and the Interest thereof with Costs, such Mortgagee or Mortgagees shall forfeit and pay, as a Penalty, to the Trustees or Commissioners, Double the Sum or Sums of Money he, she, or they shall have received, over and above the Sum or Sums of Money due as aforesaid, with Treble Costs of Suit, to be recovered by the Treasurer or Clerk to such Trustees or Commissioners, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, which when recovered shall be applied to the Use of the respective Road or Roads on which such Toll Gate or Bar shall be placed, or such Rents appropriated.

An Action of Ejectment may be sup-

XLIX. And be it further enacted, That if any Mortgagee or Mortgagees of any Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings,

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

ported by one Mortgagee:

But the Tolls shall be applied for the Benefit of all the Trustees.

L. And be it further enacted, That it shall and may be lawful for any Two or more Trustees or Commissioners of any Turnpike Road, upon the Death of any Collector appointed to collect the Tolls upon such Turnpike Road, to nominate and appoint some other fit Person in his Place until the next Meeting of the Trustees or Commissioners of such Road, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all Respects, as the Person so dying had or would have been if living; and that if any Toll Collector or Deputy Collector, who shall be discharged from his Office by the Trustees or Commissioners authorized for that Purpose, shall refuse to deliver up the Possession of the House, Buildings, and Appurtenances which he enjoyed in Right of his Appointment to that Office, within Two Days after Notice of his Discharge shall be given to him or left at his House; or if the Wife or Family of any such Toll Collector or Deputy who shall die as aforesaid, shall refuse to deliver up the Possession of such House, Building, and Appurtenances, within Four Days after such new Appointment shall be made as aforesaid, then and in either of the said Cases it shall and may be lawful for any Justice of the Peace for the County where such Turnpike House shall be, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods, out of such House, and to put the new-appointed Officer into the Possession thereof.

On Death of Collector, Trustees or Commissioners may nominate another till next Meeting.

If Collector, &c. refuse to deliver Possession of the House, &c. Justices may remove them.

LI. And be it further enacted, That no Collector, or Person renting such Tolls, or residing in such Toll House as aforesaid, and no Apprentice or Servant of any such Collector or Person, shall thereby gain a Settlement in any Parish or Place whatsoever; and that no Tolls to be taken at any Gate erected or to be erected by the Trustees or Commissioners of any Turnpike Road, nor Toll House erected or to be erected for the Purpose of collecting the same, nor any Person in respect of such Tolls or Toll House, shall be rated or assessed towards the Payment of any Poor's Rates, or any other Public or Parochial Levy whatsoever.

No Person to gain a Settlement by renting Tolls or Residence in Toll Houses.

LII. And be it further enacted, That if any Collector, or other Person appointed to collect the Tolls on any Turnpike Road, shall permit or

Collectors permitting Carriages to

pass otherwise than allowed by the Act, and not prosecuting, to forfeit not exceeding 5*l.*

or suffer any Waggon, Wain, Cart, or other Carriage to be drawn or pass upon any Turnpike Road within the View or with the Knowledge of such Collector or Toll Gatherer, or to pass through any Toll Gate or Bar, with Wheels of a less Breadth or of a different Construction, or drawn with a greater Number of Horses than by this Act allowed, or without such Names and Descriptions painted thereon as are herein-after directed, and shall not within the Space of One Week proceed for the Recovery of the Forfeiture or Penalty hereby inflicted, or shall allow any Coach, Chariot, Waggon, Cart, or other Carriage, or any Passenger, to pass through any Toll Gate at which such Collector or other Person shall be stationed, without paying the Toll payable, or shall be guilty of any other Misconduct in his Office, every Collector or other Person so offending, and being thereof convicted before One Justice, shall forfeit for every such Offence any Sum not exceeding Five Pounds, as the Justice by and before whom such Offender shall be convicted shall judge proper.

Toll Collectors to put up their Names on a Board.

LIII. And be it further enacted, That every Toll Collector on every Turnpike Road shall place or cause to be placed on some conspicuous Parts of the Fronts of the several Toll Houses at which they shall be respectively stationed, and so that the same shall appear to public View, their Christian and Surnames, painted in Black on a Board with a White Ground, each of such Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion; and that such Board shall be and remain at such Toll House during the whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every such Collector shall place, or cause to be placed, on the Front of the Toll House or Toll Houses at which such Collectors shall be stationed, the Board herein-before directed to be provided by the Trustees or Commissioners, containing the usual Name of the Turnpike Gate where the Board shall be affixed, and also the List of the Tolls payable at such Gate, and of the several Gates cleared by the Payment of Toll at the Gate where such Collector or Collectors shall be stationed as aforesaid; and if any Collector of the said Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of any Act, or of the Orders and Resolutions of the Trustees or Commissioners made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading the Inscriptions on such Boards respectively, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on being paid the said Tolls, or any of them, or shall, in answer to such Demand, give a false Name or Names, or shall refuse or omit to give to the Person paying the Toll a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate at which such Ticket has been delivered, and the Toll Gate or Toll Gates (if any) freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any

A Board shall also be placed on the Front of the Toll House containing a List of the Tolls payable.

Collector neglecting to do so, or taking a greater or less Toll than what is authorized, or refusing a Ticket on Payment of Toll, or obstructing Passengers, to forfeit not exceeding 5*l.*

Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee or Commissioner, Traveller, or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

If Toll Collectors abscond, Penalties to be levied on Lessees of Tolls.

LIV. Provided always, and be it enacted, That in case any Toll Collector, or Person acting as such, shall offend against any of the Provisions of this Act, whereby any Penalty shall be incurred, and shall abscond or absent himself so as not to be found, then it shall and may be lawful for any Justice of the Peace, before whom any such Toll Collector or Person shall have been convicted of any such Offence, in case of such Collector or other Person absconding after Conviction, or in case of his or her absconding previous to Conviction, then for any other Justice of the Peace acting for the County, on an Examination of the Circumstances, and ascertaining by the Examination of Witnesses that such Offence has been committed by the Person absconding, to order and adjudge that the Penalty incurred as aforesaid shall be paid by the Lessee or Farmer of the Tolls under whom such Collector or other Person shall act; all which Penalties shall be levied and recovered from such Lessee or Farmer, and applied in manner herein-after directed.

Powers for Trustees or Commissioners to farm out the Tolls.

LV. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of every Turnpike Road, at a Public Meeting, to let to farm the Tolls of the several Gates erected upon their respective Turnpike Roads, in the Manner herein-after mentioned, although no express Power shall have been given by any Act or Acts for that Purpose; and that whenever any Tolls shall hereafter be let to farm by virtue of the Powers given by this or any other Act or Acts of Parliament, the following Directions shall be observed; (that is to say), the Trustees or Commissioners shall cause Notice to be given of the Time and Place for letting the same, at least One Month before the Day to be appointed for that Purpose, by affixing the same upon every Toll Gate belonging to such Turnpike Road, and also by Insertion thereof in some public Newspaper circulated in that Part of the Country, and specifying in every such Notice the Sum which the said Tolls produced in the preceding Year, clear of the Salary for collecting the same, in case any hired Collector was appointed, and that they will let such Tolls by Auction to the best Bidder, on his producing sufficient Sureties for Payment of the Money monthly, or otherwise (as in such Notice shall be specified), and that they will be put up at the Sum which they were let for or produced in the preceding Year, clear of the Salary of the Collector; and to prevent Fraud or any undue Preference in the letting thereof, the Trustees or Commissioners are hereby required to provide a Glass with so much Sand in it as will run from one End of it to the other in One Minute, which Glass at the Time of letting such Tolls shall be set upon a Table, and immediately after every Bidding the Glass shall be turned, and as soon as the Sand is run out it shall be turned again, and so for Three Times, unless some other Bidding intervenes, and if no other Person shall bid until the Sand shall

Notice to be given for letting the Tolls.

Tolls to be put up at the Sum produced the preceding Year.

Mode of receiving Biddings.

shall have run through the Glass Three Times, the last Bidder shall be the Farmer or Renter of the said Tolls, and shall forthwith enter into a proper Agreement for the taking thereof, and paying the Money at the Times specified in such Notice, with such Surety or Sureties for Payment thereof, and under such Conditions and in such Manner as the said Trustees or Commissioners shall think fit; and if the Person being the last Bidder shall not forthwith enter into such Agreement, it shall and may be lawful to put up the said Tolls again immediately for another Bidder, and in like Manner to continue putting up the same until a Bidder shall be found who shall enter into such Agreement; and in case no Bidder shall offer, or in case the same shall not be let at such Auction, it shall be lawful for the said Trustees or Commissioners 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 then have been last let; or the said Trustees or Commissioners may appoint a Collector of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and shall and may in that Case put them up at such Sum as they shall think fit; and if the Person or Persons who shall be the Farmer or Renter or Collector or Collectors of such Tolls shall take a greater or less Toll from any Person or Persons than what is authorized or directed by this or the particular Turnpike Act, he or they shall for every such Offence forfeit the Sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the said Trustees or Commissioners shall think fit to vacate the same, become and be null and void: Provided always, that at all such Lettings the Trustees or Commissioners shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or Treasurer, or any other Person by them respectively authorized; provided also, that no such Tolls shall be demised or leased for any longer Term than Three Years at any One Time.

If Tolls be not let at such Auction, a private Tender may be accepted.

Penalty on Collectors taking more or less than the authorized Toll, 5*l.*

Limiting Leases to Three Years.

How Rent of Tolls is to be paid.

LVI. Provided always, and be it further enacted, That on every Letting of any Tolls, the said Trustees or Commissioners shall, if they shall think fit, take of the Renter or Farmer thereof One, Two, or more Months Rent in advance before they shall put such Renter or Farmer in Possession of the Toll Gate, Bar, Toll House, or Turnpike, at which such Tolls are to be collected, and that in every Agreement to be entered into by any Trustees or Commissioners for the letting of any Tolls, the Rent or Money payable for such Tolls shall be reserved and made payable Monthly, or otherwise, as in the Notice for letting the said Tolls shall be specified; and the Renter or Farmer 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, according to the Terms of the Agreement entered into by him; and in every Case where the Terms of such Agreement shall not be fulfilled, but the Rent or Sum of Money to be paid at the Commencement of any One Month shall not be paid when the same shall become due, but shall remain unpaid for Three Days after the same shall become due, then and in every such Case the Trustees or Commissioners making any such Agreement shall, and they are hereby empowered,

Two sufficient Sureties to join in the Agreement, and on Failure of Payment of Rent for Three Days after it becomes due, Possession of Toll Gate may be taken.

if they shall think fit, to declare the said Agreement void, and to re-enter and take Possession of any such Toll Gate, Bar, or Toll House, and the Tolls there collected, and to relet the same in Manner herein-before directed, or to appoint a Collector or other fit and proper Person to collect and receive the same, and to put out and remove the Person or Persons so failing in their Agreement.

Contracts and Agreements to be valid when signed by the Trustees, &c.

LVII. Provided always, and be it further enacted, That all Contracts and Agreements to be made or entered into for the farming or letting the Tolls of any Turnpike Roads, signed by the Trustees or Commissioners letting such Tolls, or any Two or more of them, or by their Clerk or Treasurer, and the Lessee or Farmer, and his Sureties, of such Tolls respectively, shall be good, valid, and effectual to all Intents and Purposes, notwithstanding the same may not be by Deed or under Seal; any Act or Acts of Parliament or Law to the contrary thereof notwithstanding.

Lessees of Tolls may appoint Persons to receive the same, who shall be subject to the like Penalties as Collectors appointed by the Trustees.

LVIII. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take such Tolls so leased, demised, or farmed, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as any Collector of such Tolls appointed under or by virtue of any Act of Parliament for the making of Turnpike Roads, or by this Act, is authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking such Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of such Tolls appointed by the Trustees or Commissioners is subject or liable to.

Collectors not to be incompetent to give Evidence.

LIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the Tolls granted by any Act of Parliament, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the Trustees or Commissioners, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, on account of his being appointed to collect such Tolls.

The Property of Toll Houses, &c. vested in Trustees.

LX. And be it further enacted, That the Right, Interest, and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, and other Erections and Buildings, Lamps, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails, Fences, and other Things which shall have been or shall be erected and provided in pursuance of any Act of Parliament for making Turnpike Roads, with the several Conveniences and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials, Tools, and Implements which shall be provided for repairing the said Roads, and the Scrapings of the said Roads, shall be vested in the Trustees or Commissioners acting in pursuance of such

such Act for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments, against any Person or Persons who shall dig up, break or pull down, steal, take or carry away, spoil, destroy, injure or damage, any of the Toll Gates or Toll Houses, Weighing Machines, or other Erections or Buildings, Lamps, Bars, Toll Boards, Direction Boards, Milestones, Posts, Rails, Fences, and other Things, or any of the Conveniences and Appurtenances thereto belonging, or any of the Tools, Implements, or Materials aforesaid, or shall interrupt them the said Trustees or Commissioners, or any of their Officers, in the Possession thereof; in all which Proceedings it shall be sufficient to state generally such Articles to be the Property of the Clerk for the Time being to the said Trustees or Commissioners.

Actions may be brought in the Name of the Clerk.

Justices of Peace to be Trustees.

LXI. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County or Counties through which any Turnpike Road now does or hereafter shall pass, shall be added to and joined with the Trustees or Commissioners for making, repairing, or maintaining every such Turnpike Road, and shall, on qualifying themselves as hereafter mentioned, have all the same Powers and Authorities, to all Intents and Purposes, as if the said Justices had severally been named or elected Trustees or Commissioners in or under any Act or Acts of Parliament under which such Roads shall be made, repaired, or maintained.

Qualification of Trustees.

LXII. And be it further enacted, That no Person who shall hereafter be chosen or appointed a Trustee or Commissioner, shall be qualified or capable of becoming and acting as a Trustee or Commissioner in the Execution of any Act of Parliament for making, repairing, or maintaining any Turnpike Road, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes; and unless he shall, before he shall act as such Trustee or Commissioner, take and subscribe the Oath or Affirmation following, before any Two or more of the Trustees or Commissioners appointed or to be appointed by or in pursuance of such Act, who are hereby authorized and empowered to administer the same, in the Words or to the Effect following; (that is to say,)

'I do swear, [*or*, being 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 of [*or*, in the Receipt of 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 Heir Apparent of

'who to the best of my Knowledge is seised of Freehold or Copyhold 'Lands, Tenements, or Hereditaments, of the clear Yearly Value of 'Two hundred Pounds above Reprizes,] [*or*, that I am possessed of 'a Personal Estate of Ten thousand Pounds, clear of all Debts and 'Incumbrances, *as the Case may be.*] So help me GOD.'

'[*or*, being a Quaker, omit the Words 'So help me God.']

Qualification by Personal Property within 10 Miles of London.

LXIII. Provided always, and be it enacted, That nothing herein contained shall hinder or prevent any Person from acting as a Trustee or Commissioner of any Turnpike Roads, any Part of which are or shall be situate within Ten Miles of the *Royal Exchange* in *London*, who shall be possessed of Personal Property to the Amount or Value of Ten thousand Pounds, after Payment of his Debts.

Trustees not to act where interested, or while keeping a Victualling House, &c.

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

Penalty for acting not being qualified, 50*l.*

Proceedings not to be impeached on account of Disqualification.

Mortgagees on the Tolls not disqualified on that Account.

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

Trustees and Commissioners not to hold Places of Profit or be concerned in Contracts, &c.

