ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. LXXXIV.

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.

WHEREAS the Laws for the general Regulation of the Turnpike Roads within that Part of Great Britain called England are in ſome Reſpects 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 it ſhall and may be lawful to and for all Truſtees appointed by any Act or Acts of Parliament, for the Repair of any Turnpike Road within that Part of Great Britain called England, or any Five or more of them, at ſome publick Meeting, if they ſhall think proper, at any or as many Gate or Gates, Bar or Bars, as they have erected, or ſhall erect, for the receiving of any Toll or Tolls, or upon any Part of the Road within their reſpective Ju-

Preamble.

Five or more Truſtees, at a General Meeting, may order Weighing Engines to be erected;

risdictions, and at such a Distance from any Turnpike-bar or Toll-gate as they respectively shall think requisite and expedient, to order and cause to be built or erected, a Crane, Machine, or Engine, proper for the weighing of Carts, Waggons, or Carriages, conveying of any Goods or Merchandise whatever; and, by Writing, signed by them, or any Five or more of them, to order all and every or any such Carriage or Carriages, which shall pass loaded through any such Gate or Bar, to be weighed, together with the Loading thereof; and by them, or any Five or more of them, or for any Person or Persons impowered by any Five or more of them, to receive and take, over and above the Tolls already granted, or hereafter to be granted, the Sum of Twenty Shillings for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which every Waggon or Cart hereafter described, together with the Loading thereof, shall weigh over and above the Weights hereafter allowed to each of them respectively; (that is to say,) To every Waggon or Four-wheel Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven in Winter; to every Waggon or Wain, having the Axletrees thereof of such different Lengths that the Distance from Wheel to Wheel of the nearer Pair of the said Wheels be not more than Four Feet Two Inches, to be measured at the Ground, and that the Distance from Wheel to Wheel of the other Pair thereof be such, that the Fore and Hind Wheels of such Waggons and Wains shall roll only One single Surface or Path of Sixteen Inches wide at the least, on each Side of the said Waggons or Wains, and having the Fellies thereof of the Breadth of Nine Inches from Side to Side at the Bottom or Sole thereof, Six Tons Ten Hundred in Summer, and Six Tons in Winter; to every Waggon or Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons Ten Hundred in Winter; to every Cart, having the Fellies of the same Dimensions, Three Tons in Summer, and Two Tons

and cause loaded Carriages to be weighed at Turnpikes or Toll-gates;

taking 20 s. additional Toll for every 100 wt. over the Weights allowed.

Fifteen

8 Fifteen Hundred in Winter; to every Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, Four Tons Five Hundred in Summer, and Three Tons Fifteen Hundred in Winter; and to every such Waggon so constructed as to roll and actually rolling a Surface of Eleven Inches, by the Wheels thereof, Five Tons Ten Hundred in Summer, and Five Tons in Winter; to every Cart, having Fellies of the Wheels of the same Dimensions, Two Tons Twelve Hundred in Summer, and Two Tons Seven hundred in Winter; to every Waggon, having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Six Inches, Three Tons Ten Hundred in Summer, and Three Tons in Winter; and to every Cart, having the Fellies of the Wheels of the same Dimensions, One Ton Ten Hundred in Summer, and One Ton Seven Hundred in Winter; and that for the several Purposes aforesaid, 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: Which said additional Toll or Duty, hereby granted and made payable, shall and may be levied and recovered upon any Person liable thereto, in any of the Cases aforesaid, or his or her Goods or Chattels, who shall, after Demand made thereof, refuse or neglect to pay the same, in such Manner as any other Toll or Duty, payable at the same Turnpike-gate or Bar, is or shall be by Law to be levied and recovered; and the Money arising from such additional Duty shall be applied to the Repair of the Turnpike Road where the same shall be collected.

Additional Toll to be recovered as other Tolls;

and applied in Repair of the Road.

And be it further enacted, That the Keeper of every such Toll-gate or Bar, where any such Weighing Engine shall be erected, or any other Person appointed, or to be appointed, by the said Trustees, or any Five or more of them, to the Care of such Weighing Engine, shall, and is hereby required to weigh all such Waggons and Carts liable to be weighed by virtue of this Act, which shall pass loaded through such Gates or Bars respectively,

Duty of Toll-gate Keepers.

spectively, and which he shall have reason to believe carry greater Weights than are allowed to pass without paying the said additional Toll: And if any Gate-keeper, or Person so appointed, shall permit any such Waggon or Cart to pass 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.

Forfeiture for every Offence is 5*l.*

And, in order to detect the said Collector or Receiver in any fraudulent Connivance or Neglect of Duty in the Matters aforesaid, be it further enacted, That it shall and may be lawful for any Trustee, Creditor, Clerk, Treasurer, or Surveyor, of such Turnpike Road, if he shall suspect any such Connivance or Neglect, as aforesaid, to cause any Carriage, liable to be weighed by virtue of this Act, which shall have passed through any Toll-gate where such 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 Gate, in the Presence of such Trustee, Creditor, Clerk, Treasurer, 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 Loading, the same shall be found above the Weight hereby allowed.

Trustees, &c. may cause Carriages to be weighed, in order to detect Connivance of Collectors.

And, for the better enforcing the Authority of this Act, the Surveyors shall, and are hereby authorised and required to make convenient Places for turning such Carriages upon every such Turnpike Road, where such 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 there shall be a List of the Names of all the Trustees and Creditors, and also of the Clerk, Treasurer, and Surveyor, of such Turnpike Road, put up in the House or Building where such Weighing Engine shall be placed, to be inspected by the Owner or Driver of every such Carriage; and if the

Surveyors to make convenient Places for turning Carriages, where Weighing Engines may be erected.

Driver

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 the Sum of Forty Shillings; 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.

Drivers refusing to turn, shall forfeit 40 s.

And, in order to compensate for the Expences of erecting such Weighing Engine, and to prevent any Prejudice to the Creditors who have lent, or shall lend their Money upon the Security of the Tolls, be it further enacted, That all and every Act and Acts of Parliament, made for repairing and amending Turnpike Roads, the Trustees whereof shall within Twelve Calendar Months after the Commencement of this Act have caused to be erected and used thereupon such Weighing Engine, pursuant to the Direction and true Intent and Meaning of this Act, shall be continued, and be in full Force, for Five Years, to be computed from the several Ends and Expirations of all and every such Act and Acts respectively, and subject to all the Tolls and Duties, Penalties, Forfeitures, Remedies, Powers, Authorities, Clauses, Rules, Directions, Payments, and Provisions, respectively made, and enacted by any of the said Act or Acts of Parliament, now or heretofore made, for repairing and amending Turnpike Roads.

Former Acts for repairing Turnpike Roads, further continued, if Engines are erected in pursuance of this Act.

Provided always, and be it further enacted, That the Regulations of Weight herein-before mentioned shall not extend, or be deemed or construed to extend, to any Waggons, Carts, or other Carriages, employed only in Husbandry, or carrying only Manure for Land, Hay, Straw, Fodder, or Corn unthreshed; and that where Lime or other Manure is or shall, by any particular Turnpike Act, be permitted to pass through any Turnpike-gate Toll-free, or upon paying less Toll than is required to be paid for other Goods, it shall be liable to be weighed at all Weighing Engines upon such Turnpike Road, together with the Carriages in which such Lime or Manure shall be conveyed, and shall pay such additional

Not to extend to Waggons, Carts, &c. employed in Husbandry.

additional Toll for Overweight as herein-before directed.

