Anno primo

Georgii III. Regis.

An Act for making, widening, and repairing, a Road from the North East Side of the *Goſwell Street* Road, next *Iſlington*, in the County of *Middleſex*, and near to the Road called the *New Road*, over the Fields and Grounds to *Old Street* Road, oppoſite to the *Doghouſe-bar*; and at and from the *Doghouſe-bar*, to the End of *Chiſwell Street*, by the *Artillery Ground*.

Preamble.

WHereas the making a new Road from the North East Side of the Iſlington Road, oppoſite to the Road called the New Road, over the Fields and Grounds to Old Street Road, oppoſite to the Doghouſe-bar; and the repairing and widening the Road at and from the ſaid Doghouſe-bar, to the End of Chiſwell Street, by the Artillery Ground, will be of great Utility and Benefit to the Publick: But foraſmuch as the ſame cannot be carried into Execution, without the Aid and Authority of Parliament; May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by

the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That John Apthorpe, David Barclay junior, Thomas Bell, William Beckford, Jacob Bosanquet, Thomas Boynton, John Brown, Robert Carey, Robert Cliffe, George Colebrooke, Thomas Collett, Michael Combrune, John Crank, Abraham Chambers, Charles Dingley, Jeremiah Dyson, John Edwards, James Esdaile, William Feast, Zachary Philip Fonnereau, Sir Richard Glyn Baronet, Richard Gildart, John Gore, Stephen Guion, William Halhed, Frasier Honeywood, Richard Horton, Garrard Howard, Matthew Howard, Charles Jackson, John Jackson, Sir Robert Ladbroke, Peter Abraham Luard, John Meggott, Andrew Moffatt, Thomas Moore, George Nelson, Henry De Ponthieu, Percival Pott, Thomas Scott, Samuel Scott, Robert Smith, George Stephenson, John Stackhouse Styles, John Thomlinson, Barlow Trecothick, Nathaniel Turner, Robert Vincent, Samuel Whitbread, and John Wilkinson; shall be, and they and their Successors, to be elected in the Manner herein after mentioned, are hereby appointed Trustees for putting this Act in Execution: And the said Trustees, or any Five or more of them, or such Persons as they, or any Five or more of them, shall appoint for that Purpose, shall be, and are hereby authorized and impowered to open, make, and keep in Repair, a new Road from the North East Side of the Goswell Street Road, near Islington, and near to the Road called the New Road, over and along Part of a Meadow Ground late belonging to Mistress Mary Walker deceased, cross the New River, and then over and along the other Part of the said Meadow, and over and along a Meadow Ground belonging to the Reverend Master William Wickins, One of the Prebendaries of the Cathedral Church of Saint Paul, London, in Right of his Prebend, and Mistress Anne Watson, as Lessee of the said William Wickins, and over and along a Meadow Ground belonging to Master John Deeton, and from thence cross a Bridle Way leading from Old Street Road to Islington, and over and along Two certain Meadow Grounds belonging to the said William Wickins, in Right of his said Prebend, and to Mistress Anne Watson, as Lessee of the said William Wickins, and over and along a certain Meadow Ground belonging to the said William Wickins, in Right of his said Prebend, and to the Parishes of Saint Giles, Cripplegate, and

Trustees Names,

The Boundaries of the Road to be opened.

and Saint Luke, Middlesex, and to Saint Bartholomew's Hospital, and to Miss Jane Hollingworth, as Lessee of the same, or some or One of them; and from thence through Part of a Garden Ground, with a small Cottage on the same, belonging to the said Miss Jane Hollingworth, either in her own Right, or as Lessee, and situate on the North West Side of the Green Gate and Grapes Alehouse, and cross a Foot-path leading from Old Street to Islington, commonly called the Gravel Walk; and from thence over and along a Meadow Ground, Part belonging to Saint Bartholomew's Hospital, and Part to the said William Wickins, in Right of his said Prebend, and to the said Miss Jane Hollingworth, as Lessee of the said William Wickins, and Saint Bartholomew's Hospital, or some or One of them; and from thence to and through a Piece of Meadow, and a Piece of Garden Ground, with a small Tenement on the same, belonging to the said William Wickins, in Right of his Prebend as aforesaid, and to the said Miss Jane Hollingworth as Lessee of the said William Wickins, and to Master Philip Kemp, as Lessee under the said Miss Jane Hollingworth, and cross a Foot-path leading from Old Street to the Fields; and from thence cross Part of a Laystall belonging to the said Miss Jane Hollingworth, as Lessee of the said William Wickins, in Right of his said Prebend, and to James Fisher, as Lessee under the said Miss Jane Hollingworth, with several small Huts and Cottages on the same; and from thence through and across the other Part of the said Laystall belonging to Saint Bartholomew's Hospital, and to James Fisher as Lessee, with a small Cottage on the same, to Old Street Road, opposite to the Doghouse-bar; and also to open, repair, widen, and keep in Repair, the present Road, at and from the Doghouse-bar, over and along certain Grounds belonging to the Reverend Doctor Christopher Wilson, One of the Prebendaries of the Cathedral Church of Saint Paul, London, Lord of the Manor of Finsbury, in Right of his Prebend, and to the Mayor, Aldermen, and Commons, of the City of London, as Lessees thereof; and to Bibye Lake Esquire, under a Lease from the said City; and to John Witton, Tenant of the said Bibye Lake; and from thence to the End of Chiswell Street, by the Artillery Ground, in such Manner as they the said Trustees, or any Five or more of them, shall think most convenient.

New Road to be 40 Feet wide.

And be it further enacted by the Authority aforesaid, That the new Part of the said Road shall be Forty Feet wide at the least, and for that Purpose the said Trustees may pull down and remove such Buildings, and lay into the said Road such Parts of the said Lands and Grounds before-mentioned, as they the said Trustees, or any Five or more of them, shall think necessary; and also may pull down and remove any Buildings, and take in any Lands or Grounds, for the Purpose of widening that Part of the Road leading at and from the Doghouse-bar, to the End of Chiswell Street, by the Artillery Ground, so as that Part of the said Road shall not exceed Fifty Feet in Width; they the said Trustees first making reasonable Satisfaction to all and every Person or Persons who shall in any wise sustain any Damage by making or widening any Part of the said intended Road, in such Manner as is herein after-mentioned.

Buildings to be removed for that Purpose.

Qualification of Trustees.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless, at the Time of acting therein, he shall, in his own Right, or in Right of his Wife, be in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of a Real Estate in Law or Equity, of the clear yearly Value of One hundred Pounds above Reprizes; or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds; or be Heir Apparent of a Person possessed of an Estate in Land of the clear yearly Value of Two hundred Pounds above Reprizes: And if any Person, not qualified as aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, he shall, for every such Offence, forfeit the Sum of Fifty Pounds, to be recovered by any Person who will sue for the same, in any of His Majesty's Courts of Record at Westminster, by Action of Debt or on the Case, wherein no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed.