LXV. And be it further enacted, That no Trustee or Commissioner of any Turnpike Road shall, from and after this Act shall be in force, enjoy any Office or Place of Profit under any Act of Parliament in Execution of which he shall have been appointed, or shall act as Trustee or Commissioner, or have any Share or Interest in, or be in any Manner directly or indirectly concerned in, any Contract or Bargain for making or repairing or in any way relating to the Road for which he shall act, or for building or repairing any Toll House, Toll Gate, or Weighing Engine thereon, or for supplying any Materials for the Use thereof; nor shall any such Trustee or Commissioner let out for Hire any Waggon, Wain, Cart, or other Carriage, or any Horse, Cattle, or Team, for the Use of any Turnpike Road for which he shall act as a Trustee or Commissioner; nor by himself, or by any other Person for or on his Account, directly or indirectly, receive any Sum or Sums of Money to his Use or Benefit out of the Tolls collected on the Road for which he shall act, during the Time he shall be acting as a Trustee or Commissioner of such Road; and if any Person after having been appointed or elected a Trustee or Commissioner of any Turnpike Road, shall, without having first duly resigned such Office at some Meeting of the Trustees of the Road for which he shall have been elected or appointed, hold any such Office or Place, or be concerned in any such Contract or Bargain, or shall sell any such Tools or Implements, or let out for Hire any Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Team, or receive any Money out of the Tolls as aforesaid, every Trustee or Commissioner so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, and shall from and after the Conviction of any such Offence be incapable of acting as a Trustee or Commissioner of any Turnpike Road; and all Acts, Orders, Matters, and Things made or done as a Trustee or Commissioner by the Party so convicted, shall from thenceforth be null and void, to all Intents and Purposes, and all and every such Contract and Bargain shall be and the same is hereby declared to be void, and shall not be enforced against or carried into Effect by the other Trustees or Commissioners entering into the same: Provided always, that all Acts, Orders, Matters, and Things, made or done by such Trustee or Commissioner previously to his being convicted of any such Offence, shall be good, valid, and effectual; and further provided, that nothing in this Enactment contained shall extend or be deemed or construed to extend to any Trustee or Commissioner who shall receive any Sum or Sums of Money paid out of the Tolls of any Turnpike Road, as or by way of Purchase Money, Damages, Rent, Recompence, or Satisfaction agreed upon or awarded to such Trustee or Commissioner, for any Lands, Grounds, Tenements, or Hereditaments, pur-

Penalty, 100*l.*

Contracts and Bargains void.

purchased or taken for the Purpose of diverting or altering, or for the Use of the Turnpike Road for which he shall act as a Trustee or Commissioner, or for a Repository for Materials to be used thereon, or for the Damage done to any inclosed or private Grounds of any such Trustee or Commissioner, in taking Materials therefrom, or in carrying or conveying them over the same, or to prevent any such Trustee or Commissioner from selling or disposing of, for the Use of the Turnpike Road, any Materials, or any Timber grown or growing on the Land or Grounds of such Trustee or Commissioner.

For appointing new Trustees on Vacancies.

LXVI. And be it further enacted, That when and as often as any of the Trustees or Commissioners, save and except the Justices of the Peace, appointed or to be elected and appointed under any Act of Parliament for making, repairing, or maintaining any Turnpike Road, shall die, or by Bankruptcy, Insolvency, or otherwise, become disqualified to act, or by Writing under their Hands refuse to act in the Execution of such Act, it shall be lawful for the surviving or remaining Trustees or Commissioners from Time to Time to elect and appoint one other fit Person, qualified as aforesaid, to be a Trustee or Commissioner in the Room of every Trustee or Commissioner dying or becoming disqualified or refusing to act as aforesaid; provided that Notice of the Time and Place of Meeting of the Trustees or Commissioners for every such Election be given by the Clerk or Clerks to such Trustees or Commissioners, by affixing the same in Writing upon all the Toll Gates or Turnpikes erected upon the said Road for which they shall act as Trustees or Commissioners, and by inserting such Notice in One or more of the Newspapers circulating in that Part of the Country where such Road shall pass, Fourteen Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee or Commissioner pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees or Commissioners in the Execution of such Act, to all Intents and Purposes, as if he had been therein named and appointed a Trustee or Commissioner.

Notice to be given Fourteen Days before the Meeting.

Meetings of Trustees.

LXVII. And be it further enacted, That the said Trustees or Commissioners shall and may from Time to Time meet at such Time and Place, on or near their respective Roads, as to them shall seem convenient, and may adjourn themselves, to meet at any Place or Places, and at such Time or Times as the said Trustees or Commissioners, or the major Part of them present at any Meeting shall appoint; and at all their several Meetings the Trustees or Commissioners shall pay and defray their own Expences, except any Sum not exceeding Ten Shillings *per Diem* for the Use of the Room wherein they shall meet; and all Orders and Determinations of the Trustees or Commissioners in the Execution of any such Act shall be made at Meetings to be held in pursuance thereof, and not otherwise, (except in the Cases hereby otherwise particularly provided for), and that no Order or Determination shall be made unless the major Part of the Trustees or Commissioners present shall concur therein; and that all Acts, Orders, and Proceedings relating to any such Act, which

Trustees to pay their own Expences, except 10*s.* per Day for the Use of the Room.

Majority of Trustees to concur.

Three Trustees may act

are

(except where any other Number is named by any Local Act.)

are directed to be had, made, done, or exercised by or before the said Trustees or Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Trustees or Commissioners who shall be present at the respective Meetings to be held by virtue of any such Act, the whole Number present not being less than Three (except in such Cases where any other Number is by any Local Act or this Act named for any particular or special Purpose); and that all Acts, Orders, or Proceedings, had, made, or done by or before such Three Trustees or Commissioners, shall have the same Force and Effect, and be binding and conclusive on all Persons and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees or Commissioners; and that a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who, in case of an equal Number of Votes (including the Chairman's Vote), shall have the casting or decisive Vote; and that no Order or Determination at any Meeting of the said Trustees or Commissioners once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting holden for the same Road, and entered in the Book of Proceedings of such Meeting, and also by affixing such Notice, signed by any Two or more Trustees or Commissioners, on all the Turnpike Gates then erected upon such Road, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Seven Trustees or Commissioners at the least.

Chairman to be appointed.

No Order to be revoked, unless 21 Days Notice be given, and Seven Trustees concur.

Meetings may be held on Emergencies.

LXVIII. And be it further enacted, That if at any Time it shall be thought necessary, for the better Execution of any Act of Parliament for making, repairing, or maintaining any Turnpike Road, that the Trustees or Commissioners of such Road should meet before the Time to which any Meeting may be adjourned, it shall and may be lawful for any Two or more of such Trustees or Commissioners, (or for the Clerk to the said Trustees or Commissioners, by an Order in Writing signed by any Two or more of them), to give Notice of such earlier Meeting in the Manner before directed, in which Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting (such Time not being less than Fourteen Days after Publication of the said Notice); and all the Orders and Determinations of the Trustees or Commissioners at all such Meetings shall be as valid as if the same had been done at any other Meeting of Trustees or Commissioners held by virtue of this Act, or the Act under and by virtue of which they shall act as Trustees or Commissioners: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Fourteen Days Notice to be given in the Newspapers, and the Intent of such Meeting specified, and no other Business to be then transacted.

General Annual Meetings to be held.

LXIX. And be it further enacted, That all Trustees and Commissioners of every Turnpike Road or Roads shall and they are hereby required to hold a General Meeting of the Trust for which they shall respectively act, on a Day to be by them or any Three or more of them appointed, in the Months of *April*, *September*, or *October*,

ber, of which Meeting Twenty-one Days Notice shall be given by inserting the same in some Newspaper or Newspapers usually circulating in the County or Counties in which the Road or Roads, in respect whereof such Meeting shall be held, lie or are situated, which said Meeting shall be called or known as "The General Annual Meeting of the Trustees or Commissioners;" and at such Meeting the Trustees or Commissioners assembled shall elect a Chairman for the Purposes thereof, and shall also audit their Accounts, and report the State of the Road or Roads under their Care and Superintendance.

If a sufficient Number of Trustees or Commissioners do not attend, another Meeting shall be appointed, of which Ten Days Notice shall be given.

LXX. And be it further enacted, That where a sufficient Number of the Trustees or Commissioners of any Turnpike Road shall not meet on the Day appointed by any such Act or Acts respectively, for their First Meeting, or shall not meet on the Day appointed by Adjournment for their Meeting, or for want of a proper Adjournment, by which Means, or by some or One of them, the Intent of the said Act or Acts may be frustrated, in all or either of the said Cases it shall be lawful for so many of the said Trustees or Commissioners as shall meet, or the major Part of them, or in case no such Trustee or Commissioner shall be present, for their Clerk or Clerks, to cause Notice in Writing to be affixed on all the Turnpike Gates which shall be then erected on the said respective Roads, or if no Turnpike Gate shall then be erected, to cause the like Notice to be affixed in the most conspicuous Place in One of the principal Towns or Places nearest to which the Roads directed to be repaired do lie, and also in some public Newspaper circulated in the County in which the Road shall be situate, at least Ten Days before the intended Meeting, appointing such Trustees or Commissioners to meet at such Place where the preceding Meeting was appointed to have been held, or at the Place directed for the First Meeting of such Trustees or Commissioners, if no such preceding Meeting shall have been held; and the said Trustees or Commissioners, when met in pursuance of such Notice, shall and may and they are hereby required to proceed and carry such Act or Acts into execution, in the same and in as ample and full a Manner, to all Intents and Purposes, as they might or could have done if no such Neglect had happened.

Office of Treasurer and Clerk to be kept separate.

Penalty 50*l.*

LXXI. And be it further enacted, That it shall not hereafter be lawful for any Trustees or Commissioners to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of any Act or Acts of Parliament for repairing and maintaining any Turnpike Road, or the Partner of any such Clerk, to be or to hold the Offices of Clerk and Treasurer for the Purposes of such Act or Acts, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, to be the Treasurer and Clerk for the Purposes of such Act or Acts; and if any Person shall act in both the Capacities of Clerk and Treasurer, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this or any other Act, every Person shall, for every such

such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Orders and Proceedings to be entered in Books, which shall be open for Inspection.

LXXII. And be it further enacted, That all Orders and Proceedings of the Trustees or Commissioners of every Turnpike Road, together with the Names of the Trustees or Commissioners present at every Meeting, shall be entered in a Book or Books to be kept by the Clerk to the said Trustees or Commissioners for that Purpose, and be signed by the Chairman of the Meeting or Meetings at which such Orders or Proceedings shall be from Time to Time made or had; and that such Book or Books shall be open at all seasonable Times to the Inspection of any of the Trustees or Commissioners, without Fee or Reward; and such Orders and Proceedings, so entered and signed by the Chairman of such Meeting or Meetings as aforesaid, shall be deemed and taken to be original Orders and Proceedings;

Books to be Evidence.

which said Book or Books, as well as the Books or Books in which the Oath or Affirmation directed to be taken by the said Trustees or Commissioners shall be entered, and also the Book or Books directed to be kept for registering Mortgages and Assignments, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts whatsoever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever.

Books of Account to be kept, and to be open to the Inspection of Trustees and Creditors.

LXXIII. And be it further enacted, That the Trustees and Commissioners of every Turnpike Road shall, and they are hereby required, from Time to Time and at all Times, 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 Road for which such Clerk shall act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or Commissioners, or any Creditor or Creditors on the Tolls collected and taken on the Road to which such Books relate, without Fee or Reward; and the said Trustees or Commissioners and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and the said Book or Books shall be produced by the said Clerk at all Meetings of the said Trustees or Commissioners; and in case any Clerk shall refuse to permit, or shall not permit any of the said Trustees or Commissioners, or any such Creditor, to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, or in case such Clerk shall refuse or neglect to produce such Book or Books at any Meeting of the said Trustees or Commissioners, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

Penalty not exceeding 5*l.* on Clerk for refusing Inspection, &c.

LXXIV. And

LXXIV. And be it further enacted, That the Trustees and Commissioners of every Turnpike Road may sue and be sued in the Name or Names of any one of such Trustees or Commissioners, or of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by or against any Trustees or Commissioners of any Turnpike Road by virtue of this or any other Act or Acts of Parliament, in the Name or Names of any one of such Trustees or Commissioners, or their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Trustee, Commissioner, Clerk or Clerks, or any of them, or by the Act of such Trustee, Commissioner, Clerk or Clerks, or any of them, without the Consent of the said Trustees or Commissioners; but that any one of such Trustees or Commissioners, or the Clerk or Clerks for the Time being to the said Trustees or Commissioners, shall always be deemed to be the Plaintiff or Plaintiffs, Defendant or Defendants (as the Case may be), in every such Action or Suit: Provided always, that every such Trustee, Commissioner, Clerk or Clerks, shall be reimbursed and paid, out of the Monies belonging to the Turnpike Road for which he or they shall act, all such Costs, Charges, and Expences as he or they shall be put unto, or become chargeable with or liable to, by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants. Trustees may sue and be sued in the Name of their Clerk, &c.

LXXV. And be it further enacted, That no Person shall be capable of holding any Place of Profit under any Trustees or Commissioners of any Turnpike Road, who shall sell any Wine, Ale, Spirituous Liquors, or Provisions by Retail. Victuallers not to hold Places of Profit.

LXXVI. Provided always, and be it further enacted, That the Trustees and Commissioners of every Turnpike Road shall and they are hereby required to take sufficient Security from every Treasurer to be appointed by them for the Purposes of any Act or Acts of Parliament for making, repairing, or maintaining any Turnpike Road, for the due and faithful Execution of his Office, before such Treasurer shall enter upon his Office; and if they shall so think proper, shall and may also take such Security from any other Officer to be appointed under or by virtue of this or such other Act. Treasurer to give Security. Security may be taken from any other Officer.

LXXVII. And be it further enacted, That all such Officers as shall be appointed by any Commissioners or Trustees of any Turnpike Road, shall, as often as required by the Commissioners or Trustees, render and give to them, or to such Person or Persons as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing, under their respective Hands, with the proper Vouchers, of all Monies which they shall respectively, to the Time of rendering such Accounts, have received, paid, and disbursed by virtue of this or any other Act, or for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid to the Trustees or Commissioners, or to such Person or Persons as they shall, in Writing under their Hands, authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall for the Space Officers to account when required. On Complaint to a Justice of Officers neglecting to render Account, or not producing

Vouchers, or refusing to deliver up Books, such Justice may cause any Balance due to be levied on the Goods of the Defaulter.

Space of Fourteen Days after being thereunto required by the said Trustees or Commissioners, or any Three or more of them, refuse or neglect to render and give up to them, or to such Person or Persons as they shall direct or appoint, all Books, Papers, Writings, Tools, Matters and Things, in his Hands, Custody, or Power, relating to the Road for which he shall act, or which he shall have disposed of without the Consent and Approbation of the Trustees or Commissioners, then it shall be lawful for any Justice of the Peace for the County where the Officer so making Default shall be or reside, upon Application made to him for that Purpose, by or on Behalf of the Trustees or Commissioners, to make Inquiry of and concerning any such Default as aforesaid, in a summary Way, as well by the Confession of the Party as by the Testimony of any credible Witness or Witnesses upon Oath, without Fee or Reward, and by Warrant under his Hand and Seal to cause such 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 to him the Overplus (if any) on Demand, after Payment of the Money remaining due, and deducting the Charges and Expences of making such Distress and Sale; and if sufficient Distress cannot be found, or if it shall appear to any such Justice in Manner aforesaid, that any such Officer shall have refused, or wilfully neglected to give such Account, or to deliver up all Books, Papers, Writings, Tools, Matters and Things in his Custody or Power, relating to the Execution of his Office, such Justice shall commit him to the House of Correction or Common Gaol of the County where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall make and give a true and perfect Account, and verify the same in Manner aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Direction of the Trustees or Commissioners, or shall have compounded with the said Trustees or Commissioners for such Money, and paid such Composition according to their Direction, which Composition all Trustees and Commissioners are hereby empowered to make and receive, or until he shall deliver up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or have given Satisfaction to the Trustees or Commissioners concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

If Distress be insufficient, or if Books, &c. be not delivered up, the Justice may commit the Offender.