Justices upon Complaint made, may order Weighing Engines to be erected when they think proper.

Provided also, and be it further enacted, That it shall and may be lawful for the Justices of the Peace, within the Limits of every County, Riding, Division, Hundred, or Precinct, at any General Quarter Sessions of the Peace, upon Complaint made to them by any Justice of the Peace, or by any Two Creditors, or any Two Trustees of any Turnpike Road, within the said Limits of which they are Creditors, or Trustees, that such Turnpike Road is much damaged by excessive Weights being carried thereupon, and that no Weighing Engine hath been erected, or ordered by the Trustees of such Turnpike Road to be erected, upon the same, to summon the Clerk, Surveyor, and Treasurer, of such Turnpike Road to appear before the said Justices, at their then next General Quarter Sessions of the Peace, to shew Cause why a Weighing Engine or Engines should not be erected at or near such Gate or Gates, upon such Turnpike Roads as shall be described in such Summons; and if at such subsequent Sessions the said Clerk, Surveyor, and Treasurer, some or One of them, shall not appear before the Justices at such Sessions, or appearing, shall not shew sufficient Cause to the said Justices against the erecting of such Weighing Engine or Engines, it shall and may be lawful for the said Justices, if they think fit, at such Quarter Sessions, to order One or more Weighing Engine or Engines to be erected upon such Turnpike Road, at such Place or Places as they shall think proper; a Copy of which Order shall be forthwith delivered to the Clerk of such Turnpike Road; and the Trustees thereof are hereby directed and required, at their next Meeting, to be held after their Clerk shall have been served with such Copy of the Order as aforesaid, to contract, or cause a Contract to be made with some proper Person or Persons, for the making and erecting such Weighing Engine or Engines with all convenient Speed; and the Treasurer of such Turnpike Road is hereby authorised and required to pay the Expences attending the making and erecting of such Weighing Engine or Engines out of the Money which shall then be

or next come into his Hands from the Tolls arising upon such Turnpike Road.

Where Two or more Roads meet, Trustees may erect One Weighing Engine to accomodate them.

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 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 such Weighing Engine, and likewise the Money arising from Forfeitures to be incurred for Overweight at such Weighing Engine, amongst all such Turnpike Roads, in such Manner as to them shall appear just and reasonable.

Trustees not to make Composition for Tolls, unless Waggons, &c. have the Fellies of Wheels of Six Inches broad.

And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road, their Lessee or Lessees, to make Composition for Tolls, for or in respect of any Waggon, Wain, Cart, or Carriage, or Horses, or Beasts of Draught, drawing the same, unless such Waggons, Wains, Carts, and Carriages, have the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, or more, any Law to the Contrary thereof notwithstanding.

5 *l.* Penalty on unloading Goods before coming to any Gate or Weighing Engine.

And be it further enacted, That if any Person or Persons shall unload, or cause to be unloaden, any Goods, Wares, or Merchandises, from any Cart, Waggon, or other Carriage, (except such Carriages as are hereinbefore excepted), 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, (except as aforesaid), after the same shall have passed any such Turnpike or Weighing Engine, any Goods, Wares, or Merchandises, taken or unloaden 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 of Twenty Shillings per Hundred; or if any Person shall so unload, in order to

carry considerable Quantities of Goods through any Turnpike-gate, in One and the same Day, and thereby pay less Toll at such Turnpike-gate than would have been paid if such Goods, Wares, or Merchandises had not been so unloaden; 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 be committed to the House of Correction for the Space of One Month.

Owners or Drivers of Waggons, &c. turning out of the Road, to avoid being weighed, shall forfeit not exceeding 5 *l.* nor less than 40 *s.*

And be it further enacted, That if the Owner of any Waggon, Cart, or Carriage, or other Person, being the Driver thereof, travelling on any Turnpike Road where any Toll-gate or Weighing Engine is or shall be erected, shall drive or turn out of the same into any other Road, in order to avoid being weighed, or to avoid the paying of Toll, and shall afterwards proceed with such Carriage into and on the same Turnpike Road, every such Owner, or other Person, convicted of such Offence before One or more Justice or Justices of the Peace for the Limit where such Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses, shall forfeit, if he be the Owner, any Sum not exceeding Five Pounds, nor less than Twenty Shillings; and if he be the Driver and not the Owner, any Sum not exceeding Fifty Shillings, nor less than Ten Shillings, upon Conviction, for every such Offence.

Regulations in the Construction of the Wheels of Carriages travelling on Roads above 20 Miles from *London*.

And be it further enacted, That no Carriage, liable to be weighed by virtue of this Act, shall pass along any Turnpike Road, being above Twenty Miles from the Cities of London or Westminster, unless the same shall be made and constructed in such Manner, that no Pair of such Wheels shall be wider than Four Feet Six Inches from Inside to Inside, to be measured on the Ground, (except Wheels having the Soles of the Fellies thereof

of the Breadth of Nine Inches, which shall be so constructed as to roll a Surface of Sixteen Inches; and that the wider Pair of such Wheels shall not be more than Five Feet Eight Inches from Inside to Inside, to be measured on the Ground), and that the Distance from the Centre of the Fore Wheel to the Centre of the Hind Wheel of any Waggon or Four-wheeled Carriage, not being used for the Carriage of Timber only, be not above Nine Feet, to be measured from the Centre of the Axle-trees at the Ends thereof, on Pain of the Owner or Owners of every such Waggon, Wain, or Cart, forfeiting the Sum of Five Pounds for every such Offence: And the Surveyor or Surveyors, Gate-keeper or Gate-keepers, of any Turnpike Road, is and are hereby authorized and required, at any Turnpike or Toll-gate, or at any other Place upon the Turnpike Road, to measure every such Waggon, Wain, or Cart; and if any Waller or Driver of any Waggon, Wain, or Cart, shall hinder, or refuse to permit such Surveyor or Surveyors, Gate-keeper or Gate-keepers, to measure such Waggon, Wain, or Cart, as aforesaid, he or she shall forfeit the Sum of Five Pounds; and it shall not be lawful for any such Waggon, Wain, or Cart, not permitted to be measured as aforesaid, to pass along any Turnpike Road.

Surveyors, &c. to measure Carriages;

or they shall not be permitted to pass.

And be it further enacted, That no Waggon, Wain, or other Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Nine Inches, shall pass or be drawn on any Turnpike Road with more than Eight Horses; nor any Cart, or other Two wheeled Carriage, having Wheels of the Breadth aforesaid, shall pass or be drawn upon any Turnpike Road with more than Five Horses; and that the Horses in such respective Carriages shall draw in Pairs; (except an odd Horse in any Team, and except where the Number of Horses shall not exceed Four); and also that no Waggon, Wain, or other Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, shall pass or be drawn on any Turnpike Road with more than Six Horses;

No nine-inch four-wheeled Waggon to be drawn with more than Eight Horses; nor Two-wheeled Carriages, same Breadth, with more than Five;

and in Pairs.