Penalty on acting if not qualified.

Trustees may erect Turnpikes and Toll houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and impowered, to erect, or cause to be erected, such Gates or Turnpikes across or on the Sides of any Part or Parts of the said Road, and also a Toll-house or Toll-houses in or upon, or adjoining to, the same, as they, or any

Five

Five or more of them, shall think fit; and the following Tolls shall be demanded and taken, by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint for that Purpose, at the said Gates or Turnpikes; that is to say, and take the following Tolls thereat.

For every Horse, Mare, Gelding, Mule, or Ass, drawing or not drawing, One Penny. The Tolls.

For every Drove of Oxen, or Neat Cattle, Five Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, Two Pence Halfpenny per Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and the Money so to be raised, is hereby vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes, and in such Manner, as by this Act is hereafter directed; and if any Person or Persons subject to the Payment of any of the said Tolls, shall refuse to pay the same, it shall and may be lawful for the Person or Persons appointed to collect the said Tolls as aforesaid, to seize and distrain any Horse, Mare, Gelding, or other Cattle, upon which the said Toll is by this Act imposed, or the Goods or Chattles of such Person or Persons, so neglecting or refusing to pay the same; and in case such Toll, and the reasonable Charges of making and keeping such Distress, shall not be paid within the Space of Four Days next after such Distress made and taken, the Person or Persons so distraining, shall and may sell the Cattle or other Goods so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll, and all reasonable Charges occasioned by such Distress and Sale, shall be deducted; the Reasonableness of which Charges shall, in case of Dispute, be settled by any One or more of the Justices of the Peace of the County of Middlesex.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, and of the Materials for building the same, and for making, widening, and repairing the said Road, shall be vested in the Trustees appointed, or to be appointed,

Property of the Turnpikes and Toll houses, &c. vested in the Trustees.

pointed, by or in pursuance of this Act; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring Actions in the Names of any Five or more of them, or in the Name or Names of their Clerk or Treasurer for the time being, or to prefer Bills of Indictment against any Person or Persons who shall disturb them in the Possession of the Property thereof.

Penalty on Persons permitting, or going thro', private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever owning or occupying any Land near to any Turnpikes which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Cart, Waggon, Wain, or other Carriage, Horse, or any other Cattle; or if any Person or Persons shall, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Wain, or other Carriage, Horse, or any other Cattle, pass through any such Gate, Passage, or private Way, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided, every such Person so offending in any of the Cases aforesaid, shall forfeit the Sum of Twenty Shillings.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That none of the Tolls by this Act granted and made payable, shall be demanded or taken at any of the Gates or Turnpikes erected by virtue hereof, for any Horse, Mare, Gelding, Mule, or Ass, drawing any Waggon, Wain, Cart, Dray, or other Carriage, which shall be used and employed in the Carriage of any Materials for repairing the said Road, or in the Carriage of any Lime, Chalk, Dung, Mould, Soil, or Compost, of any Nature or Kind whatsoever, for manuring of any Garden, or other Land or Ground; or in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides of the Owners thereof; or for any Implement of, or employed in, Husbandry, or for manuring of Land in the several Parishes in which the said Road, hereby intended to be made and repaired, does lie; or for any Horse, or other Cattle, going to, or returning from, Pasture or Water; or for any Post-horse or Vehicle carrying the Mail or publick Packet; or for Horses, Carts, or Waggons, travelling with Vagrants sent by Passes.

And

And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken, at any of the Gates or Turnpikes erected by virtue hereof, of any Person or Persons going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Middlesex, on the Day or Days of such Election. No Toll on Election Days.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at a General Meeting to be called for that Purpose, whereof Fourteen Days publick Notice shall be given, from time to time, to lessen and reduce all or any of the Tolls by this Act granted, and afterwards raise and augment the same again, so as not to exceed the Sums hereby granted; and such Tolls, so lessened and reduced, shall and may be collected and levied in such Manner, and applied for such Purposes only, as the Tolls hereby granted are directed to be recovered, levied, and applied. Trustees may lessen the Toll, and raise them again.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls or Duties by this Act granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences and Costs of procuring and passing this Act, and shall apply the Remainder of the Money so raised, and the Monies arising from time to time from the said Tolls, in the making, opening, repairing, and widening, the said Road, and in erecting Turnpikes and Toll-houses, and defraying the necessary Costs, Charges, and Expences, attending the same, and for making Satisfaction to any Person or Persons who shall be prejudiced and damaged thereby, and for executing all other the necessary Purposes of this Act, and to no other Use or Purpose whatsoever. Application of the Money.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, upon Ten Days Notice to be given thereof upon all the said Turnpikes, from time to time, by Writing under their Hands and Seals, to lease, demise, let to Farm, or set out, the Tolls by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the said Term hereby granted, not exceeding Three Years, upon publick Bidding, to the highest Bidder, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable Trustees may lease, &c. the Tolls.

at such Times, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as they the said Trustees, or any Seven or more of them, shall think fit, and to be paid to the Treasurer or Treasurers appointed by the said Trustees to receive the same, which Money so to be paid, shall be applied and disposed of for the several Purposes in this Act mentioned.

Toll to be paid but Once a Day.

Provided always, and be it enacted, That no Person shall be liable to pay Toll more than Once, who shall pass, repass, or return, through all or any of the Gates or Turnpikes to be erected by the Authority of this Act the same Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, with the same Horse or other Cattle, and shall produce a Note or Ticket that the Toll was paid at any of the said Gates or Turnpikes, which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are hereby required to give gratis upon Receipt of the Toll; and if any Person having paid Toll, and having such Note or Ticket as is hereby directed to be given, shall give, offer, or dispose of the same, to any other Person or Persons, or alter the same, in order to avoid the Payment of any of the said Tolls, every such Person giving, offering, disposing, or altering, of such Note or Ticket, and the Person receiving and making Use thereof, shall respectively forfeit and pay the Sum of Ten Shillings.