Limiting Time of Commitment.

For auditing Accounts of Treasurers, Clerks, and Surveyors, at the General Annual Meeting.

LXXVIII. And be it further enacted, That the Trustees or Commissioners of every Turnpike Road shall and they are hereby required, at their General Annual Meeting in each Year, to examine, audit, and settle the Accounts of the respective Treasurers, Clerks, and Surveyors appointed by them, and to require such Treasurers, Clerks, and Surveyors to produce their Books, Accounts, Papers, and Vouchers, and to examine into the Revenues and Debts, distinguishing Bond from Simple Contract Debts, of the several Roads for which they shall act as Treasurer, Clerk, or Surveyor; and when the Accounts of the said several Treasurers, Clerks, and Surveyors, shall be settled and allowed by the Trustees or Commissioners present at such Meeting, the

the same shall be signed by the Chairman of such Meeting; and if any Treasurer, Clerk, or Surveyor shall refuse or neglect to produce his Accounts, or any Book, Paper, or Voucher required to be produced by him, such Treasurer, Clerk, or Surveyor shall be dealt with according to the Provisions herein-before contained with regard to Officers refusing to account or deliver up Books or Papers, or pay over Money in their Hands; and when and as soon as the said Accounts of the said respective Treasurers, Clerks, and Surveyors shall be audited, allowed, and signed, the Clerk to the Trustees or Commissioners holding such Meeting shall forthwith make out a Statement of the Debts, Revenues, and Expenditure received or incurred on account of the Trust for which the Meeting shall be held, in the Form contained in the Schedule to this Act annexed; which said Statement shall be submitted to the Trustees or Commissioners assembled at such Meeting, and when approved by the Majority of them shall be signed by the Chairman of the said Meeting; and the said Statement, being so approved and signed, the said Clerk shall, within Thirty Days thereafter, transmit the same to the Clerk of the Peace of the County in which the Road, or the major Part thereof, to which the said Statement relates, shall lie; and if any Clerk shall refuse or neglect to make out such Statement as aforesaid, or to transmit the same within the Time herein-before mentioned, every Clerk so offending shall for such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered as herein-after directed.

Treasurer, &c. neglecting to produce Accounts, &c. how to be dealt with.

Statement of the Revenue and Expenditure to be made out according to the Form in Schedule annexed, and being approved shall be transmitted to the Clerk of the Peace.

Penalty 50*l.*

LXXIX. And be it further enacted, That the Clerk of the Peace of every County to whom such Statements shall be transmitted, shall, on receiving such Statements, cause the same to be produced to the Justices assembled at the Quarter Sessions to be held next after the Receipt thereof, and also to be registered and kept amongst the Records of the Quarter Sessions of the County for which such Clerk of the Peace shall act; and the said Statements so to be transmitted to the said respective Clerks of the Peace, shall, when registered, be open to the Inspection of all and every Person and Persons whatsoever, who may take Extracts therefrom or Copies thereof, paying to the Clerk of the Peace in whose Custody the same shall be, the Sum of Five Shillings for each Inspection, and the Sum of Sixpence for every Seventy-two Words of each Extract or Copy taken.

Clerk of the Peace to register such Statements, and produce them to the Quarter Sessions.

Fee for Inspection and Copy.

LXXX. And be it further enacted, That the said Trustees or Commissioners shall, immediately after such Accounts and Statements have been examined, audited, and signed, cause a sufficient Number of Copies of such Statements to be printed, and direct their Clerk to transmit a Copy thereof to each acting Trustee or Commissioner, having duly qualified himself to act as such Trustee or Commissioner of such Road.

Statements to be printed and sent to Trustees.

LXXXI. And be it further enacted, That it shall be lawful for the Trustees or Commissioners of any Turnpike Road, to borrow and take up at Interest, on the Credit of the Tolls arising on such Road, such Sum or Sums of Money as they shall from Time to Time respectively think proper, and to demise and mortgage the Tolls on such Road, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of which

Power to borrow Money.

Mortgages

Mortgages shall be paid out of the Tolls) as a Security to any Person or Persons or their Trustees, who shall advance such Sum or Sums of Money; which Mortgages shall be in the Words or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Year of the Reign of intituled [*here set forth the Title of this Act,*] We, whose Hands and Seals are hereunto subscribed and set, being of the Trustees [*or*, Commissioners] for putting into Execution an Act, passed in the Year of the Reign of intituled, [*here set forth the Title of the Act under which the Trustees or Commissioners borrowing the Money and granting the Mortgage shall act,*] in Consideration of the Sum of Sterling advanced and paid by *A. B.* of to the Treasurer of the said Trustees [*or* Commissioners], do hereby grant and assign unto the said *A. B.* and his Executors, Administrators, and Assigns, such Proportion of the Tolls arising and to arise on the said Turnpike Road, and the Toll Gates and Toll Houses erected or to be erected for collecting the same, as the said Sum of doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof: To have, hold, receive and take the said Proportion of the said Tolls, Toll Gates, Toll Houses, and Premises, with the Appurtenances, unto the said *A. B.* and his Executors, Administrators, and Assigns, for and during the Residue of the Term for which the said Tolls are granted by the said last-mentioned Act, unless the said Sum of with Interest after the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands this Day of .'

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees or Commissioners, for which Entry such Clerk shall be paid the Sum of Five Shillings and no more, out of the Tolls payable on such Road, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all Persons respectively, to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign or transfer his, her, or their Right, Title, and Interest in and to such Mortgage, and the principal Money and Interest thereby secured, to any other Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorsed on such Mortgage Security, or to be underwritten or thereunto annexed, and signed in the Presence of and attested by One or more credible Witness or Witnesses; (that is to say),

Mortgages may be assigned.

Form of Assignment.

'I *A. B.* [*or* I, *C. D.* Assignee, Executor, or Administrator of *A. B. as the Case may happen*], do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and all Interest now due and hereafter to grow due upon the same, unto *E. F.* his or her Executors, Administrators,

'nistrators, and Assigns. Dated this Day of
'One thousand eight hundred and
'Witness *G. H.* (Signed) *A. B.* or *C. D.*'

Which Transfer shall be produced and notified to the Clerk or Treasurer of the said Trustees or Commissioners, within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may, in like Manner, assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid, shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by such Act granted, and on the said Toll Gates and Toll Houses, in equal Degree one with another, or in such Order as shall be agreed upon and stipulated by the said Trustees or Commissioners at the Time of the Advance of their respective Shares.

Enforcing the Payment of Money subscribed.

LXXXII. And be it further enacted, That if any Person or Persons shall agree to advance any Sum or Sums of Money to be employed in the making or repairing of any Turnpike Road, or Highway intended to be made Turnpike, and shall subscribe his, her, or their Name or Names to any Writing for that Purpose, every such Person shall be liable to pay every such Sum or Sums of Money so subscribed, according to the Purport of such Writing; and in Default of Payment thereof within Twenty-one Days after the same shall become payable according to the Purport of such Writing, and shall be demanded by the Person to whom the same is made payable by such Writing, or if no Person be named therein for that Purpose, by the Treasurer of such Turnpike or intended Turnpike Road, it shall and may be lawful for every such Treasurer or other Person to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Powers for making and improving the Roads.

LXXXIII. And be it further enacted, That it shall be lawful for the Trustees or Commissioners of every Turnpike Road, and they are hereby fully authorized and empowered, from Time to Time, to make, divert, shorten, vary, alter, and improve the Course or Path of any of the several and respective Roads under their Care and Management, or of any Part or Parts thereof, and to divert, shorten, vary, alter, and improve the Course or Path of any of the said several and respective Roads, through or over any Commons or Waste Grounds, or uncultivated Lands, without making Satisfaction for the same, and also through or over any private Lands, Tenements, or Hereditaments, tendering and making Satisfaction to the Owners thereof, and Persons interested

interested therein, for the Damage they shall sustain thereby; and it shall and may be lawful for the said Trustees or Commissioners, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time, to enter upon any such Commons or Waste Grounds, or uncultivated Lands, private Lands, Tenements, or Hereditaments as aforesaid, through or over which the said Road, or the Widenings and Alterations thereof, pass, or are intended to pass, and to stake out and make the same in such Manner as the said Trustees or Commissioners shall think necessary or proper, without being thereby subject or liable to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Forfeiture for entering or continuing upon any Part or Parts of such Lands, Tenements, and Hereditaments respectively, for any of the Purposes aforesaid.

Lands may be purchased for improving the Road.

LXXXIV. And be it further enacted, That it shall be lawful for the Trustees or Commissioners of any Turnpike Road to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, Hereditaments, and Premises, with their Appurtenances, which they shall deem necessary to purchase for the Purpose of widening, diverting, altering and improving such Road, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for or on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Lands, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees or Commissioners for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid; and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees or Commissioners all or any such Lands, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, Custom, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

Bodies Politic, &c. and Incapacitated Persons empowered to sell.

Contracts binding.

When Persons interested neg-

LXXXV. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants

for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Tenements, Hereditaments, or Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Lands, Tenements, Hereditaments, or Premises, shall for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees or Commissioners shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County, Riding, or Place wherein such Lands, Tenements, Hereditaments, or Premises do lie; and in order thereto, the said Trustees or Commissioners are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees or Commissioners, or any or either of them, are and is hereby empowered to administer); and such Trustees or Commissioners shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees or Commissioners shall thereupon order the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Idiots, Lunatics, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees or Commissioners are hereby empowered to issue their Warrant or Warrants in Writing to the Sheriff of the County wherein such Lands, Tenements, Hereditaments, or Premises do lie, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before such Trustees or Commissioners 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 or Commissioners

lect or refuse to treat, the Value may be ascertained by a Jury.

ers shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn, but shall not challenge the Array;

Fines may be imposed on Sheriffs, &c. making Default in the Premises.

and the said Trustees or Commissioners acting in the Premises shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who, without sufficient Excuse, shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence, so that no one Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person, for One Offence.

Money assessed for Lands, &c. to be paid by the Trustees and tendered to the Parties entitled thereto, or paid into the Bank, upon which the Premises shall vest in the Trustees.

LXXXVI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of any Monies in the Hands of the said Trustees or Commissioners, or out of the Tolls granted by the Act for making and repairing such Turnpike Road, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in manner by this Act directed (as the Case may be); and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, and after Thirty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Tenements, Hereditaments, and Premises, then such Lands, Tenements, Hereditaments, and Premises respectively shall be vested in such Trustees or Commissioners, and shall and may be taken and used for the Purposes of such Act; and such Lands, and the Site of such Lands, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the Road, in such Manner as the said Trustees or Commissioners shall direct, and shall be repaired and kept in Repair by such Trustees or Commissioners, by the same Ways and Means as any other Part of the Road under their Management is or ought to be kept in Repair; and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments; and after such new Road shall be completed, the Lands or Grounds constituting any former Roads or Road, or so much and such Part or Parts thereof as in the Judgment of the said Trustees or Commissioners may thereby become useless or unnecessary, or shall or may be stopped up and dis-

After new Road is completed, the old Road may be sold.

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

Conveyances executed by the Trustees, and enrolled in the Office of the Clerk of the Peace, to be valid.

LXXXVII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Tenements, Hereditaments, or Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by such Trustees or Commissioners before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be borne and paid by the Treasurer to the Trustees or Commissioners, out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of the Act for repairing and maintaining such Turnpike Road, such Costs and Expences to be settled and ascertained by some Justice of the Peace for the County or Place wherein the Dispute shall have arisen, not interested in the Matter in question, who is hereby authorized and empowered to settle and determine the same, and to make an Order on the Treasurer of the Trustees or Commissioners liable thereto for the Payment thereof; but if any such Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the Trustees or Commissioners before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, Tenements, Hereditaments, or Premises, or Losses

How Expences of Jury and Witnesses are to be borne.

or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom such Trustees or Commissioners shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, Riding, or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed such Damages, and shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees or Commissioners by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees or Commissioners in manner aforesaid.

When new Road shall be completed, old Highway to be stopped up, and the Land sold.

LXXXVIII. And be it further enacted, That when any Turnpike Road shall be diverted or turned, and the new Road shall be made and completed, such new Road shall be in lieu of the old Road, and shall be subject to all the Provisions and Regulations in any Act of Parliament contained, or otherwise, to which the old Road was subject, and shall be deemed and taken to be a Common Highway, and shall be repaired and maintained as such; and the old Road shall be stopped up, and the Land and Soil thereof shall be sold by the Trustees or Commissioners to some Person or Persons whose Lands adjoin thereto, as herein-after mentioned with regard to Pieces of Ground not wanted; but if such old Road shall lead to any Lands, House, or Place, which cannot, in the Opinion of the said Trustees or Commissioners, be conveniently accommodated with a Passage from such new Road, which they are hereby authorized to order and lay out if they find it necessary, then and in such Case the old Road shall be sold, but subject to the Right of Way and Passage to such Lands, House, or Place respectively, according to the ancient Usage in that respect; and the Money arising from such Sale in either of the said Cases shall be applied towards the Purchase of the Land where such new Road shall be made, or in the same Manner as the Tolls arising on such Road, as the Trustees or Commissioners thereof shall think fit; and upon the Completion of any Contract whereby any Part of the old Road shall be given in Payment for the Value of the Ground taken for the new Road, or upon Payment of the Price of any Part of the old Road, the Soil of such old Road shall become vested in the Purchaser thereof and his Heirs; but all Mines, Minerals, and Fossils lying under the same shall continue the Property of the Person or Persons who would from Time to Time have been entitled to the same if such old Road had continued.

LXXXIX. And

When any Parts of Land not wanted for the Purposes of Roads are to be sold, the First Offer to be made to the original or adjoining Owners.

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

What shall be Evidence of such Offer and Refusal.

In case of Dispute as to Price, the Value to be ascertained by a Jury.

Application of Compensation Money exceeding 200*l.*

XC. 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, by any Trustees or Commissioners of any Turnpike Road, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Tenant for Life or in Fee Tail General or Special, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with

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 or Commissioners of the Road for which such Lands, Tenements, or Hereditaments shall be taken, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other 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 to the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by the 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, or Hereditaments so hereby directed to be purchased, in case such Settlement or Purchase were made.

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

XCI. 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, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the said Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-after directed; or otherwise

wise 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 by Three or more of the Trustees or Commissioners taking such Lands, Tenements, or Hereditaments (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money, and the Dividends and Interest arising thereon, may be applied in Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation Money when less than 20*l*.

XCII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, in such Manner as the said Trustees or Commissioners, or any Three or more of them, shall think fit; or in case of Lunacy or Infancy, 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.

If Compensation Money be refused, or the Titles to the Land cannot be made out satisfactorily, or if Persons cannot be found, then Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

XCIII. 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 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 Trustees or Commissioners, or any Three or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the Trustees or Commissioners, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the 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 Sum or Sums of Money into the Bank of *England* as aforesaid.

Persons in possession to be deemed lawfully entitled to the Premises, until the contrary shall be shown to the Court of Chancery.

XCIV. 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 said Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of 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 Money, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made to appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Chancery to direct Payment of Expences in Cases where Purchases of other Lands are made.

XCV. 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 Trustees or Commissioners, or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees not to deviate more than 100 Yards from present Line of Road, nor make use of any Garden, &c. without Consent of the Owner.