Six-inch four-wheeled Carriages not to be drawn with more than Six Horses;

nor Two-wheeled Carriages with more than Four Horses, &c.

and that no Wain, or other Four-wheeled Carriage, having Wheels of the Breadth last mentioned, shall be drawn on any Turnpike Road with more than Four Horses; and also, that no Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, shall pass or be drawn on any Turnpike Road with more than Four Horses; and that no Cart, or other Two-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, shall pass or be drawn on any Turnpike Road with more than Three Horses; and the Owner of every such Waggon, Wain, Cart, or Carriage, shall forfeit the Sum of Five Pounds; and the Driver thereof, not being the Owner, the Sum of Twenty Shillings, for every Offence against the Provisions aforesaid, to any Person or Persons who shall sue for the same.

Owners of Waggons, &c. for every Horse above that Number, forfeits 5*l.* and the Driver 20*s.*

Carriages upon Rollers with flat Surfaces may be drawn with any Number of Horses.

Provided always, That all Carriages moving upon Rollers of the Breadth of Sixteen Inches on each Side thereof, with flat Surfaces, are hereby allowed to be drawn with any Number of Horses, or other Cattle.

Prosecutions not to be commenced, unless Information be laid within Three Days after the Offence is committed.

Provided always, and be it enacted, That no Prosecution shall be commenced before a Justice of Peace, by way of Information, for any Forfeiture incurred by the Owner or Driver of any Carriage having a greater Number of Horses therein than are allowed by this Act, unless such Information be laid within Three Days after the Offence committed; and that no Action shall be commenced for any such Offence, unless the same be commenced within One Calendar Month after the Offence committed; and that neither such Information or Action shall be laid or commenced, unless Notice shall be given by the Informer to the Driver of every such Carriage, on the Day upon which the Offence shall be committed, of an Intention to complain of such Offence; and if it shall appear to the Justice before whom such Complaint shall be made, that the Offender lives so remote as to make it inconvenient to summon him to appear before such Justice, the Justice may dismiss the Complaint, and leave the Informer to his Remedy by Action at Law.

Provided

Waggons, &c. may be drawn by any Number of Horses, when an Engine is erected, and the Carriage weighed.

Provided always, and be it enacted, That it shall and may be lawful for any Waggon, Wain, Cart, or Carriage, to be drawn with any Number of Horses upon any Turnpike Road where a Weighing Engine shall be erected, provided such Carriage shall be weighed at such Engine: And in order that the Owner or Driver of every such Carriage may be furnished with proper Evidence of the Facts above mentioned, if any Prosecution should be commenced against him or them for using a greater Number of Horses than are allowed by this Act, the Person who shall have the Care of such Weighing Engine shall, and is hereby required, on Demand made by the Driver of any such Carriage, to give to such Driver a Ticket, certifying that such Carriage was weighed, and the Weight thereof, with the Loading.

Penalty on taking off Horses, or altering the Distance of the Wheels before coming to a Gate.

And be it further enacted, That if any Person or Persons shall take off, or cause to be taken off, any Horse or Horses, or other Beast of Draught, from any Waggon, or other Carriage, or shall alter, or cause the Distance of the Wheels thereof to be altered, at or before the same shall come to any of the said Gates or Turnpikes, with Intent to avoid any Toll, Forfeiture, or Penalty, for drawing with a greater Number of Horses or Beasts of Draught, or in any other Manner than hereby allowed, each and every Person so offending, and being convicted thereof 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.

Trustees may allow Waggons with Broad Wheels to be drawn up Hills with 10 Horses; and Carts by Six, &c.

Provided always, and be it enacted, That if it shall appear to the Trustees of any Turnpike Road, or any Seven of them, at any of their publick Meetings, by the Oath of One or more Witness or Witnesses experienced in Levelling, that any Part of the Rise of any Hill upon such Turnpike Road shall be more than Four Inches in a Yard; in such Case it shall and may be lawful to and for the said Trustees, or any Seven of them, to allow such Number of Horses as they shall judge necessary, not exceeding Ten for Waggons with Nine Inch Wheels, nor Six for Carts with Nine Inch Wheels; and not exceed-

ing Seven for Waggons with Six Inch Wheels, nor Five for Carts with Six Inch Wheels; and not exceeding Five for Waggons with Wheels of less Breadth than Six Inches, nor Four for Carts with Wheels of less Breadth than Six Inches: And in case it shall appear to the said Trustees, in Manner aforesaid, that the whole Rise of any Hill taken together shall be more than Four Inches in a Yard upon an Average, it shall and may be lawful for the said Trustees, or any Seven of them, to allow such Number of Horses as they shall think fit to be used in such Waggons and Carts respectively, for the Purpose only of drawing the same up such Hill or Hills, as aforesaid, the Length and Extent of such Hill or Hills to be specified in such Order of Allowance, and the Termination at each End thereof to be marked by a Post or Stone, to be erected at such respective Boundaries; and the said Order of Allowance shall be certified by the said Trustees, or their Clerk, to the next General Quarter Sessions of the Peace, of the Limit within which such Hill or Hills shall respectively be situated: And if the Facts, upon which the same is founded, shall, at the said Quarter Sessions, be proved upon the Oath of One or more credible Witness or Witnesses, to the Satisfaction of the Justices on the Bench, or the major Part of them, the said Order of Allowance shall be confirmed and filed among the Records of the Sessions by the Clerk of the Peace, or otherwise shall be vacated and quashed: And from and after such Confirmation and Filing, no Person shall be liable to any Penalty or Forfeiture for using such Number of Horses as shall be so allowed in drawing any Waggon or Cart up such Hill or Hills respectively; and it shall and may be lawful for the said Justices, at any subsequent Quarter Sessions of the Peace, to re-consider the said Order of Allowance, and to discharge the same, if they think fit.

They may allow such Number of Horses as they think fit, up Hills rising more than 4 Inches in a Yard, to be specified in the Order of Allowance.

Provided also, and be it further enacted, That if it shall appear, upon the Oaths of credible Witnesses, to the Satisfaction of any Justice or Justices of the Peace, or of any Court of Justice, authorised to enforce the Execution of this Act, that any Waggon, Cart, or Carriage, could not, by reason of deep Snow or Ice, be drawn

Exemption with respect to Carriages drawing with an extraordinary Number of Horses through deep Snow or Ice.

drawn with the respective Weights, and by the Number of Horses or Beasts of Draught hereby respectively allowed; then, and in every such Case, it shall and may be lawful for such Justice or Justices of Peace, or Court respectively, and they are hereby respectively required, to stop all Proceedings before them respectively, for the Recovery of any Penalty or Forfeiture which may have been incurred by drawing with a greater Number of Horses, or Beasts of Draught, than are hereby allowed; any Thing herein contained to the Contrary notwithstanding.

Narrowwheeled Waggons not to be drawn by Horses in Pairs.

And whereas great Damage is done to Turnpike Roads by Waggons, and other Carriages, with narrow Wheels, drawn by Horses in Pairs; for Remedy thereof, be it enacted, That it shall not be lawful for any Waggon, Wain, or Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Guage than Nine Inches, to pass upon any Turnpike Road, or through any Turnpike Gate or Bar, if the same shall be drawn by Horses in Pairs, (other than and except such Waggons, Wains, or Carts, having the Fellies of the Wheels thereof of the Breadth of Six Inches, as shall be authorized to be drawn in any other Manner by Order of the Trustees of any Turnpike Road within their District, made at a publick Meeting, consisting of Seven Trustees, or more; which Order it shall and may be lawful for the said Trustees to revoke at any subsequent Meeting, and afterwards to make a new One, if they shall think fit, for the same Purpose, and fixed in Writing upon every Toll-gate within such District, and except Carriages drawn by Two Horses only.)