And whereas several Waggons, Carts, Drays, or other Carriages, laden, will probably pass the said Road many Times in the same Day, and it is but reasonable that the Horses or other Cattle drawing such Carriages, laden, and so passing as aforesaid, should pay more than Once in the same Day; be it further enacted and provided by the Authority aforesaid, That all Horses or other Cattle, drawing such Waggons, Carts, Drays, or other Carriages, that shall pass through any Gate or Turnpike to be erected by virtue of this Act, laden as aforesaid, more than Twice in the same Day, shall, at the Third Time, pay the several and respective Tolls directed to be paid at the First Time for passing through any of the said Gates or Turnpikes; any thing in this Act to the contrary notwithstanding,

Horses, &c. to pay Toll for passing more than Twice a Day.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House known by the Sign of The Fountain at Peerless Pool, near the said intended

Road,

Road, and in the Parish of Saint Luke, Middlesex, on that Day Fortnight after the Day of the passing of this Act, and proceed to the Execution of this Act, and shall then, and, from time to time, afterwards, adjourn themselves, and meet there, or at any other Place near the said Road, as often as they, or any Five or more of them, shall think convenient or necessary; and if it shall happen that there shall not appear, at any Meeting, a sufficient Number of Trustees to act, and to adjourn to any other Day, the Clerk to the said Trustees shall, by Notice in Writing or Print, to be affixed upon the said Turnpike or Turnpikes, at least Five Days before, appoint the said Trustees to meet again at the House or Place where the last Meeting of the said Trustees was appointed to be held, on that Day Sevennight; and that all the said Trustees, at all their Meetings, shall defray their own Expences; and that no Trustee named or appointed, or which shall be named or appointed, in or by virtue of this Act, shall act, or be impowered to do any Act, in the Execution of the Powers hereby given to them, except it be at a Meeting to be by them held in pursuance of this Act.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of the said Tolls, and also a Surveyor or Surveyors, to see that the said Road be effectually opened, made, widened, and repaired; and, from time to time, in case of Misbehaviour, to remove such respective Officers, and appoint new ones in case of Death or such Removal; and out of the Money arising by virtue of this Act, the said Trustees, or any Five or more of them, shall and may make such Allowances to the said respective Officers for their Care and Pains, and also to such other Persons who shall have been assisting in and about opening, making, widening, and repairing, the said Road, as to the said Trustees, or any Five or more of them, shall seem reasonable: And such Surveyor or Surveyors, and also the said Receiver or Receivers, Collector or Collectors, and every of them, shall, from time to time, at any Meeting of the said Trustees, when thereunto required by any Five or more of them, deliver in, upon Oath (which Oath any Two or more of them are hereby impowered to administer) a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he or they, or every or any of them,

Trustees may appoint Officers;

and remove them, and appoint others.

Officers to account upon Oath.

them, shall, to such Time, have received and disbursed by virtue of this Act, on account of his or their respective Offices; and in case the said Surveyors, Receivers, or Collectors, or any of them, shall not make and deliver such Account in Manner aforesaid, or shall not pay the Money remaining in his or their Hands, unto such Person or Persons as the said Trustees, or any Five or more of them, shall, by Writing under their Hands and Seals, impower to receive the same, that then, and in either of the said Cases, any Two or more Justices of the Peace at any Special Session, or other Meeting of them to be held within the County of Middlesex, shall make Inquiry of and concerning such Default, in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby required and impowered to administer, without Fee or Reward) and if any Person shall be thereof convicted, such Justice shall commit the Party to the County Gaol, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid, or shall have compounded for the same and paid such Composition, which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Officers refusing to account,

Justices to enquire into the Default;

and commit the Offender,

until he shall conform, or compound for the same.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and are hereby authorized and required to take such Security from the Treasurer or Treasurers, Collectors, and other Officers, who shall be employed or concerned in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, for the due Execution of their respective Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, upon the Credit of the Tolls hereby made payable, or any Part or Parts thereof, to borrow and take up at Interest any Sum or Sums of Money as they shall think needful; and may and they are hereby authorized and impowered to assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, during the Continuance of the Term hereby granted, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid;

Tolls may be assigned for Money borrowed.

said; and that all Persons to whom such Assignments shall be made as aforesaid, shall (so far as the said gross Sum shall extend) be, and are hereby declared to be, Creditors on the said Tolls in equal Degree one with another; Copies of all which Assignments or Securities, or Abstracts thereof, shall be entered in a Book or Books to be kept for that Purpose; and all the Sums of Money so to be borrowed, shall be applied in such Manner as the Tolls are herein before directed to be applied, and for no other Use or Purpose whatsoever. Assignments to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, to whom any such Assignment or Assignments shall be made by the said Trustees, as a Security for any Sum or Sums of Money by any Person or Persons whatsoever lent and advanced on the Credit of this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment or Transfer shall be produced and notified to the Clerk, to be appointed by virtue of this Act, within Three Months after the Date thereof, who shall cause an Entry or Memorandum to be made of such Assignment, containing the Dates, Parties Names, and Sums of Money therein mentioned to be transferred, in a Book to be kept for that Purpose, for which the said Clerk shall be paid such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall order and direct; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign and transfer, and so toties quoties; any thing herein contained to the contrary notwithstanding. Assignments may be transferred. Entries to be made of all Assignments. Clerk's Fee.

Provided always, That no such Assignment shall be deemed good or effectual, unless an Entry or Memorandum thereof shall be made in a Book, to be kept for that Purpose, by the Clerk to the said Trustees, which Entry or Memorandum shall be made gratis; and Proviso.

such Book may at all reasonable Times be inspected by any Person or Persons interested.

Notice to be given of borrowing Money.

Provided also, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act, by the said Trustees, after their First Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be by Order of such Trustees, or any Nine or more of them, fixed upon all the Turnpikes erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money.

Trustees impowered to make a Survey.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any of them, their Servants, or Agents, to enter upon any Grounds for the Purpose of Surveying, taking a Level of, and marking out the Ground intended to be made use of for the Purposes aforesaid, they doing as little Damage as may be, and giving Three Days Notice to the Occupier or Occupiers of such Grounds, of the Time of their making such Survey, taking such Level, or marking out such Grounds, and making Satisfaction for all Damages that shall be done thereby, exceeding the Sum of One Shilling.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall be, and are hereby authorized and impowered, from time to time, to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Tenements, Houses, Buildings, Grounds, or Hereditaments, for the Purchase thereof, or by way of annual Rent for the same, or otherwise, as the said Trustees, or any Seven or more of them, shall think fit; and likewise for the Loss or Damage such Owners Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways respectively sustain by such making, widening, and repairing the said intended Road; and out of the Tolls to be collected by virtue of this Act, or out of any Money to be borrowed on the Credit of this Act, to pay for the Purchase of such Lands, Tenements, Houses, Buildings, Grounds, or Hereditaments, or for such Loss or Damage, such Sum or Sums of Money, or annual Rent, as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreements and Purchases respectively.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees, or other Trustees whatsoever, for and on the Behalf of any Infants, Femes Covert, Lunaticks, Ideots, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any wise in any such Lands, Tenements, Houses, Buildings, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Tenements, Houses, Buildings, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same to the said Trustees, or to such Person or Persons in Trust for them, and in such Manner, as the said Trustees, or any Seven or more of them, shall direct, and as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, Committees, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of, or in pursuance of this Act. Bodies Politick, &c. may contract for the Sale of Lands, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Trustee or Trustees, Committee or Committees, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, or any other Person or Persons, in any wise interested in any such Lands, Tenements, Buildings, Houses, Grounds, or Hereditaments, upon Fourteen Days Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Body Politick, Corporate, or Collegiate, Aggregate or Sole, or at the House of the Tenant in Possession of such Lands, Tenements, Houses, Buildings, Grounds, and Hereditaments, shall neglect or refuse to treat, or shall not agree for the Purchase of any such Lands, Tenements, Houses, Buildings, Grounds, or Hereditaments, or any Part or Parts thereof, or for their Interest therein, or for an annual Rent to be paid for the same, or by reason Where Persons refuse to treat, &c. for Sale of such Lands, &c.