XCVI. And be it further enacted, That it shall not be lawful for the Trustees or Commissioners of any Turnpike Road, in altering or diverting the Course of any Part of the Turnpike Road under their Care and Management, to deviate over any inclosed Lands or Grounds more than One hundred Yards from the Line or Course of such Turnpike Road, without the Consent in Writing of the Owner or Proprietor of such Lands or Grounds, or to take in or make use of any Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively,

respectively, without the like Consent of the Owner or Proprietor thereof first had and obtained: Provided always, that nothing herein contained shall extend, or be deemed, taken, or construed to extend, to revoke, limit, abridge, alter, or vary any Powers or Authorities contained in any Act or Acts of Parliament existing and in force at the passing of this Act, for making, altering, or diverting any Turnpike Road or Roads or the Course thereof, to be made, altered, or diverted and maintained under the Authority of such Acts, but the same Powers and Authorities shall and may be used, exercised, and carried into effect by the Trustees or Commissioners appointed by such Acts, fully and effectually, any thing herein contained to the contrary notwithstanding.

Power to get Materials from any River or Brook, or from any Common or Waste Lands, without Expence, filling up the Pits, &c.;

XCVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the Trustees or Commissioners of every Turnpike Road, and for all such Persons as he or they shall appoint, to search for, dig, gather, take and carry away any Materials for making or repairing any Turnpike Road, out of any common River or Brook (not being within Fifty Yards of any Bridge, Dam, Weir, or Jetty), or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of such Road may lie, or in any adjoining Parish, Hamlet, or Place, and to haul and carry away any such Materials when got over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers; the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, and such Damages to be ascertained as herein-after mentioned; and also that

or from the Lands of any Person, not being Garden Ground, &c. on tendering Satisfaction for Damages;

it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials, in or out of the Land of any Person or Persons where the same may be had or found, in any Parish, Hamlet, or Place in which any Part of such Road shall lie or be situate, or in any adjoining Parish, Hamlet, or Place, (not being a Garden, Yard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees or Commissioners shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds, (not being a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), or on, through or over any open Land or Common, any Stone or other Materials for making or repairing any such Road, or for building or repairing any present or future Toll House or Toll Houses on or by the Sides thereof, from any River, Stream, or Canal, in any Parish, Hamlet, or Place in which any such Road lies, or in any adjoining Parish, Hamlet, or Place, paying or tendering for the Damage done in

and Materials may be carried through any inclosed or open Lands, on tendering Damages.

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

Any Difference as to Damages may be settled by Two Justices.

Notice to be given before Materials are taken from private Lands, and Two Justices shall decide therein.

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

If Pits or Holes are made in getting Materials, Surveyor shall cause them to be filled up or fenced off:

XCIX. And be it further enacted, That if any Surveyor of any Turnpike Road, or any Person employed by him, shall, by reason of the searching for, digging, or getting, any Gravel, Sand, Stones, Chalk, Clay, or other Materials for repairing any Highways, make or cause to be made any Pit or Hole in any Common or other Lands or Grounds, Rivers or Brooks as aforesaid, wherein such Materials shall be found, the said Surveyor shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired during such Time as the said Pit or Hole shall continue open, and shall, within Three Days after such Pit or Hole shall be opened or made, where no Gravel, Stones, or Materials shall be found, cause the same forthwith to be filled up, levelled, and covered with the Turf

or

or Clod which was dug out of the same; and where any such Materials shall be found, within Fourteen Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful, the said Surveyor shall secure the same by Posts and Rails, or other Fences, to prevent Accidents to Persons or Cattle; and in case such Surveyor shall neglect to fill up, slope down, or fence off such Pit or Hole in Manner and within the Time aforesaid, he or they shall forfeit the Sum of Twenty Shillings for every such Default; and in case such Surveyor shall neglect to fence off such Pit or Hole, or to slope down the same, as herein-before directed, for the Space of Six Days after he or they shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Ground, River, or Brook, or any Person having Right of Common within such Common or Waste Lands as aforesaid, and such Neglect and Notice shall be proved upon Oath before One or more of the said Justices of the Peace, such Surveyor shall forfeit and pay any Sum not exceeding Ten Pounds, nor less than Forty Shillings, for every such Neglect, to be determined and adjudged by such Justice or Justices, and to be laid out and applied in the fencing off, filling up, or sloping down such Pit or Hole, in such Manner as the said Justice or Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are herein-after directed to be levied.

Penalty for not filling up or fencing off, 20*s.*

Penalty for not fencing off, &c. in Six Days after receiving Notice, not more than 10*l.* nor less than 40*s.*

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

Power to contract for Lands to get Materials.

CI. And be it further enacted, That if any Person or Persons shall take away any Materials which shall have been gotten, dug, or gathered for the Repair or Use of any Turnpike Road, or any Materials out of any Quarry which shall have been made, dug, or opened for the Purpose of getting Materials for any Turnpike Road, before the Surveyor of such Road and the Workmen employed for getting such Materials shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Grounds, and Persons authorized by such Owner or Occupier to get Materials in such Quarry for his own private Use, and not for Sale), every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on taking away Materials before Surveyor has discontinued digging for them, 5*l.*

CII. And be it further enacted, That the Trustees or Commissioners of every Turnpike Road are hereby empowered to purchase or rent

Repositories for Materials to be provided.

rent any Piece or Pieces of Land or Ground, not exceeding in any one Place Six Yards square, on the Sides of such Road, as Repositories for Stone, Gravel, and other Materials for making or repairing the same; and in case any Difference shall arise between such Trustees or Commissioners and the Owner of such Land or Ground, with respect to the Value thereof, or the Necessity or Propriety of taking such Land or Ground, the same shall be settled and determined by any Two of His Majesty's Justices of the Peace acting in and for the County where the said Land or Ground shall be situated, in Manner herein-before directed with respect to getting Materials for the Repair of any Turnpike Road.

Two Justices shall settle any Difference that may arise as to Value.

Canal Companies may lower their Tolls on Materials for repairing Turnpike Roads.

CIII. And be it further enacted, That it shall and may be lawful for the Company of Proprietors, or the Trustee or Trustees for the Proprietors of any Canal, or of any Railway or Tramroad, on which any Flint, Gravel, Stone, or other Materials for the Repair of any Turnpike Road shall or may be conveyed, and they are hereby authorized and empowered, to lessen and reduce the Tolls and Rates imposed by any Act of Parliament by which any such Company shall be appointed, or any other Act whatsoever, on the Carriage of such Flint, Gravel, Stone, or other Materials carried on the said Canal or Railway, and to appoint such lower Tolls and Rates to be taken for the Carriage and Conveyance of the same as the said Company or Trustees shall think proper; and all such reduced Tolls shall and may be collected, taken, and recovered by the same Persons and Means, and by and under the same Powers, Provisions, Penalties, and Forfeitures, as the original Tolls might have been taken in case the same should not have been reduced; any Act or Acts of Parliament, Bye-law or Ordinance, or Trust Deed, to the contrary notwithstanding.

Statute Labour to remain as heretofore.

Two Justices to adjudge the Proportion of Statute Work to be done yearly, on Application of Trustees.

CIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending any Turnpike Road, shall be and remain liable thereto in like Manner in every respect as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace in and for the County, City, or Place in which any such Turnpike Road shall lie or be situate, and they are hereby required and empowered, upon Application made to them by any Three or more of the Trustees or Commissioners, or by their Clerk or Surveyor of such Turnpike Road, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon such Road by the Inhabitants of the respective Parishes, Hamlets, and Places in or through which the said Road doth or shall lie, lead, or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or Commissioners, or their Treasurer or Treasurers; and in order thereunto, the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place shall, on an Order in Writing made by the said Justices, on an Application to them by the Trustees or Commissioners of the Turnpike Road, or

List of the Names of Persons liable to Statute Duty to be

any Three or more of them, or by their Clerk or Surveyor, and respectively delivered to such Surveyor or Surveyors of the Highways, or left at his or their last or usual Place of Abode, bring and deliver within Ten Days afterwards, to the said Turnpike Surveyor, or to his Place of Abode, true and perfect Lists in Writing of the Names of the several Persons who within such Parish, Hamlet, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repairs of the Public Highways, and may be made in the Form specified in the Schedule to this Act; and the said Turnpike Surveyor having received such Lists shall within Five Days afterwards give a Notice to the Surveyor or Surveyors of the Highways of the Time when such Lists will be laid before the said Justices, in order to apportion the said Statute Duty; and at the Time appointed in and by such Notice the said Lists shall be laid before the said Justices by the said Turnpike Surveyor, in the Presence of the said Surveyor of the Highways (if he shall attend); and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon such Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Time, (not being Haytime or Harvest) and on such Parts of the said Road, as the said Trustees or Commissioners, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for the Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such Parishes, Hamlets, and Places respectively, to be by him or them paid over to the said Trustees or Commissioners, or their Treasurer, or other Person duly authorized to receive the same, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by 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 or Commissioners, 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 Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on any Part of such Road, shall be found idle or

produced and laid before Justices.

Justices shall appoint so many Persons to do Statute Work as they think reasonable, and appoint the Composition to be paid by others.

Penalty on Persons neglecting to do Statute Work.

Idle Persons to be dismissed, and be subject to Penalty.

or negligent by any Surveyor to the said Trustees or Commissioners, such Surveyor is hereby empowered to remove and dismiss the Person who shall be so found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of such Road; all which Forfeitures shall be paid to the Treasurer of the said Trustees or Commissioners, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, or Places, shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on Surveyors neglecting to give in Lists, not exceeding 10*l.*

Statute Work may be compounded for.

CV. And be it further enacted, That it shall be lawful for the Trustees or Commissioners of every Turnpike Road to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by him, her, or them done on any such Turnpike Road, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets, or Places in which the said Road doth or shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees or Commissioners shall think reasonable, in lieu of the Whole or any Part of the Statute Work or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer of the Trustees or Commissioners in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise such Person or Persons, Bodies Politic or Corporate, or Inhabitants and Occupiers within such Parish, Hamlet, or Place, shall not be permitted to compound for that Year; and all such Composition Money shall be applied for the Purposes of such Turnpike Road; and that every such Surveyor of the Highways who shall pay any such Composition Money shall be reimbursed the same in like Manner as Surveyors of the Highways are by the Laws in being to be reimbursed the Money by them laid out and expended in buying Materials for the repairing of any other Highway or Highways.

Trustees may contract with Persons liable to the Repairs of Roads by Tenure.

CVI. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Roads to contract and agree with any Person or Persons liable to the Repair of any Part of the Road under the Care and Management of such Trustees or Commissioners, or of any Bridges thereon, by Tenure or otherwise, for the Repair thereof, for such Term as they shall think proper, not exceeding Three Years, and to contribute towards the Repair of such Road or Bridges such Sum or Sums of Money as they shall think proper out of the Tolls arising on such Turnpike Road.

CVII. And

Composition may be entered into by Counties for repairing Bridges repaired by Parishes.

CVII. And whereas many Bridges on Turnpike Roads are by Prescription at present liable to be repaired by certain Parishes, and not by the County or Counties in which they are situated, and which Bridges from Change of Times and Circumstances are become no longer sufficiently convenient for the Use of the Public without being enlarged or otherwise improved; be it therefore further enacted, That it shall and may be lawful for any such County or Counties, Parish or Parishes respectively, to enter into a Composition or Agreement with each other, and by the Authority of those Persons who shall be legally competent to make Rates for such County and Parish respectively, whereby the Improvement and future Repair of any such Bridge shall be undertaken and lie upon the County or Counties in which such Bridge is locally situated; and that all Rates made for carrying into Effect any such Composition, Agreement, Repairs, or Improvement, shall be made and assessed in the same Manner as other the Rates of such County or Parish respectively, and shall be good and valid to all Intents and Purposes in the Law whatsoever.

Compositions may be entered into by Trustees and Parishes for Repair of Bridges.

CVIII. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Road, and for such Parish or Parishes, in like Manner to enter into a Composition or Agreement with each other, and by the Authority of the Persons at present legally competent to make Rates for such Parish or Parishes, whereby, in Consideration of such Sum or Sums of Money as shall be agreed upon being yearly paid to the Treasurer of the Trustees or Commissioners entering into such Composition or Agreement, out of the Rates to be raised for the Repair of the Bridge or Bridges the Subject thereof, the Repairs of any such Bridge shall, during the Continuance of any Act or Acts of Parliament under which such Trustees or Commissioners shall be appointed or act, be undertaken and carried on by the said Trustees or Commissioners; and that all Rates and Assessments raised and levied for carrying such Composition or Agreement into Effect, shall, in like Manner, be good and valid to all Intents and Purposes whatsoever.

Where the Repairs and Revenues of a Turnpike Road shall be such as that Statute Labour will not be required for such Road, Justices may dispense with it.

CIX. And whereas there are or may be Turnpike Roads in such a State and Condition with regard to their Repairs and the Revenues arising upon them, that the Statute Duty required to be performed upon the same may be in the Whole or in Part dispensed with, and employed more advantageously for the Benefit of the other Public Highways within the Parish, Township, or Place liable to the Performance of such Duty; be it therefore enacted, That it shall and may be lawful for the Justices of the Peace at any Special Sessions, upon Application to them made by the Surveyor of the Highways, or by any Two Inhabitants of any Parish, Township, or Place, to summon before them the Clerk and Surveyor of any Turnpike Road within such Parish, Township, or Place alledged to be in the Situation before described, and then and there to produce before them a State of the Revenues and Debts of such Turnpike Road, and for such Justices to inquire into the State and Condition of the Repairs thereof, and also of the Repairs of such other Highways; and if it shall appear to the said Justices, upon full and clear Evidence, that

the Whole or any Part of such Statute Duty may be conveniently dispensed with from such Turnpike Road, without endangering the Securities for the Monies advanced upon the Credit of the Tolls thereof, and that such Statute Duty is wanted for the Repairs of the other Highways within such Parish, Township, or Place, then and in that Case it shall and may be lawful for the said Justices to order the Whole or Part of such Statute Duty to be performed upon the Highways not being Turnpike within such Parish, Township, or Place, under the Direction of the Surveyor thereof, during such Time as to them shall seem reasonable, and the same shall be performed accordingly.

Where Parish indicted for Non-repair of a Turnpike Road, the Court to apportion the Fine between the Parish and the Trustees or Commissioners.

CX. And be it further enacted, That when the Inhabitants of any Parish, Township, or Place shall be indicted or presented for not repairing any Highway being Turnpike Road, and the Court before whom such Indictment or Presentment shall be preferred shall impose a Fine for the Repair of such Road, such Fine shall be apportioned, together with the Costs and Charges attending the same, between the Inhabitants of such Parish, Township, or Place, and the Trustees or Commissioners of such Turnpike Road, in such Manner as to the said Court, upon Consideration of the Circumstances of the Case, shall seem just; and it shall and may be lawful for such Court to order the Treasurer of such Turnpike Road to pay the Sum so proportioned for such Turnpike Road out of the Money then in his Hands or next to be received by him, in case it shall appear to such Court, from the Circumstances of such Turnpike Debts and Revenues, that the same may be paid without endangering the Securities of the Creditors who have advanced their Money upon the Credit of the Tolls to be raised thereupon, which Order shall be binding upon such Treasurer, and he is hereby authorized and required to obey the same.

Power to make Causeways.

Where Turnpike Road is ruinous, Roads may be made through adjoining Grounds.

Recompence to be made to Owners for Damages.

In case of Difference Two Justices shall settle it.

CXI. And be it further enacted, That it shall be lawful for the Trustees or Commissioners to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of the Turnpike Road in such Manner as they shall think proper; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of any Turnpike Road, (not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages, as a Public Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the Trustees or Commissioners of the Road under Repair or Alteration; and in case of any Difference concerning such Damages between such Owners or Occupiers and such Trustees or Commissioners, that then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the County wherein such Grounds shall be

situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers, for the Damages they shall have sustained as aforesaid,

Trustees not empowered to repair Causeways unless specially authorized.