Penalty on Drivers driving Carriages contrary to the Directions of this Act,

And be it further enacted, That in case any Person or Persons shall, upon any Turnpike Road, drive, or act as the Driver or Drivers of any Waggon, Cart, Wain, or Carriage, not being marked according to the Directions of this Act; or drawn by more than the Number of Horses, or Beasts of Draught, hereby respectively authorised; that then, and in every such Case, it shall and may be lawful to and for any Constable, Tythingman, Surveyor, or any other Person, to apprehend and take,

or

or cause to be apprehended and taken, such Person or Persons, so driving, or acting as Driver or Drivers, as aforesaid, before One or more Justice or Justices of the Peace for the Limit where the said Offence shall be committed, and, upon Conviction thereof, either by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses before such Justice or Justices of the Peace, every such Person or Persons so offending, shall respectively forfeit and pay, for every such Offence, a Sum not exceeding Five Pounds, nor less than Ten Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

not exceeding 5*l.*

Where extraordinary Tolls have been granted, the Trustees may mitigate them, in respect of Four-wheel Waggons, &c.

And whereas in and by several Acts of Parliament, made for amending and repairing particular Turnpike Roads, several high and extraordinary Tolls are granted, and directed to be levied and paid for Waggons, Carts, and other Carriages, drawn by more than a certain Number of Horses, or Beasts of Draught, therein respectively mentioned, with an Intent, in Effect, to prohibit the Passage of such Carriages, and thereby the better to preserve the said Roads; now it is hereby further enacted, That it shall and may be lawful to and for the said Trustees appointed, or to be appointed, in or by virtue of any Act of Parliament made for repairing and amending such particular Roads, as aforesaid, or any Five or more of such Trustees respectively, within their respective Districts, and they are hereby authorised and required, at the First Meeting after the Commencement of this Act, to mitigate, lessen, and reduce the said high and extraordinary Tolls and Duties, for and in respect of such Waggons, or other wheeled Carriages only, having the Wheels of the Breadth or Gauge of Six Inches, as aforesaid, in such Manner as no greater Toll or Duty, in respect to Waggons, be demanded or taken for the same than is provided and directed by the said Acts respectively to be paid and taken for Waggons, and other Four-wheeled Carriages, drawn by Four Horses, or Beasts of Draught; and that no greater Toll or Duty be demanded or taken for Carts, having the Felnes of their Wheels of the Breadth or Gauge of Six Inches,

than

than is provided and directed by such Acts respectively to be taken for Carts drawn by Three Horses; and the said Trustees, within their respective Districts, or any Five or more of them respectively, are hereby authorised and required to give Directions, in Writing, to the several Collectors within such their respective Districts, to take and receive such Tolls and Duties, and no other; any Law or Statute to the Contrary notwithstanding.

One Half more than the Tolls are to be taken for Narrow-wheeled Waggons, &c.

And be it further enacted, That the Trustees appointed by virtue or under the Authority of any Act of Parliament, made for repairing or amending Turnpike Roads, or such Person or Persons as are authorised by them, shall and may, and are hereby required, to demand and take, for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of less Breadth or Guage than Six Inches from Side to Side at the least, at the Bottom or Sole thereof, and for the Horses, or Beasts of Draught, drawing the same, One Half more than the Tolls or Duties which are or shall be payable for the same respectively; and for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches from Side to Side, at the least, at the Bottom or Sole thereof, and for the Horses, or Beasts of Draught, drawing the same, from and after the Twenty-ninth Day of September, One thousand seven hundred and seventy-six, Double the Tolls or Duties which are or shall be payable for the same respectively, by any Act or Acts of Parliament made for amending or repairing Turnpike Roads, before any such Waggon, Wain, Cart, or 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.

and after 29 *Sept.* 1776, Double these Tolls.

And whereas there are in several Acts of Parliament, for making, amending, and repairing Turnpike Roads, Exemptions allowed from Payment of Tolls in particular Cases therein respectively mentioned, and Liberties are allowed in particular Cases to pay less Tolls than are charged upon other Waggons, Wains, Carts, and Carriages, passing through Turnpike Gates or Bars: And whereas it will tend to the Advantage and Preservation of Turn-

pike Roads to contine such Exemptions, Liberties, Privileges, and Advantages, to Carriages with Wheels of the Breadth or Gauge of Six Inches, or upwards; be it therefore enacted, That no Person shall, by virtue of the said Acts of Parliament, have claim, or take the Benefit or Advantage of any Exemption from Toll, or Part of Tolls, or to pay less Toll for or in respect of any Waggon, Wain, Cart, or other Carriage, or Horse drawing the same, and carrying any particular Kind of Goods, than other Carriages of the like Nature, carrying other Goods, ought to pay, unless such Waggon, Wain, Cart, or other Carriages, have the Sole or the Bottoms or the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, or upwards, (other than and except Carts and Carriages, employed in carrying Corn of Grain or the Straw, Hay, Straw, Fodder, Dung, Lime for the Improvement of Land, or other Manure, or any Implements of Husbandry only); but that the Toll required by the said Acts respectively, together with the additional Tolls hereby required to be taken for or in respect of every such Waggon, Wain, Cart, or other Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, as aforesaid, and for and in respect of Horses or Beasts of Draught, drawing the same, (except as before excepted), shall be paid in the same Manner to all Intents and Purposes, as if no Exemption, or less Toll had been enacted or allowed by any of the said Acts respectively, and as fully as all other Waggons, Wains, Carts, and Carriages, and Horses drawing the same, ought respectively to pay, which are not intitled to any Exemption from Toll, in the Whole or Part, or to pay a less Toll than other Waggons, Wains, Carts, and Carriages; any Law or Statute to the Contrary notwithstanding.

No Exemption from Toll by former Acts to be claimed by any Person, unless where Carriages with Six Inch Fellies are used.

Carts, &c. employed in Husbandry excepted.

No Benefit to be taken of Exemptions, unless the Fellies lie flat.

Provided, That no Person or Persons be allowed to take the Benefit of any such Exemptions, or to have the Privilege herein before given of compounding in respect of any Carriage having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, or upwards, unless

unless the Fellies, and the Tire upon such Fellies, shall lie flat.

Waggons, &c. moving on Rollers, of the Breadth of 16 Inches, on each Side, with flat Surfaces, to pass Toll-free for One Year.

Provided also, That all Waggons, Carts, or Carriages, moving upon Rollers, of the Breadth of Sixteen Inches on each Side thereof, with flat Surfaces, shall be permitted to pass or be drawn upon any Turnpike Road Toll-free, for the Term of One Year, to be computed from Michaelmas One thousand seven hundred and seventy-three; and from and after the Expiration of the said Term, all such Waggons, Carts, or Carriages, as aforesaid, shall pass upon any Turnpike Road, through any Toll-gate or Bar, upon paying only so much of the Tolls and Duties as shall not exceed One Half of the full Toll or Duty payable by this or any Turnpike Act for all Waggons, Wains, or Carts, having the Fellies of the Wheels of the Breadth or Gauge of Six Inches from Side to Side, or for the Horses for Beasts of Draught drawing the same, and not rolling a Surface of Sixteen Inches on each Side thereof; and that not more than Half Toll shall be paid in respect of Waggons having the Fellies of the Wheels thereof of the Breadth of Nine Inches, and rolling a Surface of Sixteen Inches on each Side thereof, from and after the Commencement of this Act; any Thing herein contained to the Contrary notwithstanding.

and then-after paying One Half of the Toll.