reaſon of Abſence ſhall be prevented from treating as aforeſaid; then, and in any ſuch Caſe, the ſaid Truſtees, or any Seven or more of them, ſhall cauſe it to be inquired into, and aſcertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County of Middleſex, (which Oath any Three or more of the ſaid Truſtees are hereby impowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers or Proprietors, or other Perſon or Perſons intereſted, for or upon account of the opening, making, or widening ſuch Road as aforeſaid; and in order thereunto the ſaid Truſtees, or any Seven or more of them, are hereby impowered and required, from time to time, as there ſhall be Occaſion, to ſummon, and call before the ſaid Jury, and examine upon Oath, all Perſons whatſoever, who ſhall be thought neceſſary or proper to be examined as Witneſſes, touching or concerning the Premiſſes (which Oath any Three or more of the ſaid Truſtees are hereby impowered and required to adminiſter) and if any of the Parties intereſted ſhall requeſt the ſame, ſhall alſo cauſe the ſaid Jury to view the Place or Places in Queſtion, and ſhall uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſſes, in ſuch Manner as they the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and after the ſaid Jury ſhall have ſo inquired of, aſcertained, and ſettled, ſuch Damage and Recompence, they the ſaid Truſtees, or any Seven or more of them, ſhall thereupon order and adjudge the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury for ſuch Purchaſes or ſuch annual Rents as aforeſaid, to be paid to the Perſons intereſted in ſuch Lands, Tenements, Buildings, Houſes, Grounds, or Hereditaments, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and the Order or Adjudication, ſo had and made, ſhall be final and concluſive to all Intents and Purpoſes, againſt all Parties or Perſons whatſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Executors, or Adminiſtrators and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, as well as any other Perſon or Perſons whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons intereſted in ſuch Lands, Tenements, Buildings, Houſes, Grounds, or Hereditaments,

the Damage and Recompence to be ſettled by a Jury.

Witneſſes to be ſummoned, and examined upon Oath.

Verdict of the Jury to be binding and concluſive.

ments, ſo purchaſed as aforeſaid, ſhall thereby be, from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Claim, Intereſt, or Property, of, in, to, or out of the ſame; and for the ſummoning and returning of ſuch Jury or Juries, the ſaid Truſtees, or any Seven or more of them, are hereby impowered from time to time to iſſue their Warrant or Warrants to the Sheriff of the ſaid County, thereby requiring him to impanel, ſummon, and return an indifferent Jury of Twenty four Perſons, to appear before the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed, of which Time and Place all Parties intereſted ſhall have Fourteen Days Notice given or left in Manner aforeſaid; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return ſuch Twenty four Perſons accordingly, and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees, or any Seven or more of them, ſhall cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return ſo many of the Standers-by, as ſhall be neceſſary to make up the Number of Twelve to ſerve on ſuch Jury.

Truſtees to iſſue their Warrants to the Sheriff, &c. to impanel a Jury.

Provided always, and be it further enacted by the Authority aforeſaid, That all Perſons concerned ſhall, from time to time, have their lawful Challenges (but not to challenge the Array of the Panel) againſt any of the ſaid Jurymen, when they come to be ſworn; and the ſaid Truſtees, or any Seven or more of them acting in the Premiſſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or refuſe to be ſworn on the ſaid Jury, or to give their Verdict, or in any Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons, who, being required to give Evidence touching the Premiſſes, ſhall refuſe to be examined, or to give Evidence, and from time to time, to levy ſuch Fine or Fines, in ſuch Manner as any Penalties in this Act are directed to be levied and recovered,

Jurors may be challenged.

Truſtees may impoſe a Fine on the Sheriff, &c. making Default in the Premiſſes.

Fine not to exceed 5*l.*

pered, so as that no such Fine shall exceed the Sum of Five Pounds upon any One Person for any One Offence.

Recompence to be made to the Lessees by an annual Rent.

Provided always nevertheless, That the Recompence or Satisfaction which shall be made to Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or any other Person or Persons whose Lands are limited in strict Settlement, their Heirs, Executors, or Administrators, Successors, Issue, or Lessees, respectively, for the Ground, Houses, or Buildings, which shall be taken by the said Trustees, in order to open and widen any Part of the Road as aforesaid, may be by way of Annuity or annual Rent.

Consideration Money how to be paid.

And be it further enacted by the Authority aforesaid, That all such Sums of Money, Consideration, Rent, Recompence, or Satisfaction, as shall be agreed for or assessed as aforesaid, for the Purchase or Hire of such Ground, so to be taken and made Part of the said Road, shall be, and is and are hereby charged and chargeable upon the said Tolls, and shall be paid thereout, or out of the Monies borrowed upon the Credit of the same, to the respective Persons intitled thereto; and that upon Payment of such Sum or Sums, which shall be so assessed for such Lands, to be purchased as aforesaid, or Tender thereof, and Refusal to accept the same, or in case any such Person or Persons, after Six Days Notice to be given to him, her, or them, or left at the House of the Occupier of the Premisses, shall refuse or neglect to receive the same; then upon leaving the same in the Hands of the Treasurer to the said Trustees, to be paid upon Demand to such Person or Persons, or after such Annuity or annual Rent shall be so assessed as aforesaid, it shall and may be lawful for the said Trustees, or any Seven or more of them, their Successors, Workmen, or Agents, to take down such Houses, Buildings, or Tenements, and to lay the Ground whereon the same were erected, and also such other Lands, Grounds, or Hereditaments, as aforesaid, or such Part thereof as they shall think fit, into the said Road, which they think proper, by virtue of this Act, to open, make, or widen, and to do all and every such Act, Matter, and Thing, with Relation to such Lands, Tenements, Houses, Buildings, Grounds, or Hereditaments, and to ditch, drain, and fence out the same, as the said Trustees, or any Seven or more of them, shall think fit, for carrying this Act into Execution; and such Lands, Tenements, Grounds, or Hereditaments

Lands, &c. when purchased to be made Part of the Road,

reditaments, after the Money so contracted and agreed for, or so assessed and adjudged, for such Purchases as aforesaid, shall be paid, tendered, or left, as herein directed; and after the same Premisses shall be so ditched, drained, and fenced, or such Part thereof as the said Trustees, or any Seven or more of them, shall direct, shall, to all Intents and Purposes whatsoever, become and be a common Highway, and shall be repaired and kept in Repair in such Manner as is herein authorized and directed; and if any Person or Persons shall damage or destroy any Gate, Mound, or Fence, so to be erected for the Purpose aforesaid, or open any Passage into the said Road, or shall pass through the same with any Horse, Cattle, or Carriage, with Intent to avoid the Payment of the said Tolls, or any Part thereof, every such Person shall forfeit and pay the Sum of Forty Shillings for every such Offence.

and kept in Repair as such.