CXII. Provided always, and be it further enacted, That nothing herein contained as to the making or maintaining any Causeway or Footpath, or any other Matter or Provision in this Act, shall extend or be deemed or construed to extend to authorize or empower any Trustees or Commissioners of any Turnpike Road to lay down, continue, repair, or maintain any Pavement, or any paved or pitched Causeway or Footpath, in or upon or at the Side of any Turnpike Road within any Town, Village, or Hamlet where such Turnpike Road shall pass through the same, unless Provision shall have been or shall be specially made for that Purpose in the Act or Acts of Parliament under which such Turnpike Road shall be made, maintained, or repaired; but in default of such Provision all and every such Pavement, paved or pitched Causeway or Footpath, within such Town, Village, or Hamlet shall be made, repaired, and maintained, by and at the Costs of the Inhabitants of such Town, Village, or Hamlet, or by such other Persons as shall be in anywise liable to make, maintain, and repair the same.

Ditches, &c. of sufficient Depth and Breadth shall be made by the Occupiers of Lands for keeping the Roads dry.

CXIII. And be it further enacted, That Ditches, Drains, or Watercourses of a sufficient Depth and Breadth, for the keeping all Turnpike Roads dry, and conveying the Water from the same, shall be made, scoured, cleansed and kept open, and sufficient Trunks, Tunnels, Plats, or Bridges, shall be made and laid where any Carriageways or Footways lead out of the said Turnpike Roads into the Lands or Grounds adjoining thereto, by the Occupier or Occupiers of such Lands or Grounds; and every Person or Persons who shall occupy any Lands or Grounds adjoining to or lying near such Turnpike Road through which the Water hath used to pass from the said Turnpike Road, shall and is and are hereby required, from Time to Time as often as occasion shall be, to open, cleanse, and scour the Ditches, Watercourses, and Drains for such Water to pass without Obstruction; and that every Person making default in any of the Matters or Things aforesaid, after Ten Days Notice to him, her, or them given, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on Default, not exceeding 5*l.*

For removing and preventing Annoyances.

CXIV. And be it further enacted, That it shall be lawful for the Surveyor of every Turnpike Road, and such Person as he or they shall appoint, to remove and prevent all Annoyances on every Part of every Turnpike Road, by Filth, Dung, Ashes, Rubbish, or any other Matter or Thing whatsoever, being laid or thrown upon any Turnpike Road, or upon any Open Common or Waste Land within Eighty Feet of the Centre thereof, and to dispose of the same for the Benefit of such Road, in case the Owner thereof shall neglect to remove the same within Twelve Hours after Notice in Writing, signed by any Two Trustees, or the Surveyor of such Road, given to such Owner for that Purpose, or in case the Owner is not known, then after a like Notice affixed for Three Days on the nearest Turnpike Gate; and to turn any

Watercourses and Drains may be turned.

any Watercourses, Sinks, or Drains running into, along, or out of any Turnpike Road, or any Part thereof, to the Prejudice of the same, and to open, scour, and cleanse any Watercourses or Ditches adjoining to any Turnpike Road, and make the same as deep and large as he shall think proper and necessary, in case the Owners or Occupiers of the adjoining Lands shall neglect to open, scour, or cleanse such Watercourses or Ditches after Seven Days Notice in Writing given for that Purpose; and the Charges thereof, and of removing any Annoyances, to be settled by any one or more Justices of the Peace of the County or Place where such Part of the Turnpike Road shall lie, shall be reimbursed to the said Surveyor by such Owners or Occupiers, and the same shall be recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty for a Second Offence, 5*l*.

Expences of repairing Drains, &c. in Towns to be defrayed equally between the Trustees and the Inhabitants.

CXV. And be it further enacted, That in all Cases where any Gutter, Drain, Sink, Sewer, or Underdrain made or hereafter to be made under or at the Sides or near any Turnpike Road, shall be used as well for the Conveyance of the Water from such Turnpike Road, as for conveying Water, Filth, or other Matters from the Houses or Premises of the Inhabitants of any Town, Hamlet, Village, Street, or Place, and no specific Mode of Repair, or Persons liable to the Expences of maintaining the same shall be appointed, the Expence of maintaining and repairing such Gutter, Drain, Sink, Sewer, or Underdrain, shall be borne and defrayed equally or in Proportions by the Trustees or Commissioners of such Turnpike Road, and the Inhabitants of the Town, Hamlet, Village, Street, or Place, using the same; and in order to ascertain the Proportion, and recover such Expences, the Surveyor of the Turnpike Road under or at the Sides or near to which such Gutter, Drain, Sink, Sewer, or Underdrain shall be situated, shall as often as shall be requisite repair the same, and shall then make out an Account of the Costs and Expences of such Reparation, and produce the same to any Two or more Justices of the Peace acting for the County or Place where such Gutter, Drain, Sink, Sewer, or Underdrain or so much thereof as shall be repaired, shall lie; and it shall and may be lawful for the said Justices, and they are hereby authorized and empowered, to examine the Accounts and Statements to be produced to them, and to inquire as to the Persons using such Gutter, Drain, Sink, Sewer, or Underdrain, and to proportion the Amount to be paid by the Trustees or Commissioners of the Turnpike Road, and by the Inhabitants and Persons using such Gutter, Drain, Sink, Sewer, or Underdrain respectively, and to fix and ascertain the Amount of such Proportion as they the said Justices shall deem just and reasonable, to be paid by the said several Parties respectively; and if any Person or Persons shall neglect or refuse to pay the Sum directed by the said Justices to be paid by him, her, or them, the same shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing, by a Warrant under the Hands and Seals of any Two or more Justices of the Peace, acting for the County or Place where such Person or Persons shall reside.

An Account of the Expence of Repairs to be laid before Two Justices, who shall proportion the Amount to be paid by the Parties.

CXVI. And

Owners of adjoining Lands to cut the Hedges and Branches of Trees obstructing the Road.

CXVI. And be it further enacted, That the Owners or Occupiers of the Land next adjoining to every Turnpike Road, shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges, or other Fences adjacent thereto (such Fences, Trees, Bushes, or Shrubs, not being in any Garden, Orchard, Plantation, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub, being an Ornament or Shelter to a House, unless the same shall hang over the Road, or any Part thereof, in such a Manner as to impede or annoy any Carriage or Person travelling thereon) in such Manner, that the Turnpike Road shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Turnpike Road to the Damage thereof; and that if such Owner or Occupier shall not within Ten Days after Notice given by the Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs in Manner aforesaid, it shall and may be lawful for the said Surveyor and he is hereby required to make Complaint thereof to some Justice of the Limit where such Turnpike Road shall lie, who shall summon the Occupier of such Lands before him to answer the said Complaint; and if it shall appear to such Justice that such Occupier has not complied with the Requisites of this Act in that Behalf, it shall and may be lawful for such Justice, upon hearing the Surveyor and Occupier of such Land or his Agent (or in Default of his or her Appearance, upon having due Proof of the Service of such Summons), and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut down or pruned, or trimmed in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Lands shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit the Sum of Two Shillings for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, and the Sum of Two-pence for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed; and the Surveyor, in case of such Default made by the Occupier, shall and he is hereby required to cut, prune, and trim such Hedges, and to cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order, and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same, or in Default thereof, such Charges and Expences shall be levied, together with the said Forfeitures, upon his or her Goods and Chattels, by Warrant from a Justice of the Peace, in such Manner as is authorized for Forfeitures incurred by virtue of this Act.

If neglected for Ten Days, Surveyor may complain to a Justice, who may order the same to be done on Pain of forfeiting 2*s.* for every 24 Feet in Length of the Hedge.

Hedges, &c. may be trimmed at the Expence of Defaulter.

Time of cutting Hedges and Trees.

CXVII. Provided always, and be it further enacted, That no Person or Persons shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Persons making Encroachments

CXVIII. And be it further enacted, That if any Person shall make or cause to be made any Dwelling House or other Building, or any Hedge

on the Roads by reducing the Breadth or narrowing the Limits thereof; or making Drains across or otherwise injuring the Roads; or turning the Plough on the Ground within a certain Distance of the Road, shall forfeit 40*s*.

Hedge or other Fence on or at the Sides of any Turnpike Road, in such Manner as to reduce the Breadth or confine the Limits thereof, or shall fill up or obstruct any Ditch at the Side thereof; or shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence on any Common or Waste Land on the Side or Sides of any Turnpike Road, within the Distance of Thirty Feet, if within Three Miles of any Market Town, or if beyond that Distance, within Twenty-five Feet from the Middle or Centre thereof; or shall make any Drain, Gutter, Sink, or Watercourse across, or otherwise break up or injure the Surface of any Turnpike Road, or of any Part thereof; or shall plough, harrow, or break up the Soil of any Land or Ground, or in ploughing or harrowing the adjacent Lands, shall turn his or their Plough or Harrow in or upon any Land or Ground within the Distances aforesaid from the Middle or Centre of any Turnpike Road made or to be made, or make any other Encroachment on any Turnpike Road within the Distances aforesaid from the Middle or Centre thereof; every Person so offending shall forfeit, for every such Offence, Forty Shillings to such Person as shall make Information of the same; and it shall be lawful for the Trustees or Commissioners who have the Care of any such Road, to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment to be taken down or filled up, or where any Ditch shall be filled up or obstructed, to be opened and cleansed at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace of the County where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy, as well the Expences of taking down or filling up or cleansing such Dwelling House or other Building, Hedges, Ditches, Drains, or other Encroachments as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner on Demand.

Encroachments to be removed.

Milestones and Direction Posts to be erected.

CXIX. And be it further enacted, That the said Trustees or Commissioners shall cause Stones or Posts to be set up or placed in or near the Sides of every Turnpike Road, at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place, and also such Direction Post at the several Roads leading out of any such Road, or at any Crossings, Turnings, or Terminations thereof, with such Inscriptions thereon denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees or Commissioners shall think proper; and also to cause to be painted in legible Characters, on some Wall or Board at the Entrance of every Town or Village, the Name of such Town or Village, and shall also cause Stones to be put up marking the Boundaries of Parishes where such Boundaries shall cross any Turnpike Road, and from Time to Time to repair or renew such Stones, Posts, and Boards, and keep and continue legible the Inscriptions on such Stones, Posts, Walls, and Boards respectively; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Posts, Stones, or Boards, or shall obliterate, deface, spoil, or destroy all

Names of Towns and Villages to be put up at the Entrance, and Stones to mark the Boundaries of Parishes.

Penalty for defacing them, not exceeding 10*l*.

all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, or on any such Walls, and be thereof convicted before any Justice of the Peace for the County, City, or Place where such Offence shall be committed, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Extending Time for watering Roads.

CXX. And whereas by several Acts of Parliament relating to particular Turnpike Roads, Power is given to the Trustees to water the Roads during certain Months in the Year, and to take additional Tolls on account of the said watering, and the Time specified in such Acts has been found in many Instances too limited to afford to the Public all the Advantages which might be derived from watering the said Roads; be it further enacted, That wherever an Act or Acts has or have been passed to enable the Trustees of any Turnpike Road or Roads to water the same or any Part thereof, and to take an additional Toll for such watering during a limited Time in the said Act or Acts specified, it shall and may be lawful for the Trustees of the said Road or Roads, at any General Meeting held for that Purpose, to order that such Part of the said Road or Roads as by the Local Act or Acts relating to the same is allowed or directed to be watered, and a certain additional Toll to be taken for such watering, shall be watered, and the said additional Toll for watering the same may be demanded and taken for any Time between the First Day of *March* in every Year and the First Day of *November* following; and the said Trustees shall have and they are hereby authorized to exercise and enforce all the Powers, Authorities, Remedies, and Penalties, for collecting the said additional Tolls for watering the Roads during the Time aforesaid, as they now by Law have for any other Tolls which may be demanded and collected on the said Roads.

Penalty on Persons committing Nuisances, by riding on Footpaths, or damaging Bridge, &c.;

CXXI. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway, by the Side of any Turnpike Road, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage apart therefrom, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof, or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the Trustees or Commissioners of any Turnpike Road, or repaired or repairable by them; or shall haul or draw or cause to be hauled or drawn upon any Part of such Turnpike Road, any Timber, Stone, or other Thing, otherwise than upon Wheeled Carriages, or shall suffer any Timber, Stone, or other Thing, which shall be carried principally or in part upon Wheeled Carriages, to drag or trail upon such Road to the Prejudice thereof; or shall use any Tipstick, Joggle, or other Instrument for the Purpose of retarding the Descent of any Cart or other Carriage down any Hill, in such Manner as to destroy, injure, or disturb the Surface of any Turnpike Road; or shall in or upon such Road, or by the Side or Sides thereof, or in any exposed Situation

by drawing Timber, &c.;

by injuring the Road;

by slaughtering of Cattle;

Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Horse or other Beast on the said Road, carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along such Turnpike Road; or if any Hawker, Higler, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, Booth, Stall, or Stand, or encamp upon or by the Sides of any Part of any Turnpike Road; or if any Blacksmith, or other Person occupying a Blacksmith's Shop situate near any Turnpike Road, and having a Window or Windows fronting the said Road, shall not, by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Road; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Eighty Feet of the Centre of such Road; or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games upon such Road, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage whatever upon such Road, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same, or shall not place such Waggon, Wain, or other Carriage during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon such Road, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Road or Footways, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever, to run or flow into or upon such Road or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon such Road shall suffer such Pigs or Swine to root up or damage such Road, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on such Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if any Person or Persons shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of any Turnpike Road or Toll House erected

by obstructing Passage of Travellers;

by Light of Blacksmiths' Shops;

by making Bonfires;

by baiting Bulls, playing at Football, or other Games;

by leaving Waggons, &c.;

by laying Timber, &c.;

by running of Water or Filth;

by Swine

by leaving Block Stones, &c.;

or by damaging Lamps.

erected thereon, or shall extinguish the Light of any such Lamp, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby.

Surveyors to impound Cattle found straying on the Roads.

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

Owner to pay 5s. for every Beast impounded, besides Charges.

Punishing Persons guilty of Pound-breach.

CXXIII. 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 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 such of the said Counties wherein the said Offence shall have been committed, there to remain

without Bail or Mainprize for any Time not exceeding Three Calendar Months.

What shall be deemed the Centre of the Road.

CXXIV. And whereas Doubts may arise as to what is to be deemed the Road, or the Centre of the Road; be it therefore enacted, That where, in this or any other Act of Parliament relating to Turnpike Roads, any Matter or Thing is directed or forbidden to be done within a certain Distance of the Centre of the Road, that Portion of Ground shall be deemed and taken to be the Road which has been maintained by the Trustees or Commissioners as hard Road, and repaired with Stones, Gravel, or other Materials used in forming Roads, for Six Months immediately preceding any Offence committed against such Regulations; and the Centre of the Road shall be the Middle of such hard Road, where a Line being drawn along the Road or a Point marked, an equal Number of Feet of hard Road which have been so maintained and repaired as aforesaid for Six Months before, shall be found on each Side of such Line or Mark: Provided always, that nothing herein contained shall authorize any Person or Persons to inclose or make any Encroachment on any Waste Lands or Grounds lying on the Side of any Turnpike Road, being Part of the Highway, and over which the King's Subjects have been used and accustomed to pass; but every Person who shall inclose such Waste Lands and Grounds, or obstruct the Right of Passage over the same, shall continue and be subject to the same Process and Penalties as if this Act had not been made.

No Encroachment to be made on the Waste Lands lying on the Side of any Road.

Gates to open inwards.

CXXV. And be it further enacted, That no Door or Gate of any Building, Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of any Turnpike Road, or of any Footpath belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Turnpike Road, as that no Part of such Door or Gate shall, when open, project over any Part of such Turnpike Road, or any Footpaths belonging thereto; and the Occupier or Occupiers of any Building, Park, Paddock, Field, or Inclosure having any Door or Gate opening outwards, contrary to the Meaning of this Act, shall, within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of any Turnpike Road, cause such Door or Gate to be hung so that no Part of the same, when open, shall project over any Part of such Turnpike Road, or any Footpath belonging thereto; and in Default thereof, the Surveyor of the said Turnpike Road is hereby authorized to cause the Door or Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where such Neglect shall appear, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Door or Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Gates opening outwards to be removed.