Carriages to which the Act does not extend.

Provided always, That nothing herein-before contained shall extend, or be construed to extend, to any Chaise, Marine, Coach, Landau, Berlin, Chariot, Chaise, Chair, Calash, or Hearse, or to the Carriage of such Ammunition or Artillery as shall be for His Majesty's Service, or to any Cart or Carriage drawn by One Horse, or Two Oxen, and no more; or to any Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, which shall be laden with One Block of Stone, One Piece of Marble, One Cable Rope, One Piece of Metal, or One Piece of Timber.

Penalty on Persons fraudulently taking the Benefit of any Exemption, is not to exceed

Provided also, and be it enacted, That if any Person or Persons shall take the Benefit of any Exemptions under or by virtue of this or any other Act made for the Repair of any Turnpike Road, in any fraudulent or collusive

54

lusive Manner whatsoever, such Person or Persons shall forfeit, for every such Offence, a Sum not exceeding Five Pounds, or less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Trustees may reduce the Tolls, at any publick Meeting.

And whereas, in and by several Acts of Parliament, made and passed for amending and repairing particular Turnpike Roads, there is no Power, or no effectual Power, given to the Trustees to lessen the Tolls, although such Turnpike Roads may be sufficiently, or in a great Degree, amended and repaired, and all, or the greatest Part of, the Money borrowed upon the Credit of any such Acts, may have been paid and discharged; be it therefore further enacted, That it shall and may be lawful to and for the Trustees appointed in and by virtue of any Act of Parliament now in Force for repairing and amending such particular Roads as aforesaid, or any Seven or more of such Trustees respectively, and they are hereby impowered, in any of the Cases aforesaid, 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 respective Roads, and in some publick News-paper circulated in that Part of the Country, from Time to Time, to lessen or 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 any Seven or more of them, shall think proper; and afterwards, at any Meeting, to be held as aforesaid, from Time to Time, if 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 respectively.

and afterwards to advance them again:

Provided such Alterations of the Tolls be made with the Consent of the Creditors.

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 intitled to Five-sixths of the Money remaining due upon such respective Tolls.

And

And whereas in and by several Acts of Parliament made for repairing particular Turnpike Roads, there are no Powers given to the Trustees to let or Farm out the Tolls arising upon such Roads, and in many Cases where the particular Acts have given such Power, they are not executed and enforced in the most beneficial Manner for such Roads; for Remedy whereof, be it further enacted, That it shall and may be lawful for the Trustees of any particular Turnpike Act, or any Seven or more of them, at a publick 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 such Turnpike Act 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 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 fixing the same upon every Toll-gate belonging to such Turnpike Road, and also upon the Market-cross of the Market Town nearest to the Place where the said Tolls are to be let, and also in some publick News-paper 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 quarterly, as shall be required by the Trustees; 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 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 the said 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

Power for Justices to farm out the Tolls

under particular Directions and Restrictions,

to the best Bidder.

so for Three Times, unless some other Bidding intervenes: And if no other Person shall bid, until the Sand shall have run through the Glass for 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, or as shall be agreed upon between him and the Trustees; and in case no Bidder shall offer, the said Trustees 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 of such Tolls shall take a greater or less Toll from any Person or Persons than what are 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 shall also forfeit the said Contract for renting the Tolls, if the said Trustees shall think fit to vacate the same; and every other Gatekeeper authorized to collect the Tolls, who shall take a greater or less Toll than as aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings.

The last Bidder to be the Farmer of the Tolls.

If the Farmer of Tolls takes a greater or less Toll than allowed, he forfeits 5 *l.* and also his Contract;

if he is not the Farmer he forfeits 40 *s.*

And be it further enacted, That the Surveyors of all Turnpike Roads shall cause the Statute-duty required by the respective Turnpike Acts, and the Compositions arising from the same, to be performed, laid out, and expended, upon the Turnpike Road lying within the Parish, Township, or Place, from which such Duty shall be required, and not elsewhere, and shall forfeit the Sum of Forty Shillings for every Misapplication thereof; and that where there are Two or more Turnpike Roads under several Acts of Parliament within the same Parish, Township, or Place, and the Statute-duty directed by all such Acts to be taken or applied for the Repair of such Turnpike Roads within such Parish, Township, or Place, shall exceed Three Days Duty in the Whole; then, and in such Case, it shall and may be lawful for Two or more Justices of the Peace

All Statute-duty to be performed in the Parish, &c. where it arises.

If more Turnpike Roads than are in the same Parish, and the Statute-duty required to them exceeds Three Days,

Peace of the Limit where such Turnpike Roads shall be, and they are hereby required, at some Special Sessions, to adjust and proportion the Statute-duty betwixt such Turnpike Roads and the other Highways in such Parish, Township, or Place, in such Manner as they shall think fit, having Regard to the Extent and Condition of the said several Roads and Highways, and also to the Tolls and Revenues arising from such Turnpike Roads respectively, the said Justices previously summoning the Clerks and Surveyors of such Turnpike Roads, and likewise the Surveyors of the Highways, for such Parish, Township, or Place, who are hereby respectively required to attend the Justices upon such Summons. the Justices may adjust the Proportions.

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, the same shall be proportioned, together with the Costs and Charges attending the same, between the Inhabitants of such Parish, Township, or Place, and the Trustees 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 Security 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 authorised and required to obey the same. Where Turnpike Roads are indicted, the Court may proportion the Fine and Costs between the Inhabitants and the Trustees, without endangering the Security of the Creditors.

Provided always, 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, at a Meeting, of which Twenty-one Days publick Notice No Side-gate to be erected unless at a publick Meeting, after Notice given, and by Order signed by the Trustees.

Notice shall have been given in Writing, affixed upon all the Toll-gates erected on such Roads, and also in some publick News-paper circulated in that Part of the Country, specifying the Place where such Side-gate is proposed to be erected, and unless Nine Trustees at least (being a Majority of those present) shall sign the said Order at such Meeting; and that no Person shall be liable to pay Toll at any Toll-gate erected, or to be erected, across or on the Side of any Turnpike Road, or be subject to any Penalty for any Carriage, Horse, or Beast, which shall only cross such Road, and shall not pass above One hundred Yards thereon, except over some Bridge erected at a considerable Expence by the Trustees of such Turnpike Road; any Thing in this or any other Act of Parliament contained to the Contrary thereof in any-wise notwithstanding.

No Toll to be paid unless the Carriages, Horses, &c. pass 100 Yards upon the Road, or over a Bridge erected by the Trustees.

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 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 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, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Payment of Money subscribed for making or repairing Turnpike Roads, how to be enforced.

And be it further enacted, That on every Turnpike Road where a sufficient Quantity of Stone, Gravel, Chalk, or other Materials, cannot be provided and carried by the Labourers and Teams required to perform

Surveyor to get and carry away Materials by Contract, after publick Notice given.