Penalty on damaging any Gate, &c.

And whereas the Mayor, Aldermen, and Commons, of the said City of London, have, for the Accommodation of the Publick, generously consented and agreed to give up their Interest in the said Road, and Doghouse-bar; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, to pull down and remove, the said Doghouse-bar, and a certain House adjoining thereto, first making Satisfaction to the respective Persons interested therein, under a Lease from the said City of London, pursuant to the Directions of this Act.

Doghouse-bar, &c. to be removed.

And be it further enacted by the Authority aforesaid, That in case the Term of the present Act should hereafter be enlarged, the Trustees appointed or to be appointed in pursuance of this or any other Act or Acts of Parliament, for the making, widening, and repairing the said new intended Road, from that Part of Goswell Street Road next Islington, to Chiswell Street as aforesaid, shall pay to the said Prebendary of Finsbury, and his Successors for the time being, for his and their Interest in the said Grounds and Doghouse-bar, by way of Rent, the yearly Sum of Thirty Pounds, under the same Powers, Directions, and Authorities, as are prescribed in relation to any other Rents or Annuities that may become payable in pursuance of this Act, and to commence from the Tenth Day of October, which will be in the Year of our Lord One thousand seven hundred and eighty three.

Satisfaction to be made to the Prebend of *Finsbury*.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any

Trustees may contract for repairing the Roads.

any Seven or more of them, shall, and they are hereby impowered under their Hands and Seals (without any Stamp thereupon) to contract with any Person or Persons for the making the said Road, and fencing the same; and also from time to time for the repairing and widening the same, or any Part or Parts thereof, in such Manner, and for such Sum or Sums of Money, as shall be agreed upon by and between the said Trustees, or any Seven or more of them, and such Person or Persons so contracting.

Annuities to be paid quarterly.

And be it further enacted by the Authority aforesaid, That the said Annuities, or annual Rents, so to be agreed for or assessed as aforesaid, shall be paid from time to time, as the same shall become due, by the Trustees, out of the Tolls to be collected by them by virtue of this Act, by Quarterly Payments, and in the first Place, to the Person or Persons who shall be intitled thereto, the First Payment thereof to begin and be made at the End of Three Calendar Months, next after such Ground shall be taken by the said Trustees as aforesaid, and such Person and Persons shall, during the Continuance of this Act respectively, have the same Estate and Interest in such Annuities or annual Rents, as they would have had in the said Ground, in case this Act had never been made; and in Default of Payment thereof by the said Trustees, within Thirty Days after the same shall become due (being demanded of the Treasurer for the time being of the said Trustees) it shall and may be lawful for the Person or Persons, who shall from time to time be intitled to the said Annuities or annual Rents, or any of them, to commence and prosecute One or more Action or Actions at Law, on the Case, or in Debt, against the Treasurer of the said Trustees, so refusing or neglecting to pay the Money which shall be then due, on account of such Annuity or annual Rent, and shall and may, upon such Action or Actions, recover the Money then due, together with his, her, or their full Costs of Suit; and have such Remedies for the same, as are allowed by Law in other Cases; which said Money and Costs, so recovered, when paid, shall be allowed to such Treasurer, in his Account with the said Trustees.

On Default of Payment, Action may be commenced against the Treasurer,

with full Costs.

If the present Term shall be enlarged, the Annuities to be paid during such additional Term.

And it is hereby further enacted and declared, That in case the Term by this Act granted, shall hereafter be enlarged by Parliament, the same Annuities or annual Rents, so agreed for or assessed as aforesaid, shall continue to be payable and paid to the several Persons who shall, from time to time, be intitled thereto, during such additional

ditional Term, in the same Manner as the same are herein before directed to be paid; and such Persons shall respectively have the like Remedies for the Recovery thereof, as are herein before given during the Term hereby granted.

At the Expiration of any additional Term not enlarged, Lessees may set up Toll gates.

Provided always, and be it further enacted by the Authority aforesaid, That if the Term hereby granted, or any additional Term, shall not be enlarged by Parliament, it shall and may be lawful for the respective Persons who shall be intitled to such Annuities or annual Rents, after the Expiration of the said Term, or any additional Term, which shall not be enlarged, to erect or cause to be erected, any Gate or Gates, across any Part or Parts of the said Ground, so taken from the respective Lands, and have and receive such Satisfaction for a Passage over the same, as they might have done if this Act had not been made.

Trustees may sell such Parts of the Grounds &c. purchased, as shall not be taken into the Road.

And be it further enacted by the Authority aforesaid, That the said Trustees, or the Person or Persons to whom the Lands, which shall be purchased as aforesaid, shall be conveyed in Trust for them, shall and may, with the Consent of the Trustees, or any Five or more of them, sell such Part of the said Ground which they shall purchase as aforesaid, and which shall not be made Part of the said Road, to any Person or Persons whatsoever, for the most Money that can be got for the same; and from and after such Sale, the Purchaser or Purchasers, and his, her, and their Heirs, Executors, Administrators, and Assigns, respectively, shall and may hold and enjoy the Land or Ground so conveyed, either in Fee Simple, or for such Estate or Interest, as in such respective Conveyances shall be limited and declared thereof; and the said Trustees, or any Five or more of them, shall or may sell the Materials of the Houses or Buildings, which they shall pull down as aforesaid, and apply the Money arising therefrom, and from the Sale of the said Lands or Grounds as aforesaid, for the Benefit of the said Trust.

No Trustee to accept of any Place of Profit arising from the Tolls.

And be it further enacted by the Authority aforesaid, That no Person, who shall have any Place of Profit arising out of the Tolls hereby granted, or who shall sell or supply any Gravel or Ballast, or other Materials for repairing the said Road, or who shall be employed as a Carpenter, Mason, Bricklayer, or Paviour, in or about repairing the said Road, or any Part thereof, shall be capable of being elected a Trustee under this Act, or of acting as such.

Statute-work to be done as before this Act.

And be it further enacted, That the Inhabitants of any Parish, through which any Part of the said Road shall lead, shall not be subject or liable to the Performance of any Statute-work for or in respect thereof; but the Statute-work of the said respective Parishes shall be done and performed in such and the like Manner as if this Act had never been made.

No Buildings to be erected on the Road, or adjacent thereto, except Toll-houses and Watch-houses;

And be it further enacted by the Authority aforesaid, That no Part of the Lands to be purchased by the Authority of this Act, and made use of for making or widening any Part of the said Road, shall be made use of for the erecting of any Buildings whatsoever, other than of such Toll-houses and Watch-houses as may be erected by Order of the said Trustees; and that no Building shall be erected on any new Foundation, by any Proprietors or Occupiers of Lands, adjacent to the new intended Part of the said Road, betwixt the Fountain at Peerless Pool, and that End of Goswell-street Road near Islington, within Forty Feet of the same; and that no Part of the said Road shall be paved; and if any such Buildings, within Forty Feet as aforesaid, shall be hereafter erected, or any Part of such Road shall be paved, contrary to the true Intent and Meaning of this Act, the same shall be deemed a common Nuisance.

nor the Road to be paved.