Owner to pay the Expence of Removal and forfeit not exceeding 40s.

CXXVI. And be it further enacted, That it shall and may be lawful to and for the Trustees or Commissioners of every Turnpike Road, at any Meeting to be held for that Purpose, on Ten Days Notice in Writing of such Meeting being affixed upon the Turnpike Gates on the Road, and they are hereby authorized and empowered, from Time to Time as they shall think fit, to order and direct that in all Cases where any Waggon or Cart shall descend any Hill or Hills on the said Road with either of the Wheels locked, a Skid-pan or Slipper shall be used or placed at the Bottom of such Wheel during the whole Time of its being so locked, in such Manner as to prevent the said Road from being destroyed or injured by the locking of such Wheel; and that it shall and may be lawful for the said Trustees or Commissioners from Time to Time to repeal, alter, or renew such Order as they shall think necessary; and that whilst any such Order so to be made as aforesaid shall be in force, all and every Person or Persons who shall drive or act as the Driver of any Waggon or Cart down any Hill or Hills with either of the Wheels locked, and without using or having such Skid-pan or Slipper at the Bottom of such Wheel in manner aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings: Provided always, that a Copy of such Order shall be affixed on all the Turnpikes standing on such Road, for Thirty Days at least before the same shall be in force.

Directing the using of Skid-pans or Slippers.

Penalty on Driver not using them, not exceeding 20s.

CXXVII. And be it further enacted, That no Person shall hereafter erect or cause any Windmill to be erected within the Distance of Two hundred Yards from any Part of any Turnpike Road, under the Penalty of Five Pounds for each and every Day such Windmill shall continue: Provided always, that nothing herein contained shall be construed to render legal the Re-erection or Continuance of any Windmill in any Case where by the Common Law such Windmill shall be a public or private Nuisance.

No Windmill to be erected within 200 Yards of the Turnpike Road, on Penalty of 5*l*.

CXXVIII. And be it further enacted, That if any Person or Persons whatsoever shall wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy or damage any Turnpike Gate, or any Chain, Rail, Post, or Bar, or other Fence or Fences belonging to any Turnpike Gate, or any other Chain, Bar, or Fence of any Kind whatsoever, set up or erected, or hereafter to be set up or erected, to prevent Passengers passing by without paying any Toll directed to be paid by any Act or Acts of Parliament relating thereto, or any House or Houses erected or to be erected for the Use of any such Turnpike Gate or Turnpike Gates, or any Weighing Engine, or shall forcibly rescue any Person or Persons being lawfully in Custody of any Officer or other Person for any of the Offences before mentioned; that then and in any of the said Cases, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported to One of His Majesty's Plantations Abroad for Seven Years, or in Mitigation thereof shall suffer such other Punishment as the Court may direct, as in Cases of Petit Larceny.

Punishment of Persons maliciously destroying Turnpike Gates, &c.

CXXIX. And

For Discovery of Offenders: Names of Owners to be painted on Waggons or other Carriages in the Manner herein mentioned.

CXXIX. And for the better Discovery of Offenders, be it further enacted, That the Owner or Owners of every Waggon, Wain, or Cart, and also of every Coach, Post Chaise, or other Carriage, let either in the Whole or in Part to hire, shall paint or cause to be painted in a straight Line, upon some conspicuous Part of his Waggon, Wain, or Cart, or upon the Shafts thereof, and upon the Pannels of the Doors of all such Coaches, Post Chaises, or other Carriages, before the same shall be used upon any Turnpike Road, his, her, or their Christian and Surname, and the Place of his, her, or their Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, in large legible Letters not less than Half an Inch in Height, and continue the same thereupon so long as such Waggon, Cart, Coach, Post Chaise, or other Carriage shall be used upon any such Turnpike Road; and the Owner of every Common Stage Waggon or Cart employed in travelling Stages from Town to Town, shall, over and above his or her Christian and Surname, paint or cause to be painted on the Part, and in the Manner aforesaid, the following Words "Common Stage Waggon" [*or* Cart, as the Case may be]; and every Owner or Proprietor of any such Waggon, Cart, Wain, Coach, Post Chaise, or other Carriage as aforesaid, using or allowing the same to be used upon any Turnpike Road without the Names and Descriptions painted thereon respectively as aforesaid, or who shall paint or cause to be painted any false or fictitious Name or Place of Abode on such Waggon, Wain, Cart, Coach, Post Chaise, or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Penalty for Neglect, not exceeding 5*l.*

One Driver may take charge of Two Carts, provided they are drawn only by One Horse each.

CXXX. And be it further enacted, That it shall and may be lawful for any one Person to act as the Driver of Two Carts on any Turnpike Road, and for such Carts to pass and travel on any Turnpike Road, being only under the Care and Superintendence of such single Person: Provided always, that such Carts when under the Care of only One Person shall not be drawn by more than One Horse each, and the Horse of the hinder Cart shall be attached by a Rein or Reins to the Back of the Cart which shall be foremost, and in case the said Horse shall not be so attached, the Driver of the said Carts shall forfeit the Sum of Twenty Shillings, to be recovered as other Penalties are by this Act to be recovered: Provided also, that this Enactment shall not extend, or be construed to extend, to Carts travelling on any Turnpike Road within Ten Miles from the Cities of *London* or *Westminster*.

Not to extend to Carts within Ten Miles of London.

Children not to drive Carts, &c. on Penalty of 10*s.*

CXXXI. And whereas Numbers of Carts and Waggons, and frequently more than One, are intrusted to the Care of Children, who are unable to guide the Horses drawing the same; be it therefore enacted, That no Cart or Waggon travelling on any Turnpike Road, shall be driven by any Person or Persons who shall not be of the full Age of Thirteen Years, under a Penalty not exceeding Ten Shillings, to be paid by the Owner of such Cart or Waggon.

Drivers of Waggons or Carts not to

CXXXII. And whereas many Accidents happen, and great Mischiefs are frequently done, upon Streets and Highways, being Turnpike Roads,

Roads, by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon; be it therefore enacted, That if the Driver of any Waggon or Cart of any Kind shall ride upon any such Carriages in any Turnpike Road, not having some other Person on Foot or on Horseback to guide the same, (such light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two, drawing the same, excepted), or if the Driver of any Carriage whatsoever on any Part of any Turnpike Road shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing or being upon such Road, or shall quit the Road and go on the other Side the Hedge or Fence inclosing the same, or wilfully be at such Distance from such Carriage, or in such a Situation whilst it shall be passing upon such Turnpike Road that he cannot have the Direction and Government of the Horses or Cattle drawing the same; or if any Person shall drive, or act as the Driver of any such Coach, Postchaise, or other Carriage let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name as hereby required painted thereon, or shall refuse to discover the true Christian and Surname of the Owner or Principal Owners of such respective Carriage; or if the Driver of any Waggon, Cart, Coach, or other Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon such Road, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, on any Turnpike Road, every such Driver so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace of the Limit where such Offence shall be committed, or where such Offender shall be apprehended, shall for every such Offence forfeit any Sum not exceeding Forty Shillings in case such Driver shall not be the Owner of such Carriage; and in case the Offender be the Owner of such Carriage, then any Sum not exceeding Five Pounds; and in either of the said Cases shall, in default of Payment, be committed to the House of Correction for any Time not exceeding One Month, unless such Forfeiture shall be sooner paid; and every such Driver offending in either of the said Cases shall and may, by the Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be conveyed before some Justice of the Peace, to be dealt with according to Law; and if any such Driver, in any of the Cases aforesaid, shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding Three Months, or to proceed against him for the Penalty aforesaid, by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

ride thereon, unless some other Person on Foot guide

or driving Carriage without Owner's Name;

or Near Side; or interrupting free Passage;

if not the Owner, to forfeit 40*s.* if he be the Owner, 5*l.*

Penalty on Driver discovering his Name.

Trustees or Commissioners may direct Prosecutions for Nuisances &c.

CXXXIII. And be it further enacted, That the Trustees or Commissioners of any Turnpike Road, at a Public Meeting, may, and they are hereby empowered, if they think fit, to direct Prosecutions by Indictment, or otherwise, against the Offender or Offenders for any Nuisance or other Offence done, committed, or continued in or upon any of the Turnpike Roads under their Care respectively, or to recover any Penalty or Forfeiture incurred under the Provisions of this or any other Turnpike Act, at the Expence of the Revenues belonging to such Turnpike Roads, to be allowed by such Trustees or Commissioners at some subsequent Meeting.

If Action be brought against a Trustee, Evidence of his being appointed and acting sufficient.

CXXXIV. And be it further enacted, That in all Cases where any Action shall be brought by or against any Trustee or Trustees, or Commissioner or Commissioners of any Turnpike Road, Evidence of such Trustee or Trustees, Commissioner or Commissioners, having acted as such, together with the Act of Parliament by which he or they was or were appointed, or the Order, or a Copy of the Order for his or their Appointment or Election, in case he or they was or were appointed or elected by the Trustees or Commissioners, shall be sufficient Proof of his or their being a Trustee or Trustees, Commissioner or Commissioners.

Recovery of Money awarded against the Trustees.

CXXXV. 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 any Act of Parliament relating to Turnpike Roads, 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 Commissioners, 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 or Commissioners, to the Party or Parties entitled to receive the same, within Fourteen 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 Commissioners, 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 or Commissioners by virtue of any such Act, 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 Commissioners, or to their Treasurer for the Time being, as the Case may be.

CXXXVI. And

Penalty on Persons employed with Salaries refusing to execute the Act, 5*l*.

CXXXVI. And be it further enacted, That every Constable, Headborough, or Tithingman refusing or neglecting to put this Act into Execution, or to account for and deliver any Forfeiture or Penalty according to the Directions of this Act, and every Surveyor of any Turnpike Road, and every Toll Collector, and all other Persons employed or to be employed by any Trustees or Commissioners appointed or to be appointed for the repairing Roads, who do or shall receive Salaries or Rewards, who shall wilfully neglect, for the Space of One Week after any Offence being to their Knowledge committed, to lay such Information upon Oath before One or more of His Majesty's Justices of the Peace for the Limit wherein such Offence was committed, as by this Act is directed, shall, upon due Information made upon Oath before One of His Majesty's Justices of the Peace for the said Limit, forfeit for every such Neglect the Sum of Five Pounds.

Inhabitants good Witnesses.

CXXXVII. Provided always, and be it further enacted, That no Conviction shall be had or made by virtue of this Act, unless upon the View of a Justice convicting, or on Confession of the Party accused, or upon the Oath of one or more credible Witness or Witnesses, and that any Inhabitant of any Parish, Township, or Place in which any Offence shall be committed contrary to this Act, shall not be deemed an incompetent Witness by reason of his or her being an Inhabitant of such Parish, Township, or Place; and that any Justice of the Peace may act in the Execution of this Act, notwithstanding he may be a Creditor, or a Trustee or Commissioner for making, repairing, and maintaining the Roads on which any Offence contrary to this Act shall be committed.

Penalty on Witnesses not attending when summoned, not exceeding 40*s*.

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

Persons resisting the Execution of this Act, or assaulting Collectors, to forfeit not exceeding 10*l*.

CXXXIX. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or any particular Act made for amending any Turnpike Road, or shall assault any Surveyor, or any Collector or Collectors of the Tolls, in the Execution of his or their Office or Offices, or shall pass through any Turnpike Gate or Gates, Rail or Rails, Chain or Chains, or other Fence or Fences set up or to be set up by Authority of Parliament, without paying the Toll

Toll appointed to be paid at such Gate or other Fence, or shall hinder or make any Rescue of Cattle or other Goods distrained by virtue of this Act, every such Person offending therein shall for every such Offence forfeit any Sum not exceeding Ten Pounds, at the Discretion of the Justice or Justices of the Peace before whom he or she shall be convicted.

For securing transient Offenders.

CXL. And whereas Offences may be committed against this Act, or other Acts for repairing and maintaining Turnpike Roads, by Persons unknown to the Collectors or other Officers; be it therefore further enacted, That it shall be lawful for any of the Trustees or Commissioners of any Turnpike Road, or their Clerk or Clerks, or their Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any 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, District, or Place near to the Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall, and is and are hereby required to proceed and act with respect to such Offender or Offenders, according to the Provisions of this or any other Acts for repairing Turnpike Roads.

Recovery and Application of Penalties.

CXLI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying and recovering and applying whereof is not herein otherwise directed), shall upon Proof and Conviction of the Offences respectively, before any Justice of the Peace for the County, Riding, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such

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, Riding, or Place where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to the Treasurer or Treasurers to the Trustees or Commissioners for repairing and maintaining the Road on which such Offence shall have been committed, and applied and disposed of for the Purposes of such Road and of this Act.

Justices may mitigate Penalties.

CXLII. Provided always, and be it enacted, That it shall and may be lawful for any Justice or Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, or any Act for making and repairing Turnpike Roads, if he or they shall think proper, to mitigate or reduce the Penalty incurred by such Person, so as such Reduction or Mitigation do not exceed Two-thirds of the Penalty to which such Person would be liable under this or any other Act.

Prosecutors may recover by Information, or by Action, &c.

CXLIII. And be it further enacted, That every Prosecutor or Informer shall sue for and recover any Forfeiture or Penalty imposed by this or any other Act or Acts of Parliament made for erecting Turnpikes, or for repairing and amending Turnpike Roads, in the Manner herein-after mentioned; (that is to say), if the same shall exceed the Sum of Twenty Pounds or upwards, it shall be recoverable by Action of Debt in any of His Majesty's Courts of Record, in which it shall be sufficient to declare that the Defendant is indebted to the Plaintiff in the Sum of being forfeited by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act, if the Offence shall be committed under it*, or, *An Act, &c. setting out the Title of the Act under which the Penalty shall be claimed*]; and the Plaintiff, if he recover in any such Action, shall have full Costs, provided that there shall not be more than One Recovery for the same Offence, and that Twenty-one Days Notice be given to the Party offending, previous to the Commencement of such Action, and that the same be brought and commenced within Three Calendar Months after the Offence for which such Action is brought shall have been committed; and if such Penalty or Forfeiture shall not exceed the Sum of Twenty Pounds, and shall be more than Five Pounds, the same shall be recoverable only by Information before a Justice of the Peace, subject to appeal in manner herein-after mentioned; and if such Penalty or Forfeiture shall not exceed the Sum of Five Pounds, the same shall in like Manner be recoverable only by Information before a Justice of the Peace, and no Writ of Certiorari to remove the same shall be allowed.

Party aggrieved may recover Satisfaction for Special Damages.

CXLIV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, or any other Act for repairing, amending, or maintaining any Turnpike Road, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers on account of any Default or want of Form in any Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards done in making the Distress; but the Person or Persons aggrieved by such Irregularity, may recover the Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, Trespass, or wrongful 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 or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings, or Orders and Judgment, 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.

Tender of Amends.

Appeal may be made to Quarter Sessions.