Statute-

Statute-duty upon the same, the Surveyor with the Approbation of the Trustees of such Road, shall, and is hereby required to contract for the getting and carrying thereof, at some Time and Place to be fixed for that Purpose, of which Ten Days Notice in Writing shall be given, by fixing the same on the Door of the Church or Chapel of such Parish, Township, or Place, or, if there be no Church or Chapel, at the most publick Place there, which Notice shall specify the Work to be done, and the Time and Place for letting thereof: And if any Surveyor shall have any Part, Share, or Interest, directly or indirectly, in any such Contract, or in any other Contract or Bargain, for Work or Materials, to be made, done, or provided, upon, for, or on account of any of the Highways, Roads, Bridges, or other Works, under his Care or Management; or shall, upon his own Account, directly or indirectly, let to hire any Team, or sell or dispose of any Timber, Stone, or other Materials, to be used or employed in making or repairing such Roads, Bridges, or other Works, as aforesaid, unless a Licence in Writing for the Sale of any such Materials, or for letting to hire any such Team, be first obtained from the said Trustees; he shall forfeit, for every such Offence, the Sum of Ten Pounds, and be for ever after incapable of being employed as a Surveyor, under the Authority of this or any other Act of Parliament.

Surveyor to have no Share in the Contract, nor to sell Materials, or hire out any Team.

And be it further enacted, That if the Surveyor or Surveyors, or other Person or Persons, having the Care of any Turnpike Road, shall knowingly suffer to be or remain, for the Space of Four Days, in any Part thereof, within Ten Feet on either Side of the Middle of such Road, any Post or Posts, Heap or Heaps of Stones, Rubbish, or Earth, set up, or raised in or above the Surface of the said Road, by which the Passage thereof shall or may be obstructed, impeded, confined, or straitened, (other than and except Posts, Blocks, Stones, or Banks of Earth, fixed in the Ground, or raised for securing Horse or Foot Roads, or Passages for Water, and also Direction-posts and Stones), such

If Surveyor suffers Earth, Rubbish, or Stones to lie 4 Days within 10 Feet of the Centre of the Road, he forfeits 40 s.

Surveyor, or other Person, shall forfeit the Sum of Forty Shillings.

Persons making Incroachments within 30 Feet of the Centre of the Road, or ploughing within 15 Feet thereof, forfeit 40 s.

And whereas Inconveniencies have arisen from making Hedges, or other Fences, and from ploughing or breaking up the Soil of Lands or Grounds, near the Middle or Centre of Turnpike Roads; for Remedy thereof, be it further enacted, That if any Person shall incroach, by making, or causing to be made, any Hedge, Ditch, or other Fence, on any Turnpike Road, within the Distance of Thirty Feet from the Middle or Centre 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 Harrows in or upon any Land or Ground within the Distance of Fifteen Feet from the Middle or Centre of any Turnpike Road made or to be made; 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 who have the Care of any such Road, or any Five or more of them, to cause such Hedge, Ditch, or Fence, to be taken down or filled up, 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 Limit 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 such Hedges as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offenders Goods and Chattels, rendering the Overplus to the Owner on Demand.

Trustees may cause the same to be removed at the Expence of the Offender.

Persons destroying or damaging Mile-stones or Posts, &c. set up to secure Causeways, Battlements of Bridges, &c.

And whereas in some Places it hath been and may be found necessary, and the Trustees of all Turnpike Roads are hereby authorised and required, to secure, or cause to be secured, Horse Causeways, and Foot Causeways, to travel upon, in publick Highways, by Posts, Blocks, or great Stones, fixed in the Ground, or by Banks of Earth cast up, or otherwise, from being broken up and spoiled with Waggons, Wains, Carts, or Carriages; and forasmuch as several evil-disposed Persons do or may wilfully or wantonly pull up, cut down, and remove

move or damage the said Posts, Blocks, and great Stones, so fired, or to be fired, as aforesaid, and drive Carriages upon such Banks and Causeways, or against the Sides thereof, and also dig or cut down the said Banks, which are the Securities and Defence of the said Causeways, whereby the Causeways or Banks are often ruined and destroyed; and such evil-disposed Persons do or may break, damage, or throw down the Stones, Bricks, or Wood, fired upon the Parapets or Battlements of Bridges, and do or may pull down, destroy, obliterate, or deface, any Mile-stone or Post, Graduated or Direction Post or Stone, erected or to be erected upon any Turnpike Road: For Prevention thereof, be it enacted, That every Person who shall be guilty of any such Offence, shall, upon Complaint thereof made to any Justice of the Peace of the Limit where the same shall be proved to be done, by the Oath of any One credible Witness, or upon View of the Justice himself, forfeit, for every of the said Offences, any Sum not exceeding Five Pounds, nor less than Ten Shillings; and in Default of Payment thereof, shall be committed to the House of Correction of such Limit, there to be whipped and kept to hard Labour, for any Time not exceeding One Calendar Month, nor less than Seven Days, at the Discretion of such Justice, unless the same be sooner paid.

forfeits not exceeding 5l. nor less than 10s.

And whereas many bad Accidents happen, and great Mischiefs are frequently done upon the Streets and Highways, being Turnpike Roads, by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon; be it therefore enacted, That if the Driver of any Cart, Car, Dray, or Waggon, shall ride upon any such Carriage, in any Street or Highway, not having some other Person on Foot, or on Horseback, to guide the same, (such Carriages as are conducted by some Person holding the Reins of the Horse or Horses drawing the same excepted; or if the Driver of any Carriage whatsoever, on any Part of any Street or Highway, shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing or being upon

Any Driver not attending his Carriage, or wilfully misbehaving,

on such Street or Highway; or shall quit the Highway, 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 Highway, that he cannot have the Direction and Government of the Horses or Cattle drawing the same; or shall, by Negligence or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of His Majesty's Subjects, on the said Highways; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make Way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage; or if any Person shall drive, or act as the Driver of, any such Coach, Post Chaise, 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 of such respective Carriage; 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 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, shall, for every such Offence, forfeit any Sum not exceeding Ten 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 Twenty Shillings; 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 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 immediately conveyed or delivered to a Constable, or other Peace Officer, in order to 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

forfeits, if not the Owner of the Carriage, not exceeding 10 s.

and if the Owner, not exceeding 20 s.

and may be apprehended without Warrant.

said, 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, and expressing, in his Proceedings, that he refused to discover his Name.

The Trustees are to order Direction-posts or Stones to be put up, with proper Inscriptions thereon, where cross Roads meet,

And, for the better Convenience of Travellers, where several Highways meet, be it further enacted, That the Trustees, appointed to execute any Act of Parliament made for the Repair of any Turnpike Road, shall direct the Surveyor of every such Turnpike Road, where several Highways meet, and there is no sufficient Direction-post or Stone already fixed or erected, forthwith to erect, or cause to be erected or fixed, in the most convenient Place where such Ways meet, a Stone or Post, with an Inscription thereon, in large Letters, containing the Name of, and Distance from, the next Market Town or Towns, or other considerable Place or Places to which the said Highways respectively lead; and also at the several Approaches or Entrances to such Parts of any Highways as are subject to deep or dangerous Floods, graduated Stones or Posts, denoting the Depth of Water in the deepest Part of the same, and likewise such Direction-posts or Stones, as the said Trustees shall judge to be necessary, for the guiding of Travellers in the best and safest Tract through the said Floods or Waters; and also shall order the said Surveyor to erect Mile-stones or Posts upon such Turnpike Road, with proper Inscriptions and Figures thereon, denoting the Names and Distances from the principal Towns or Places on each respective Road, and from Time to Time to repair such Stones and Posts, and keep and continue legible the Inscriptions thereon respectively; and the said Surveyor shall be reimbursed the Expences of providing, erecting, repairing and continuing the same respectively, out of the Tolls and Duties granted by such Acts respectively; and in case any Surveyor shall, by the Space of Three Months after such Direction to him or them given, neglect or refuse to cause any such Stone or Post to be fixed

or where there are deep or dangerous Floods;

and also Mile-stones.

or repaired, as aforesaid, every such Offender shall forfeit the Sum of Twenty Shillings.