No Toll-gate to be erected on either Side of the *Old-street* Road, where the new Road opens into the same,

And be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected, or any Toll taken or received, on either Side of the Old-street Road, where the said new intended Road opens into the same, by virtue or in pursuance of any Powers granted to the Trustees of the Old-street Road by any Act or Acts of Parliament made for repairing the same; unless it shall appear, by Certificate under the Hands of Seven of the said Trustees, and verified by the Oath of their Treasurer, to be made before One or more Justice or Justices of the Peace for the County of Middlesex, which Oath the said Justice or Justices is and are hereby impowered to administer; that the Tolls of the said Old-street Trust, collected at the Gates as they now stand, are diminished above One hundred Pounds a Year since the making of the said intended Road, such Diminution to be computed from the Monies collected on the said Old-street Road from the First Day of January, to the Thirty first Day of December, One thousand seven hundred and sixty, both inclusive.

unless the Tolls thereof be diminished above 100*l.* a Year:

Certificate of the Amount of the said Tolls, to be delivered to the Treasurer of the new Road.

Provided always, That such Certificate shall contain the total Amount of the whole Tolls received by the Collectors, without any Deductions whatsoever; and shall,

from

from time to time, as Occaſion ſhall require, be delivered to the Treaſurer or Clerk of the ſaid intended new Road, at leaſt Three Calendar Months before any Gate or Turnpike ſhall be erected, or any Toll taken or received there, by the ſaid Old-ſtreet Truſtees. 3 Months before ſuch Gates ſhall be erected;

Provided nevertheleſs, That if the ſaid Truſtees of the ſaid new intended Road ſhall, within Three Calendar Months after any Certificate made and delivered, from time to time as aforeſaid, during the Continuance of this Act, actually pay or tender to the Treaſurer of the ſaid Old-ſtreet Truſt, ſuch Sum or Sums of Money as, by the reſpective Certificates, verified as aforeſaid, ſhall appear to be reduced in the ſaid Old-ſtreet Truſt Receipts, in any One Year during the Continuance of this Act, exceeding the ſaid One hundred Pounds a Year; then, and in ſuch Caſe, no Gate or Turnpike ſhall be erected, or any Toll taken or received there, in purſuance of the ſaid Acts. and if the Truſtees of the new Road ſhall pay what the Deficiency ſhall amount to above the 100*l.* no Gate is then to be erected.

And be it further enacted by the Authority aforeſaid, That no Gate or Turnpike ſhall be erected, or any Toll taken or received, where the ſaid new intended Road opens into that Part of Goſwell-ſtreet Road next Iſlington, or within Sixty Yards thereof, by virtue or in purſuance of any Powers granted to the Truſtees of the Iſlington Turnpike, by any Act or Acts of Parliament now in Force, for making, amending, and repairing, any of the Roads within their Truſts reſpectively. No Toll-gate to be erected where the new Road opens into *Goſwell-ſtreet* next *Iſlington.*

And whereas there is a Footway leading from Old-ſtreet to the Fields on the Weſt Side of the Layſtall belonging to Saint Bartholomew's Hoſpital, and alſo a Cartway on the Eaſt Side of the ſaid Layſtall, leading alſo to the Fields: And whereas the Road, now intended to be made, will be a much more convenient Opening to the ſaid Layſtall and the Fields adjoining; be it enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority, and they are hereby directed and required, to ſtop up and incloſe the ſaid Footway, whenever requeſted thereunto by the Governors of Saint Bartholomew's Hoſpital, and ſhall alſo have full Power and Authority, and they are hereby directed and required, to incloſe and ſtop up the ſaid Cartway, as ſoon as conveniently may be after the paſſing of this Act, making reaſonable Satisfaction to the Owners of the Soil of ſuch Cartway. The Footway from *Old-ſtreet* to the Fields, and alſo the Cartway to the Layſtall belonging to *St. Bartholomew's Hoſpital*, may be ſtopt up and incloſed.

And whereas Robberies, Murders, and other Outrages and Violences, are often committed in Roads near

near the Cities of London and Westminster, or the Suburbs thereof: Therefore, for the better securing and preserving the Persons and Properties of His Majesty's Subjects passing through the said Road; be it further enacted, That the said Trustees, or any Five or more of them, shall have full Power and Authority to cause such and so many Lamps to be erected upon the Road, to be made, widened, and repaired, by virtue of this Act, and also to appoint such a Number of fit and able-bodied Men to watch and guard the said Road in the Night-time, as they the said Trustees shall think proper and necessary; and shall also have full Power and Authority, from time to time, to contract with any Person or Persons for lighting, maintaining, and repairing the said Lamps, and to make such Allowances to the said Watchmen for their Attendance, and to give such Orders and Directions concerning the Time during which such Lamps shall continue burning, and the Manner in which the said Watchmen shall be armed and stationed upon the said Road, and for the due and regular Performance of the said respective Services, as they the said Trustees, or any Five or more of them, shall judge reasonable, necessary, and expedient, and as the Nature of the said Services may require; and shall also have full Power and Authority, from time to time, to remove any of the said Watchmen, and appoint others in their Stead, if they the said Trustees shall see Cause: And that the Expences of erecting, lighting, and maintaining such Lamps, and the Allowances to be made to such Watchmen, and all other Charges incident to the said respective Services, shall be paid and defrayed out of the Money to be raised by virtue of this Act; any thing to the contrary notwithstanding.

Trustees impowered to erect Lamps,

and appoint Watchmen upon the Road.

Expence to be defrayed out of the Tolls.

And be it further enacted, That the said Watchmen shall, during the Time of their being stationed upon the said Road, use their best Endeavours to prevent Murders, Robberies, and all other Outrages and Misdemeanors; and to that End it shall be lawful for the said Watchmen, or any of them, to apprehend and secure all Malefactors, Rogues, Vagabonds, and other disorderly Persons, who shall be found loitering, wandering, or misbehaving themselves, or committing any Disorders or Offences upon the said Road, or whom the said Watchmen shall have Reason to suspect of any evil Designs; and the Person or Persons, so apprehended, shall be delivered as soon as conveniently may be into the Custody of a Constable, or other Peace Officer, who is hereby

Watchmen to apprehend Malefactors and disorderly Persons.

by required to secure such Person or Persons, and convey him, her, or them, before some Justice of the Peace for the said County, to be examined and dealt with according to Law.

Property of the Lamps vested in the Trustees.

And be it further enacted, That the Property of all such Lamps as shall be erected in pursuance of this Act, and of the Posts, Irons, and other Furniture of such Lamps, shall be and the same is hereby vested in the said Trustees.

Persons wilfully breaking or extinguishing them, how to be proceeded against.