CXLV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, except under the particular Circumstances herein-after mentioned, and for which no particular Method of Relief hath been already appointed, such Person, in case the Penalty or Forfeiture shall exceed the Sum of Forty Shillings, where the Appeal is to be against a Conviction for a Penalty or Forfeiture, may appeal to the Justices of the Peace, at the next General Quarter Sessions of the Peace to be held for the Limit wherein the Cause of such Complaint shall arise, such Appellant first giving or causing to be given to such Justice, by whose Act or Acts such Persons shall think himself or herself aggrieved, Notice in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, within Six Days after the Cause of such Complaint arose, and within Four Days after such Notice entering into Recognizances before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions, and also to pay the Penalty or Forfeiture, in case the Conviction should be affirmed; and each and every Justice of the Peace, having received Notice of such Appeal as aforesaid, shall return all Proceedings whatever had before him respectively, touching the Matter of such Appeal, to the said Justices at their General Quarter Sessions aforesaid, on pain of forfeiting Fifty Pounds for every such Neglect; and the said Justices at such Session, upon due Proof of such Notice having been given as aforesaid, and of such Recognizance having been entered into in Manner before directed, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing

appealing or appealed against, as they the said Justices shall think proper, to be levied and recovered as herein-before directed, and the Determination of such Quarter Sessions shall be final and conclusive, to all Intents and Purposes; and no Proceeding to be had or taken in pursuance of this Act, shall be quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding: Provided always, that in case there shall not be Time to give such Notice, and enter into such Recognizances as aforesaid, before the next Sessions to be holden after the Conviction of the Appellant, then and in every such Case such Appeal may be made to the next following Sessions, and shall be there heard and determined.

No Certiorari.

CXLVI. And be it enacted, That where any Oath or Affirmation is by this or any Act relating to any Turnpike Road required and directed to be made or taken, the Justices of the Peace of any County or Place, or the Trustees or Commissioners of any Turnpike Road, (as the Case may be), and according to the several Jurisdictions herein given to them respectively as aforesaid, shall and they are hereby respectively empowered to administer the same.

Power to administer Oaths.

CXLVII. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, then and in every such Case such Action or Suit shall be commenced or prosecuted within Three Months after the Fact committed, and not afterwards; and the same and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and at the Trial thereof, give this Act and the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been done under the Authority and in Execution of this Act, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County or Place than as afore-mentioned, then the Jury shall find for the Defendant or Defendants, and if the Plaintiff shall become Nonsuit, or discontinue his or her Action after the Defendant shall have appeared, or have a Verdict against him or her, or if upon Demurrer, Judgment shall be given against the Plaintiff, the Defendant shall and may recover Treble Costs, and have the like Remedy for Recovery thereof as any Defendant or Defendants hath or have in any Cases by Law.

Limitation of Actions.

Genera Issue.

Treble Costs.

CXLVIII. And be it further enacted, That the Forms of Proceeding relative to the several Matters contained in this Act, which are set forth and expressed in the Schedule hereunto annexed, may be used upon all Occasions, with such Additions and Variations only as may be necessary to adapt them to the particular Exigencies of the Case, and that no Objection shall be made or Advantage taken for want of Form in any such Proceedings by any Person or Persons whomsoever.

Forms in the Schedule annexed to be used.

CXLIX. Pro-

Act not to extend to the Commercial Road, and Branches of Road leading from and out of the same, authorized to be made and repaired by the Acts of 43, 44, 46, 49, and 51 G. 3.:

CXLIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, adjudged, deemed, or taken to extend to the Turnpike Road, called the *Commercial Road*, or the several Branches leading from and out of the same, authorized to be made, repaired, and maintained under and by virtue of Five several Acts of Parliament made and passed in the Forty-third, Forty-fourth, Forty-sixth, Forty-ninth, and Fifty-first Years of the Reign of His late Majesty King *George* the Third, for making and maintaining the Roads communicating with the *West* and *East India* Docks, and for repairing the *Cannon Street* Road, and for making and maintaining a New Road to *Barking*, and a Road from the *Romford* and *Whitechapel* Road to *Tilbury Fort* in the Counties of *Middlesex* and *Essex*, and also for making a new Branch of Road from *King David Lane*, *Shadwell*, to the *Essex* Road at *Mile End* in the County of *Middlesex*, or to affect, encroach upon, vary, alter, or interfere with any of the Tolls, Weights, or Duties created by virtue of the said Acts or any of them, or any of the Powers and Authorities given to or vested in the Trustees acting under or by virtue of the said Acts, or any or either of them.

Nor to extend to 56 G. 3. c. lxxxiii. for improving the Road from Glasgow to Carlisle.

CL. Provided always, and be it enacted, That nothing herein contained shall be deemed, construed, or taken to extend to an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the Road from the City of* Glasgow *to the City of* Carlisle, or to Three several Acts amending the same, passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty, and in the First and Second Years of the Reign of His present Majesty.

Parties interested may signify their Consent to any Turnpike Bill by Affidavit.

CLI. And be it further enacted, That all Persons concerned or interested in any Bill for making or repairing any Turnpike Road, or for widening or diverting such Road, may signify their Consent to the same by Affidavit, taken and authenticated according to the Form herein-after prescribed, unless the Committee of either House of Parliament to whom such Bill, or the Petition of such Bill, shall be referred, shall otherwise order.

Justices of the Peace or Masters Extraordinary in Chancery empowered to take all such Affidavits.

CLII. And be it further enacted, That it shall and may be lawful for any One or more Justice or Justices of the Peace, or Master or Masters Extraordinary in Chancery, to take Affidavits on Oath or Affirmation (which Oath or Affirmation such Justice or Justices or Master or Masters Extraordinary in Chancery, is and are hereby authorized and empowered to administer) of the Answers that may be given by the Owners and Occupiers of Lands, on Applications made to them for their Consent to such Bills; and every Affidavit shall be in the Form following, as near as the Circumstances of the Case will admit:

'*A. B.* of maketh Oath, and saith, That he
'did apply to *C. D.* who he believes to be the Owner of [*set out*
'*the Property*] being Part of the Lands through which the intended
'Turnpike Road from *E.* to *F.* is to be carried, or the Alteration

'to be made (*as the Case may be*), and that he received from such 'Owners the Answers set forth in the Paper hereunto annexed.

(Signed) *A. B.*

'Sworn [*or*, solemnly affirmed], before me [*as in the other Forms 'herein-before set forth.*]'

'As Witness my Hand and Seal,'

And no such Affidavit as aforesaid shall be subject or liable to any Stamp Duty now payable by any Act or Acts of Parliament, or which shall hereafter be imposed, unless specially named and made subject thereto by the Act or Acts of Parliament imposing the same.

Proof of Hand-writing of Justice to be deemed sufficient.

CLIII. Provided always, and be it enacted, That Proof of the Hand-writing of any Justice of the Peace, or Master Extraordinary in Chancery, before whom any such Affidavit shall be made as aforesaid, shall be sufficient Evidence of the Signature of such Justice or Master Extraordinary before any Committee of either House of Parliament, without any Witness being produced who was present at the Time when such Affidavit was made, and without a Witness being produced to prove that such Justice of the Peace, or Master Extraordinary in Chancery, before whom such Affidavit was made, was at the Time of making such Affidavit a Justice of Peace or Master Extraordinary in Chancery.

The SCHEDULE to which the Act refers;

CONTAINING

The FORMS of PROCEEDINGS mentioned in the foregoing Act.

No. 1.—ORDER of Trustees for erecting a Weighing Engine.

AT A MEETING of the Trustees of the Turnpike Roads under an Act passed in the Year of the Reign of His Majesty King George the " For [*state the Title of the Act*] held at the Day of

IN pursuance of the Powers given to us by an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, for regulating Turnpike Roads, we do hereby order that an Engine proper for the weighing of Carriages of the Constructions and Weights specified in the said Act, be forthwith erected at, or as near as conveniently may be to the Toll Gate or Bar now erected upon the said Turnpike Road at ; and that *A. B.* the [Treasurer, Clerk, *or*] Surveyor of the said Turnpike Road, do contract with some proper Person [*or*, with *C. D.*] [*in case the Trustees shall think fit to name the Person*] for the making and erecting such Engine, and do inspect and take care that the same is properly done; and we do order the Gatekeeper at the said Gate or Bar for the Time being to attend the said Weighing Engine, and carefully to weigh all Carriages passing loaded upon the said Road, at the Place where such Engine shall be erected, together with the Loading thereof, and to take the several additional Tolls or Rates for Overweight, and give Tickets of the Weight of such Carriages and Loading, when required by the Driver thereof, and also to enter in a separate Book to be kept by him for that Purpose, an Account of every Carriage so weighed, which shall with the Loading exceed the Weights allowed by the said Act, and account to us for the Money received for all such Overweight.

No. 2.—TABLE of Weights allowed in Winter and Summer, to Carriages directed to be weighed (including the Carriage and Loading) by the Act of the Third George the Fourth.

	SUMMER.		WINTER.	
	Tons.	Cwts.	Tons.	Cwts.
To every Waggon with Nine-inch Wheels - -	6	10	6	—
To every Cart with Nine-inch Wheels - -	3	10	3	—
To every Waggon with Six-inch Wheels -	4	10	4	—
To every Cart with Six-inch Wheels - -	2	15	2	10
To every Waggon with Wheels of the Breadth of Four Inches and a Half - - -	4	5	3	15
To every Cart with Wheels of the Breadth of Four Inches and a Half - - - -	2	12	2	7
To every Waggon with Wheels of Three Inches -	3	15	3	5
To every Cart with Wheels of Three Inches -	1	15	1	10

No. 3.—AGREEMENT between Trustees of different Turnpike Roads for erecting One Weighing Engine for the Use of such Roads.

AT A MEETING of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [*state the principal Part of the Title of the Act*] and also of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [*&c. as above*], held at the Day of for the Purpose of agreeing upon and ordering a Weighing Engine at the joint Expence of the Trustees, for the Use of the said several Turnpike Roads, pursuant to the Powers given by an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, "For regulating Turnpike Roads."

IT appearing to us, that a Weighing Engine may be erected at [*describing the Spot where it can be most conveniently placed*], which will accommodate both the said Turnpike Roads, according to the true Intent and Meaning of the said Act: We do therefore order, &c. [*as in the Form above mentioned*], and we do hereby agree and order, that the Expences of making and erecting the said Weighing Engine, and the Sum of which we do hereby agree and order shall be paid to the Toll-gatherer attending the said Toll Gate for the Time being, weekly for his extraordinary Trouble in attending the said Weighing Engine, shall be advanced and paid by the Treasurers of the said several Turnpike Roads, in the Shares and Proportions following; *videlicet*, that the Treasurer of the Road shall pay [One-half], [Two third], [Three-fourth] Parts thereof, [*as the Trustees shall agree*], and the Treasurer of the Road shall pay the remaining [One-half], [One-third], *or* [One-fourth] Part thereof; and that the Money to be received at the said Weighing Engine by Forfeitures for Overweight, shall be paid to the said respective Treasurers in the like Proportions, and applied by them for the Use of the said respective Turnpike Roads.

(Signed)

No. 4.—NOTICE of a Meeting of Trustees for ordering a Side Gate to be erected.

NOTICE is hereby given, That the Trustees of the Turnpike Roads under an Act passed in the Year of the Reign of King George the "For [*state the material Parts of the Title of the Act*], will meet at the House of at on the Day of next, at the Hour of in the noon, in order to consult about erecting a Toll Gate on the Side of the said Turnpike Road, at or near a Place called across a certain Highway there, leading to

Dated the Day of

A. B. Clerk to the said Trustees.

No. 5.

No. 5.—ORDER of the Trustees for erecting a Side Gate.

AT A MEETING of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [*here state the material Parts of the Title of the Act*], being assembled this Day of to enforce the Directions of an Act passed in the Third Year of the Reign of King George the Fourth, "For regulating Turnpike Roads," [*as far as the same respects the erecting of Side Gates.*]

IN pursuance of public Notice given in Writing upon all the Toll Gates erected on the said Road, and also in the Newspapers circulated in this Part of the Country, for Fourteen Days now last past, We do order, that a Toll Gate shall be erected on the Side of the said Turnpike Road, at or near a Place called across a certain Highway there, leading to and that the following Toll be taken at the said Gate, videlicet, [*here insert the particular Tolls to be taken at the said Side Gate*].

No. 6.—NOTICE for letting Tolls.

NOTICE is hereby given, That the Tolls arising at the Toll Gate [*or* Toll Gates, *if more than One*] upon the Turnpike Road at called or known by the Name of the Gate, will be let by Auction to the best Bidder, at the House of at on the Day of next, between the Hours of and in the Manner directed by the Act passed in the Third Year of the Reign of His Majesty King George the Fourth, "For regulating Turnpike Roads," which Tolls produced the last Year the Sum of above the Expences of collecting them, and will be put up at that Sum; whoever happens to be the best Bidder, must at the same Time pay One Month in advance (if required) of the Rent at which such Tolls may be let, and give Security, with sufficient Sureties, to the Satisfaction of the Trustees of the said Turnpike Road, for Payment of the Rest of the Money Monthly, [*or in such other Proportions as shall be directed*].

A.B. Clerk to the Trustees of the said Turnpike Road.

No. 7.—ORDER of Trustees for reducing the Tolls.

AT A MEETING of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For, &c. [*state the principal Part of the Title of the Act*], held at the Day of

WE, whose Names are subscribed, being or more of the Trustees acting under the said Act, being now assembled for reducing the Tolls authorized to be taken by and under the said Act, pursuant to public Notice given for that Purpose in the Newspapers circulated in this Part of the Country, and also affixed upon all the Turnpike Gates erected upon the said Turnpike Road, for upwards of One Calendar Month now last past, and having the Consent of the several Persons entitled to Five-sixths Parts of the Money now remaining due upon the Credit of the said Tolls, this Day signified and proved to us, do hereby order, that the Tolls granted by the said Act shall, from and after the Day of be lessened and reduced in the following Manner [*here state the several Reductions proposed to be made*].

No. 8. — AGREEMENT between the Trustees of a Turnpike Road and a Person liable by Tenure to repair some Part of it.

AT A MEETING of the Trustees of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [*state the principal Part of the Title of the Act*], held at the Day of .

WHEREAS *A. B.* of is liable by Tenure, &c. [*as the Case shall be*] to the Repair of a certain Highway leading between and of the Length of Yards or thereabouts, and the said Highway being now made Turnpike Road by virtue of the said Act, will occasion a greater Expence to make and keep the same in proper Repair, than would have been necessary if no such Act had been obtained, and the said *A. B.* attending this Meeting in Person [*or*, by *C. D.* his Attorney or Agent authorized to treat in his Behalf], the said Trustees and the said *A. B.*, &c. in pursuance of a Power given by an Act passed in the Third Year of the Reign of King George the Fourth, "For regulating Turnpike Roads," have, in order to put and keep the said Road in proper Condition and Repair, come to the following Agreement, videlicet; That the said Trustees shall on or before the Day of next, pay and allow the Sum of out of the Tolls arising upon the said Turnpike Roads towards putting the said Road into proper Repair, to be laid out and expended by the Surveyor of the said Turnpike Road, and that the said *A. B.* shall advance and pay into the Hands of the Treasurer of the said Turnpike Road on or before the Day of next, the Sum of to be also laid out and expended by the said Surveyor in the Repair of the said Road, and that from and after the next, the said Turnpike Road shall be kept in Repair by the said Trustees out of the said Tolls as aforesaid, so long as the said Turnpike Act shall continue, upon the said *A. B.* paying into the Hands of their Treasurer the Sum of upon the in every Year, which the said *A. B.* doth hereby for himself and his Heirs agree to pay accordingly, so long as the said Road shall be so repaired by the said Trustees as aforesaid.

[*Or, if it shall be agreed that A. B. shall keep the Road in Repair upon having an annual Allowance in Money or Statute Duty from the said Trustees, let the Agreement be varied and adapted to the Case.*]

No. 9. — MAGISTRATES SUMMONS.

To the Surveyors of the Highways of the Parish of in the County of

UPON Application made by Surveyor of the Turnpike Roads from appointed by the Trustees for putting into Execution an Act of Parliament passed in the Year of the Reign of His Majesty King George the intituled "An Act

by Order of the Trustees for the said Road to us, Two of His Majesty's Justices of the Peace acting in and for the said County; We do hereby summon you, the Surveyors of the Highways of the Parish or Place of in the said County, to deliver a List to the said as such Surveyor as aforesaid, at his House, situate in the said County, within Days after the Service of this Summons, of the Names of the several Persons, Inhabitants of the said Parish or Place, and who are by Law subject and liable to do Statute Work for the present Year upon the Road situate in the said Parish or Place, 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; and We the said Justices do hereby require you to make such Lists of Names, in such Manner and under such Regulations and Restrictions as is or are directed by any Law or Statute now in Force and Effect for the Repair of the Public Highways.