The malicious destroying of Turnpike-gates, Houses, Weighing Engines, &c.

And, to prevent the malicious destroying of any Turnpike-gate or House, which hath been, or shall hereafter be, erected, be it further enacted, That if any Person or Persons whatsoever shall, either by Day or Night, wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy any Turnpike-gate or Turnpike-gates, or any Post or Posts, Rail or Rails, Wall or Walls, or any Chain, 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 from passing by without paying any Toll, Rate or Duty directed to be paid, by any Act or Acts of Parliament made for that Purpose; or any House or Houses erected, or to be erected, for the Use of any such Turnpike-gate or Turnpike-gates; or any Crane, Machine or Engine, made or erected, or to be made or erected, on any Turnpike Road by Authority of Parliament, for weighing Waggons, Carts, or Carriages; 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 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 shall be committed to Prison for any Time not exceeding Three Years, at the Discretion of the Judge or Court before whom such Offender shall be tried; and any Indictment for such Offences shall and may be enquired of, examined, tried, and determined, in any adjacent County within that Part of Great Britain called England, in such Manner and Form, as if the Facts had been therein committed.

is Felony, and the Offender to be transported:

And the Inhabitants of the Hundred shall make Satisfaction for the Damages done, unless the Offender be convicted

And be it further enacted, That the Inhabitants of every Hundred, within that Part of Great Britain called England, within which such Offence or Offences shall be committed, by pulling down or destroying any such Turnpike Gate or Gates, or any such Post or Posts, Rail or Rails,

Wall

Wall or Walls, belonging to any Turnpike Gate or Gates, or any such Chain, Bar, or Fence, or any House or Houses, set up or erected, or to be set up or erected, for the Use or Service of collecting the Tolls, or any Crane, Machine, or Engine, made or erected on any Turnpike Road, by Authority of Parliament, for weighing Waggons, Carts, or Carriages, at any Place appointed by the respective Trustees, or any Five or more of them, acting under any Act or Acts of Parliament, for amending any Turnpike Road, shall make full Satisfaction for the Damages that shall be thereby suffered; and that the said Damages shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, by and in the Name of the Clerk of the Peace of the County for the Time being wherein such Offence or Offences shall be committed, without naming the Christian or Surname of the Clerk of the Peace; and such Action shall not be abated or discontinued by the Death or Removal of any such Clerk, but may be sued and prosecuted by his Successors; and the said Damages, so to be recovered, shall be to the only Use and Behoof of the Trustees of such Turnpike Road where the Offence shall have been committed, to be by them applied and disposed of to the several Uses and Purposes, and in such Manner, as the several Tolls, Rates, and Duties, by virtue of such Act or Acts of Parliament, shall be applied and disposed of; and all and every the Inhabitants of such Hundred shall be ratably and proportionably taxed for and toward an equal Contribution, for the Relief of such Inhabitant or Inhabitants against whom Execution for such Damages shall be had and levied; which Tax shall be levied and raised by such Means, and in such Manner and Form, as is prescribed and mentioned for the levying and raising the Damages recovered against Inhabitants of Hundreds, in case of Robberies, by any Act or Acts of Parliament: Provided, that upon Conviction of any such Offender, within Twelve Months after the Offence committed, any Hundred, or the Inhabitants thereof, liable to make, and having made such Satisfaction, shall be repaid the

within 12 Months after the Offence committed.

Sums they have to paid out of the Tolls of the Turnpike where such Offence was committed.

Qualification of Trustees, where the particular Act has not fixed it.

And whereas great Mischiefs have arisen from mean Persons acting as Trustees in the Execution of such Acts of Parliament, made for repairing publick Roads in that Part of Great Britain called England, as do not direct and require that the Trustees thereby appointed shall be qualified to act as such by the Possession of Real or Personal Estates to a certain Value; be it therefore enacted, That no Person shall be qualified, or capable of acting as a Trustee in the Execution of any such Act as aforesaid, 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 Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or possessed of, or intitled to, a personal Estate to the Value of Eight hundred Pounds; or shall be Heir-apparent of a Person possessed of an Estate in Land of the clear yearly Value of Eighty Pounds; and unless he hath taken, or shall, (not being such Heir-apparent as aforesaid), before he acts as such Trustee, take and subscribe the Oath following before any Two or more of the Trustees appointed, or to be appointed, by or in pursuance of such Act, who are hereby authorized and impowered to administer the same in the Words, or to the Effect following; that is to say,

Oath of Trustees.

I *A. B.* do swear, That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or possessed of, or intitled to, a personal Estate to the Value of Eight hundred Pounds, (*as the Case may be*).

So help me GOD.

Trustees acting without taking the Oath forfeit 50*l.*

And if any Person shall presume to act, contrary to the true Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty;

Fifty Pounds to any Person who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and such Person so sued or prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of any such Act.

Clerks, Treasurers, &c. to deliver up their Accounts when required by the Trustees, or shall forfeit 20 *l.* for every Neglect.

And be it further enacted, That all Clerks, Treasurers, Surveyors, and other Officers, appointed, or to be appointed, by any Act or Acts made for the Repair of any Turnpike Roads, and their respective Executors or Administrators, shall, within Ten Days after Notice in Writing to them respectively given by the Trustees of such Roads, or any Five or more of them, at a Meeting held pursuant to such Act, produce and deliver up to such Trustees all Books, Accounts, Papers, or Writings whatsoever, relative to the Execution of such respective Offices, which shall be in their Custody or Power; and every such Officer or Person as aforesaid, neglecting or refusing to produce and deliver up such Books, Accounts, Papers, or Writings, after such Notice as aforesaid, shall, for every such Neglect or Refusal respectively, forfeit the Sum of Twenty Pounds.

No Person keeping a publick House shall be a Trustee, or hold a Place of Profit;

And it is hereby further enacted, That no Person or Persons who shall keep any Victualling-house, Ale-house, or other House of publick Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors, by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the Trustees of any Act of Parliament made, or to be made, for erecting Turnpikes respectively, or of collecting the Tolls thereby granted and made payable, during such Time as he shall keep such Victualling-house, Ale-house, or other House of publick Entertainment, or shall sell any Wine, Beer, Cyder, Ale, Spirituous or other Strong Liquors, by Retail;

but he may farm the Tolls.

but no such Person shall be precluded from farming such Tolls, provided he employs a Person to collect them who shall not be under any such Incapacity.

Trustees may direct Prosecutions for Nuisances, and pay the Expences out of the Turnpike Revenues.