And it is hereby further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage, any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, or extinguish any of the said Lamps, it shall be lawful for any Justice of the Peace for the said County, and he is hereby required, upon Oath made of the Commission of any such Offence (which Oath such Justice is hereby impowered and required to administer to any Person offering to make the same) to issue a Warrant or Warrants, for apprehending the Party or Parties accused; or it shall be lawful for any Person or Persons whomsoever, who shall see such Offence committed, to apprehend, as also for any other Person or Persons to assist in apprehending, the Offender or Offenders; and by Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County, to be dealt with as herein after is directed: And the Party or Parties accused being brought before any such Justice, or Oath being made before him, that such Party or Parties cannot be found and apprehended (which Oath the said Justice is hereby also impowered and required to administer) such Justice shall proceed to examine, upon Oath, any Witness or Witnesses, who shall appear or be produced, to give Information touching such Offence: And if the Party or Parties accused, shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they, so convicted, shall, for the First Offence, respectively forfeit the Sum of Ten Shillings for each Lamp so broken, thrown down, damaged, or extinguished, as aforesaid; and for the Second Offence, the Sum of Fifteen Shillings for every such Lamp; and for the Third and every other subsequent Offence, the Sum of Twenty Shillings for every such Lamp; and full Satisfaction shall also be made to the said Trustees, by such Offender or Offend-

Penalty upon Conviction.

ers, for the Damage so by him, her, or them, done as aforesaid; and in case such Offender or Offenders shall not, upon Conviction, pay the Forfeiture to be by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice, before whom such Offender or Offenders shall be convicted, is hereby required to commit him, her, or them, to the House of Correction for the said County, there to be kept to hard Labour for any Time not exceeding Three Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they, shall be committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and One Moiety of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers, and the other Moiety shall be applied in repairing the said Road: And if any Person shall negligently or accidentally break, throw down, or otherwise damage, any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not, upon Demand, make Satisfaction to the said Trustees, or to their Surveyor, for the Damage by such Person done as aforesaid, it shall be lawful for any Justice of the Peace for the said County, and he is hereby required, upon Complaint to him made by any Five or more of the said Trustees, or by their Surveyor, to summon the Party complained of; and upon his or her Appearance, or making Default to appear (Oath being made that the Party complained of was served with such Summons, or that the same was left at his or her Dwelling-house, or Place of Abode, if known, or that he or she could not be found) such Justice shall proceed to examine the Matter of the said Complaint; and upon Proof thereof, either by the Confession of the Party complained of, or by the Oath of One or more credible Witness or Witnesses (which Oath the said Justice is hereby impowered and required to administer) shall award and order such Satisfaction to be made by the Party complained of, for the Damage so by him or her done, as to such Justice shall appear just and reasonable, and shall cause the Sum so awarded, in case the same be not forthwith paid upon the making of such Award or Order, to be levied by Distress and Sale of the Goods and Chattles of the Person complained of, rendering to him or her the Overplus (if any be) upon Demand, after the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be deducted; and in case sufficient Distress cannot be found, such Justice shall commit the

Application of the Forfeiture.

If Lamps damaged or broke by Accident, Satisfaction to be made.

Party complained of to the Common Gaol or House of Correction for the said County, until he or she shall pay the Sum so awarded, or for any Time not exceeding the Space of One Calendar Month. If Satisfaction be not made, the Party to be committed.

And be it further enacted, That the said Trustees, or any Five or more of them, shall have full Power and Authority to cause such Part or Parts of the said Road to be well watered, when there shall be Occasion, and to be done in such Manner as the said Trustees, or any Five or more of them, shall direct, and to defray the Expences arising thereby out of the Tolls to be collected by the Authority of this Act; any thing herein contained to the contrary thereof notwithstanding. Road to be watered.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors, and such other Persons as he or they shall employ or appoint for that Purpose, may, and is and are hereby authorized and impowered, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, Ballast, or other Materials, proper for making or repairing the said Road, in, upon, out of, or from, any waste or common Ground or Grounds, common River or Brook, in any Parish, Town, or Place, into or through which the said Road or any Part thereof leads, or in any neighbouring Parish or Place, to be used and applied in making, widening, and repairing the said Road, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Persons, filling up the Pits, and levelling the Ground, and doing no Damage to the River or Brook, from which such Materials shall be so taken; and if a sufficient Quantity of such Materials as aforesaid, proper for that Purpose, cannot be had or found in or upon such waste or common Ground, River, or Brook, then and in such Cases, to cut, dig, gather, take, and carry away, any Quantity or Quantities of such Materials, proper for that Purpose, in, upon, or out of, and from and over the Lands, Fields, Grounds, Rivers, or Brooks, of any Person or Persons where the same may be had or found, to be used, disposed of, and applied, in or towards making, widening, and repairing the said Road (such Lands, Fields, and Grounds, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue of Trees, for the Ornament of any House) such Surveyor or Surveyors, or other Person or Persons, having an Order from the said Trustees, or any Five or more of them, for so doing, Surveyors may dig Gravel, &c. without paying for the same; levelling the Pits. Where sufficient Materials cannot be had there, they may be taken from private Grounds;

and

and filling up the Pits, and levelling the Ground, from which such Materials shall be taken, and paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away such Materials as aforesaid, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge reasonable; And in case of any Difference concerning the same, any Two or more Justices of the Peace of the County of Middlesex shall and may, on Ten Days Notice thereof, to be given by the said Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by him, her, or them, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some One of their respective Families, hear, settle, and determine, the Matters in Dispute, and ascertain what Damages shall be paid; and the Order and Determination of the said Justices shall be final and conclusive to all Parties.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences relating thereto.

Surveyors may remove Annoyances,

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, from time to time, to remove and prevent any Bars, or other Obstructions or Annoyances, by Filth, Dung, Ashes, Rubbish, or otherwise, and to remove any Laystalls that shall be made within One hundred Yards of the said Road; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, any Part of the said Road, or otherwise, to the Prejudice thereof, and to open, scour, and cleanse, any Ditches or Water-courses, adjoining to any Part of the said Road, and to make the same as deep and as large as he or they shall think necessary; and also to cut down, lop, or top, any Trees, and also any Branches or Bushes, growing or to grow on any Part of the said Road, or in the Banks or Hedges adjoining thereto, in case the Owners or Occupiers of the Premisses where such Obstructions or Annoyances as aforesaid shall happen to be, or the Persons causing the same, shall neglect to remove them, or to open, scour, or cleanse such Ditches or Water-courses, or to cut down, lop, or top such Trees, Branches, or Bushes, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, or any or either of them, and the Charges of removing such Obstructions or Annoyances, or such Laystalls, and opening, scouring, and cleansing

and cut down Trees, &c.