And in case you shall refuse or wilfully neglect to give in such List as aforesaid, or shall knowingly or wilfully give in a false or imperfect List, you so offending will for every such Offence forfeit and be liable to pay a Sum not exceeding Ten Pounds.

Given under our Hands and Seals this Day of in the Year of our Lord 182 .

No. 10.—NOTICE to be given to Surveyors of Highways.

TO the Surveyors of the Highways of the Parish or Place of in the County of

I DO hereby give you Notice, that the List delivered by you to me as Surveyor of the Turnpike Road from to in the said County of of the Names of the several Persons who within your said Parish or Place are by Law liable to do Statute Work for the present Year, or to the Payment of Money in lieu of or as a Composition for such Statute Work, will be laid before Two of His Majesty's Justices of the Peace for the said County, in pursuance of the Directions of the Act, passed in the Year of His Majesty King George the , intituled "An Act

on the Day of at in the said County, in order that such Two Justices may adjudge and determine what Part or Proportion of the Statute Work for the said Year shall be done upon the said Road, and also what Proportion of the Composition Money shall be paid to the Trustees of the said Road, or to their Treasurer. And I do hereby give you further Notice, that I shall apply to the Justices for [*One-half, One-third, as the Case may be*] of the Statute Duty from your Parish for this Year, which according to the List delivered by you will be (*say*) Days in the whole in Composition Money. If you object to this Division, you will in course appear, but if not, the same will be confirmed by the Justices, if they think proper.

Dated this Day of

Surveyor of the said Turnpike Road.

No. 11.—JUSTICES ORDER, apportioning Statute Labour.

to wit. } WE, Two of His Majesty's Justices of the Peace, acting in and for the County of upon Application by the Surveyor appointed by the Trustees of the Turnpike Road from to in the said County, in pursuance of an Act of Parliament, passed in the Year of the Reign of His Majesty King George the intituled *An Act for* do adjudge and determine that the Inhabitants of the Parish of in the said County of shall do Part or Proportion of the Statute Work for the ensuing Year upon such Turnpike Road in the said Parish of being a Parish in which the said Road lies, and that Proportion of the Money received by the Surveyor or Surveyors of the Highways of such Parish or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees of the said Turnpike Road, or to their Treasurer, or other Person authorized by them to receive the

the same, on or before the Day of ; the Names of the several Persons appointed to do such Proportion of the Statute Work on the said Turnpike Road appear in the Schedule to this Order.

Given under our Hands the Day of 182

(Signed)

No. 12.—ORDER of Justices at a Special Sessions to take Part of the Statute Duty from Turnpike Roads, for the Benefit of other Highways in the said Parish, &c.

County of to wit. } AT A SPECIAL SESSIONS held by the Justices of the Peace for the said County, acting in the [Hundred] of within the said County, at on the Day of

WHEREAS Application and Complaint upon Oath has been made unto us by *A.B.* Surveyor of the [Parish, &c.] of that the several Highways, not being Turnpike, within the said [Parish, &c.] are very extensive and in bad Repair, and that a considerable Part of the Statute Duty arising within the said [Parish, &c.] hath been called forth and required to be applied in the Repair of certain Turnpike Roads lying within the said [Parish, &c.] which are in good Condition, and have a considerable Revenue for their Support, arising from the Tolls collected thereupon; and we having duly summoned *C.D.* the Surveyor of the said Turnpike Road to appear before us, to show cause why the said Statute Duty called forth and applied by him to the Repair of the said Turnpike Road, should not be withdrawn therefrom and applied to the Repair of the other Highways within the said [Parish, &c.] and upon hearing the said *C.D.*, and receiving an Account of the Revenues and Debts of the said Turnpike Road, and of the State and Condition of the Repair of the said Turnpike Road and Highway respectively; and it appearing to us, upon full Consideration had thereupon, that Part of the Statute Duty hitherto employed by the said [Parish, &c.] for the Repair of the said Turnpike Road may be conveniently dispensed, without endangering the Securities for the Money advanced upon the Credit of the Tolls thereof, and that such Statute Duty is wanted for the Repairs of the other Highways within the said Parish; We, in pursuance of the Power given to us by the Act passed in the Third Year of the Reign of King George the Fourth, "For regulating Turnpike Roads," do order that from and after the Day of next, there shall be only [One] Day's Statute Duty performed by the Inhabitants of the said [Parish, &c.] upon the said Turnpike Road within the same, and that the Remainder of the Statute Duty shall be performed upon the other Highways within the said [Parish, &c.]

[*If there are more Turnpike Roads than One, or the whole Statute Duty shall be thought fit to be taken away, this Form must be varied to fit those Cases; the Summons to the Surveyors will be very easily formed from this Order.*]

No. 13.—CERTIFICATE of the above Order to the Justices of the Peace at their Quarter Sessions.

I *A. B.* Clerk to the Trustees mentioned in the above Order, do hereby certify to the Justices of the Peace for the [County] [Riding] [Division] of at their General Quarter Sessions of the Peace, that the above is a true Copy of the Order made by the said Trustees for the Purposes therein mentioned.

Dated this Day of

A. B.

No. 14.

No. 14.—AGREEMENT by Subscription for advancing Money to make and repair a Turnpike Road or Highway.

WE whose Names are subscribed, do agree to advance and pay the several Sums wrote by us opposite to our Names, unto to be laid out and expended in the making and repairing a certain Highway leading from to after an Act of Parliament shall be obtained for making the same Turnpike Road, upon having the Tolls to be collected upon such Turnpike Road assigned and made over to us as a Security for the respective Sums so to be advanced by us, together with Interest for the same after the Rate of per Centum per Annum, which Sums we do hereby severally agree to pay by Instalments, in the following Manner, *videlicet*; One Fourth Part thereof on the Day of next; One other Fourth Part, [*&c. &c. &c.*]

Dated this Day of

No. 15.—WARRANT from a Justice of the Peace to enter the Toll Gate House and remove the Persons therein.

County of } TO the [Constable], [Headborough], [Tithingman], of
to wit. } in the said County.

WHEREAS Complaint hath been made unto me *A.B.* Esquire, One of His Majesty's Justices of the Peace for the said County, upon the Oath of and other Evidence now produced to me, that *C. D.*, who now inhabits the Turnpike or Toll Gate House at upon the Turnpike Road leading from to and was appointed to collect the Tolls there, hath been duly discharged by the Trustees of the said Turnpike Road, from any further collecting or receiving the Tolls arising at the said Gate, and hath refused and still doth refuse to quit the Possession of the said House, and the said *C. D.* having been summoned to appear before me this Day, to shew Cause why he should not be removed from the said House, and having shewn no sufficient Cause for that Purpose [*or*, not having appeared], I do hereby authorize and require you, with such Assistance as shall be necessary, to enter into the said Toll House or Turnpike House, and the Buildings belonging thereto, in the Day-time, and to remove the said *C.D.* and all such Persons as shall be found therein, together with his and their Goods, out of such House and Buildings, and to put *E. F.*, the Person lately appointed by the Trustees to collect such Tolls, into the Possession thereof, for which this shall be your sufficient Warrant.

Given under my Hand and Seal this Day of

[*This Form may be varied to suit the Case of the Widow or Family of a deceased Collector.*]

No. 16.—BOND from the Surveyor.

WE, *A. B.* Surveyor of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the "For [*state the principal Part of the Title of the Act*], and *C. D.* of are bound to *E. F.* of in the Sum of Pounds, to be paid to the said *E. F.* his Executors, Administrators, and Assigns, for which Payment we hereby bind ourselves severally, and each of our Heirs, Executors, and Administrators.

Dated the Day of

The

The Condition of this Bond is such, that if the said *A.B.* his Executors or Administrators shall duly and faithfully account for, apply, and pay all and every the Sum and Sums of Money which hath come or shall come to his Hands as Surveyor of the Turnpike Road aforesaid, according to the Direction and true Intent and Meaning of the said Act, and of the Statute made in the Third Year of the Reign of His Majesty King *George* the Fourth, "For regulating Turnpike Roads," then this Bond to be void, or else to remain in full force.

[*The Bond from the Treasurer will be in the same Form.*]

No. 17.—SUMMONS for any Person or Persons to attend a Justice or Justices.

County of } TO *A. B.* of
to wit. }

WHEREAS Complaint and Information hath been made before me, *C.D.* One of His Majesty's Justices of the Peace for the said [County, &c.] by *E.F.* of That, &c. [*here state the Nature and Circumstances of the Case, as far as it shall be necessary to show the Offence, and to bring it within the Authority of the Justice, and in doing that, follow the Words of the Act, as near as may be*] These are therefore to require you personally to appear before me [*or*, the Justices to be assembled at their Special Sessions to be holden] at in the said [County, &c.] on the Day of next, at the Hour of in the noon, to answer to the said Complaint and Information made by the said *E. F.* who is likewise directed to be then and there present, to make good the same. Herein fail not.

Given under my Hand, this Day of

No. 18.—INFORMATION.

County of } BE it remembered, That on the Day of
to wit. } *A. B.* of in the said County, informeth me, One of His Majesty's Justices of the Peace for the said County, That of in the said County [*here describe the Offence, with the Time and Place, and follow the Words of the Act, as near as may be*] contrary to the Statute made in the Third Year of the Reign of King George the Fourth, "For regulating Turnpike Roads," which hath imposed a Forfeiture of for the said Offence.

Taken the Day of
before me, *A. B.*

No. 19.—FORM OF CONVICTION.

County of } BE it remembered, That on the Day of in
to wit. } the Year of the Reign of and in the Year of our Lord *A. B.* is convicted before me One of His Majesty's Justices of the Peace for the said County, for [*here specify the Offence, and when and where committed,*] contrary to the Form of the Statute made in the Year of the Reign of intituled [*here set forth the Title of the Act,*] and I do hereby declare and adjudge that the said *A. B.* hath forfeited, for the said Offence, the Sum of [*or*, shall be committed to for the Space of *as the Case may be.*]

Given under my Hand and Seal the Day and Year first above written.

C. D.

No. 20.—WARRANT to distrain for Forfeiture.

To the [Constable], [Headborough], *or* [Tithingman] of

County of } WHEREAS *A. B.* of in the said County, is
to wit. } this Day convicted before me, *C. D.* Esquire, One of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *G. H.* a credible Witness, for that the said *A. B.* hath [*here set forth the Offence, describing it particularly in the Words of the Statute, as near as may be*] (contrary to the Statute in that Case made and provided), by reason whereof the said *A. B.* hath forfeited the Sum of to be distributed as herein is mentioned, which he hath refused to pay: These are therefore in His Majesty's Name to command you to levy the said Sum of by Distress of the Goods and Chattels of him the said *A. B.*; and if within the Space of Four Days next after such Distress by you taken, the said Sum, together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale, that you do pay One Half of the said Sum of to *E. F.* of who informed me of the said Offence, and the other Half of the said Sum of to *I. K.* the Surveyor of the Turnpike Road [*describing it*] where the said Offence [Neglect *or* Default] happened, to be employed towards the Repair of the said Road, returning the Overplus on Demand to him the said *A. B.* [the reasonable Charges of taking, keeping, and selling the said Distress being first deducted]; and if sufficient Distress cannot be found of the Goods and Chattels of the said *A. B.* whereon to levy the said Sum of that then you certify the same to me, together with this Warrant.

Given under my Hand and Seal, the Day of

C. D.

No. 21.—RETURN of the Constable, to be made upon the Warrant of Distress, where there are no Effects.

I *A. B.* Constable of the [Parish, &c.] of in the County of do hereby certify and make Oath, That by virtue of this Warrant I have made diligent Search for the Goods of the within-named and that I can find no sufficient Goods whereon to levy the within Sum of

As witness my Hand, the Day of

A. B.

Sworn before me, the Day and Year, &c.

C. D.

No. 22.—COMMITMENT for Want of Distress.

County of } TO the [Constable] of in the said County and to
to wit. } the Keeper of the Common Gaol [*or*, the House of Correction] at in the said County.

WHEREAS *A. B.* of in the said County, was on the Day of convicted before me *C. D.* Esquire, One of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *E. F.* a credible Witness, for that he the said *A. B.* [*here set forth the Offence*], contrary to the Statute made in the Third Year of the Reign of His

Majesty King George the Fourth, "For regulating Turnpike Roads," by reason whereof the said *A. B.* hath forfeited the Sum of
And whereas on the Day of in the Year aforesaid, I did issue my Warrant to the [Constable] of to levy the said Sum of by Distress and Sale of the Goods and Chattels of him the said *A. B.* and to distribute the same according to the Directions of the said Statute: And whereas it duly appears to me, upon the Oath of the said [Constable], that the said [Constable] hath used his best Endeavours to levy the said Sum on the Goods and Chattels of the said *A. B.* as aforesaid; but that no sufficient Distress can be had whereon to levy the same: These are therefore to command you, the said [Constable] of aforesaid, to apprehend the said *A. B.* and him safely to convey to the Common Gaol [*or* House of Correction] at in the said County, and there deliver him to the Keeper thereof together with this Precept: And I do also command you the said Keeper, to receive and keep in your Custody the said *A. B.* for the Space of Three Months, unless the said Sum shall be sooner paid pursuant to the said Conviction and Warrant; and for so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, the Day of in the Year of our Lord

C. D.

No. 23.—NOTICE of Appeal to the Quarter Sessions.

A. B. Take Notice, that I intend to appeal to the next General Quarter Sessions of the Peace to be holden for the [County, &c.] of against an Order [Conviction, *or* other Proceeding], (*as the Case may be*), [*particularly specifying the Purport of such Order, &c. and assigning the Grievance and Cause of Complaint.*]

Dated the Day of

C. D.

No. 24.—GENERAL STATEMENT of the INCOME and EXPENDITURE of the [*insert the Name of the particular Road*], between the Day of and the Day of .

EXPENDITURE.	£ s. d.	INCOME.	£ s. d.
To Surveyor's Account of Day Labour, between the Day of and the Day of for Maintenance or Repair of Roads - - -		By Balance in Treasurer's Hands - - -	
To Surveyor's Account of Team Labour, between the Day of and the Day of -		By Amount of Rents received from the Lessees, or Tolls received from the Gatekeepers, between the Day of and the Day of , as follows [*here specify the respective Gates, and the different Amounts received*] - - - -	
To Surveyor's Account for Work executed by Contract, specifying the Amount done, and the Rate of Contract paid - - - - - - -		By Amount of Statute Labour, between the Day of and the Day of as follows [*here specify the Amount paid by each Parish, Hamlet, Township, or Place*] - - - -	
To Surveyor's Accounts for Repair, or Maintenance, or Building of Houses, Gates, or Bridges - -		By Amount of Money borrowed on Security of Tolls [*if any*] - - - - -	
To Surveyor's Account for Land purchased, or for Damages done - - - - - -		By incidental Receipts - - - -	
To Surveyor's Account for Rent of Quarries - -			
To Salaries and other Payments of Clerks, Surveyors, or other Officers - - - - -			
To Printing, Advertizing, and Stationery - -			
To Interest of Debt - - - -			
To incidental Charges - - - -			
£		£	

GENERAL STATEMENT of DEBTS and CREDITS.

	£ s. d.		£ s. d.
An Account of the Amount of Debt bearing Interest -		Arrears of Rents [or Tolls] due, not received, as under: *Insert the Names of the Lessees [or of Gates], and when due.* *Also insert any other Monies due to the Trust on any other Account.*	
An Account of Interest due - - - -			
An Account of floating Debt - - - -			
£		£	

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