Owners neglecting to move the same after Notice;

cleanſing ſuch Ditches and Water-courſes, and cutting down, lopping, or topping, and removing, ſuch Trees, Branches, or Bushes as aforeſaid, ſhall upon Demand be reimburſed to the ſaid Surveyor and Surveyors, by ſuch Owners or Occupiers, or Perſons cauſing ſuch Obſtructions or Annoyances, or making ſuch Layſtalls, and ſuch Charges ſhall be recovered by Diſtreſs and Sale of the Goods and Chatties of ſuch Owners, Occupiers, or Perſons, by Warrant under the Hands and Seals of Five or more of the ſaid Truſtees, or Two or more Juſtices of the Peace for the County of Middleſex; and if, after Removal of any of ſuch Bars, Obſtructions, Annoyances, or Layſtalls, any Perſon or Perſons ſhall again offend in the like Kind, every ſuch Perſon ſo offending, and being thereof convicted, on his or their own Confeſſion, or upon the Oath of One credible Witneſs, before Two or more Juſtices of the Peace for ſuch County (which Oath the ſaid Juſtices are hereby impowered to adminiſter) ſhall for every ſuch Offence, over and beſides the Charges of removing ſuch Bars, Obſtructions, Annoyances, or Layſtalls, forfeit the Sum of Twenty Shillings.

Surveyors to be reimburſed the Charges;

to be levied by Diſtreſs and Sale.

Penalty of a Second Offence.

And be it further enacted by the Authority aforeſaid, That the Owner of any Night or Rubbiſh Cart, which ſhall bring any Slop, Night-ſoil, Filth, Dung, Aſhes, or Rubbiſh, to be laid on any Layſtall which ſhall be made within One hundred Yards of the ſaid Road, as aforeſaid, ſhall forfeit and loſe the Sum of Five Pounds, to be recovered, levied, and applied, in the ſame Manner as other Penalties and Forfeitures are by this Act directed to be recovered, levied, and applied.

Penalty on Perſons laying Night-ſoil, &c. on any Layſtall within 100 Yards of the Road.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall be and are hereby authorized and impowered to make, or cauſe to be made, any Cauſeway or Cauſeways, in, or along the Side or Sides of any Part or Parts of the ſaid Road, and to erect and build any Bridges or Arches upon, in, or acroſs the ſame, or any Part thereof, and to dig or cut any Drains or Water-courſes, in, through, or croſs any Lands or Grounds, to prevent the ſaid Road, or any Part or Parts thereof, from being overflowed; and to erect Bridges over ſuch Drains or Water-courſes, if neceſſary, making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands or Grounds, for the Damages they may thereby ſuſtain, as ſhall be agreed upon between ſuch Truſtees and ſuch

Surveyors may make Cauſeways,

erect Bridges, &c.

making Satisfaction to the Owners.

Owners or Occupiers, or in case of Difference concerning the same, as shall be assessed by Two or more Justices of the Peace as aforesaid.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any Two or more Justices of the Peace of the County of Middlesex, either by the Confession of such Offenders, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justices are hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of such Offenders, by Warrant or Warrants under the Hands and Seals of such Justices; which Warrant or Warrants they are hereby impowered and required to grant; and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties and Forfeitures, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to the said Trustees, or any Five or more of them, or to their Treasurer, and applied in the Execution of the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justices of the Peace, and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Months, nor less than Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner fully paid and satisfied.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That, from time to time, as often as any Trustee, hereby appointed, or hereafter to be elected, shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, to elect and appoint One other Person, qualified as is herein after directed, and residing in the said County of Middlesex, or the City of London, as a Trustee; and

and all Persons so, from time to time, elected and appointed, shall be, and are hereby, enabled to act in the Execution of all the Powers herein contained, as fully, to all Intents and Purposes, as if they had been hereby appointed and nominated Trustees.

Trustees in Commission of the Peace may act as Justices.

And be it further enacted and declared by the Authority aforesaid, That every Trustee who is or shall be in the Commission of the Peace for the County of Middlesex, may act as a Justice of the Peace for putting this Act in Execution, notwithstanding his being a Trustee.

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

Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during his holding any Place of Profit under this Act; and that no Person or Persons, keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or Spirituous Liquors by Retail, shall be capable of taking, holding, or enjoying any Place or Places of Trust or Profit under this Act, during such Time as he or they shall keep such Inn, Alehouse, or other House of publick Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail.

No Victualler, &c. shall hold any Place of Profit.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved, by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may (except where any Matter to be done by this Act is herein directed to be final) appeal to the Justices of the Peace at any General Quarter Session of the Peace to be held for the said County of Middlesex, within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of Middlesex, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, the said Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way, and if they see Cause may, by Order of such Session, mitigate

14 Days Notice of Appeal to be given.

tigate at their Discretion all or any of the said Penalties, Fines, or Forfeitures, or vacate and set aside any Conviction or Convictions, but not for want of Form only, and set the Party at Liberty, or otherwise may ratify and confirm the same, and award such Costs as they shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes, and shall not be liable to be removed by Certiorari or other Process whatsoever.

Distress not to be deemed unlawful for want of Form;

And be it further enacted, That no Order, Conviction, Judgement, or other Proceedings, to be had or made in pursuance of this Act, shall be quashed or vacated for want of Form, or shall be removed or removeable by Certiorari or other Writ or Process whatsoever, issuing out of any of His Majesty's Courts of Record at Westminster; and where any Distress shall be made, for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Want of Form in, or Defect of Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Party distraining to be deemed a Trespasser *ab initio*.

Proceedings to be enter'd in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and being signed by any Five or more of the said Trustees, or the Clerk to the said Trustees, shall be deemed and taken to be original Orders; and such Book or Books, and also the Entries of all Assignments of the Tolls hereby made payable, and also of the Transfers of such Assignments, shall and may be produced and read in Evidence in all Cases of Appeals, and in any Suits or Actions touching any thing done in pursuance of this Act.

Books may be read in Evidence.

Penalty on haling Timber, otherwise than with Wheel Carriages.

And be it further enacted, That if any Person or Persons shall hale or draw, or cause to be haled or drawed, in, upon, or along, any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones (Mill-stones excepted) otherwise than on Wheel Carriages, every such Person or

Persons

Persons for every such Offence shall forfeit the Sum of Forty Shillings.

Commencement and Continuance of the Powers.

And be it further enacted by the Authority aforesaid, That all Powers hereby granted, shall commence from the passing of this Act; and the said Tolls and Powers, hereby vested in the said Trustees, shall have Continuance for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, and no longer.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or by any Justice or Justices of the Peace, or exhibited before them or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, that in every such Case, the Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid in the County of Middlesex, and not elsewhere: And the Defendant or Defendants therein, shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance of, and by the Authority of this Act: And if it shall appear so to have been done, or that such Action or Suit was brought after the Time before limited, or in any other County or Place; that then the Jury shall find for the Defendant or Defendants: And upon such Verdict; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontnue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall and may recover Treble Costs; and have such Remedy for the same, as any Defendant or Defendants hath or have, in any Case by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken, to be a Public Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without being specially pleaded.

FINIS.