And whereas the Trustees of several Turnpike Roads are not sufficiently impowered to punish Nuisances in the several Roads under their Care; be it therefore further enacted, That the said Trustees of the several Roads respectively, or any Five or more of them, at a publick Meeting, may, and they are hereby impowered, if they think fit, to direct Prosecutions by Indictment against the Offender or Offenders for any Nuisance done, committed, or continued, in or upon any of the Turnpike Roads under their Care respectively, at the Expence of the Revenues belonging to such Turnpike Roads, to be allowed by such Trustees, or any Five or more of them, at some subsequent Meeting: Provided, that nothing in this Act shall be construed to impower the Trustees to prosecute, or cause to be prosecuted, any Person for any such Offence, unless upon the Confession of the Offender, or that One or more Witness or Witnesses can be had and produced to prove the Commission of such Offence.

Informations for Penalties, in order to favour the Offender, are deemed fraudulent and void.

And whereas fraudulent Contrivances may be practised by Offenders, their Friends, and others, to evade the just Recovery of Forfeitures and Penalties inflicted by Laws relating to Turnpike Roads, by setting up colourable Prosecutions with Intent to favour Offenders against the said Laws, and to discourage just and real Prosecutions; for Remedy thereof, be it enacted, That it shall and may be lawful for all and every Justice and Justices of the Peace, before whom there shall be any Information or Proceeding for any Penalty or Forfeiture inflicted by this or any Act or Acts of Parliament made for repairing and amending Turnpike Roads, and they are hereby required, where any Information or Conviction shall be set up or insisted upon, by way of Defence, or to defeat any Information or Proceeding, or any Forfeiture or Penalty inflicted as aforesaid, to examine into the real Merits of such Information, Proceeding, or Conviction; and if thereupon it shall appear that the same was not done, made, or prosecuted effectually, to recover and ap-

by the Penalty or Forfeiture for the true and real Ends and Purposes for which such Penalties or Forfeitures were enacted, but to favour the Offender, such Information or Conviction shall be deemed to be fraudulent, and null and void to all Intents and Purposes whatsoever; and every such Justice or Justices of the Peace shall proceed to determine and convict, as if no Information or Conviction had been made, prosecuted, or obtained.

If a sufficient Number of Trustees do not appear at the First, or any adjourned Meeting, the Clerk may fix the Day, and give proper Notice thereof.

And be it further enacted, That where a sufficient Number of the Trustees appointed by any Act or Acts of Parliament, made for amending or repairing any particular Turnpike Roads, 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 as shall meet, or the major Part of them, or in case no such Trustee shall be present, for their Clerk or Clerks, to cause Notice in Writing to be affixed on all Turnpike-gates which shall be then erected on the said respective Roads, or if no Turnpike-gate shall be then 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 publick Newspaper circulated in that Country, at least Ten Days before the intended Meeting, appointing such Trustees 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, if no such preceding Meeting shall have been held; and the said Trustees, 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 as ample and full a Manner, to all Intents and Purposes, as they might or could have done if no such Neglect had happened.

Provided

No Meeting to be adjourned for more than Three Months.

Provided nevertheless, and be it further enacted, That no Meeting of such Trustees shall at any Time be adjourned for any longer Time than Three Calendar Months from the Day on which such Adjournment shall be made;

no Business to be done before Ten, nor any Adjournment made to an Hour later than Two in the Afternoon.

and that no Business shall be done or proceeded upon by the Trustees, at any Meeting to be held under this or any Act or Acts of Parliament made for repairing any Turnpike Roads, before the Hour of Ten in the Forenoon; and that no Adjournment shall be made to any Hour later than Two in the Afternoon of the Day on which such Meeting shall be appointed to be held; and that every Act agreed upon at any Meeting shall be signed at the said Meeting by a competent Number of Trustees, or otherwise every such Meeting, Adjournment, and Act respectively, shall be void and of none Effect.

If Trustees cause Gates to to be erected contrary to their Power, the Justices at their Quarter Sessions may order them to be removed.

And be it enacted, That if the Trustees appointed, or to be appointed, to put any Act of Parliament made for the Repair of any Turnpike Road into Execution, shall abuse or exceed their Power, by erecting, or causing to be erected, or continuing, or causing to be continued, 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 to and for the Justices of the Peace of the Limit where any such Gate or Gates, Turnpike or Turnpikes, is or shall be erected or continued, in their General Quarter Sessions assembled, upon Complaint of such Abuse or Excess of Power in such Trustees, in a summary Way to hear and determine the same; and thereupon to order the Sheriff of the County, who is hereby authorised and required to execute such Order, to remove any such Gate or Gates, Turnpike or Turnpikes.

Mortgagees, in Possession of the Tolls, are to account upon Oath when required by the Trustees, or forfeit 10*l.*

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 Fourteen

Days

Days after he, she, or they, shall have received Notice, in Writing, from the Trustees of such Turnpike Roads, or any Five of them, render upon Oath, to be administered and taken by and before One Justice of the Peace, or any One Trustee of such Turnpike Road, an exact Account, in Writing, to such Trustees, or to any Person appointed by them, or any Five of them, to be named in such Notice, 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 of 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, in the Manner herein directed, he, she, or they, shall severally forfeit and pay to the said Trustees, for every Refusal, Neglect, or Omission, to render such Account, the Sum of Ten Pounds; to be recovered by the said Trustees, or any Five or more of them, or by the Treasurer or Clerk to the said Trustees, in a summary Manner, before One Justice of the Peace, which, when recovered, shall be applied to the Use of the respective Road or Roads whereon such Toll Gate or Bar shall be placed.

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

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 or 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 said Trustees, 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 said Trustees, or by the Treasurer or Clerk to such Trustees, 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.

On the Death of a Gate-keeper, Two Trustees may nominate another until the next Meeting of the Trustees.

Provided always, and be it further enacted, That it shall and may be lawful for any Two or more Trustees of any Turnpike Road, upon the Death of any Toll-gatherer or Gate-keeper, appointed, or to be 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 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-gatherer or Gate-keeper, who shall be discharged from his Office by the Trustees authorised 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-gatherer or Gate-keeper, who shall die, as aforesaid, shall refuse to deliver up the Possession of such House, Buildings, 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 Limit where such Turnpike-house shall be, by Warrant under his Hand and Seal, to order the 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.

If the Gate-keeper, who is discharged, refuses to deliver up Possession of the House, &c. the Justices may, by Warrant, order him to be removed, with his Goods.

Gate-keepers and Surveyors to account upon Oath, when required by the Trustees, or forfeit 5 *l.*

And be it further enacted, That the Gate-keeper or Toll-gatherer of every such Toll Gate or Bar, and every Surveyor of any Turnpike Road, shall, when required, by Notice, in Writing, from the said Trustees, or any Five or more of them, render upon Oath, to be administered by and taken before any One Justice of the Peace,

for

or Trustee of such Turnpike Road, a true and exact Account in Writing, to the said Trustees, or to any Person to be named in such Notice appointed by them, or any Five or more of them, of all Monies received by him, her, or them, at such Toll Gate or Bar, or otherwise, on account of such Turnpike Road, not before accounted for, under the Penalty of Five Pounds for every such Offence or Neglect; to be recovered in a summary Manner before any One Justice of the Peace, and applied to the Use of the respective Road on which such Toll-gate shall be placed.

No Gate-keeper to be removed as a Pauper, unless actually chargeable to the Parish, &c.

And be it further enacted, That no Gate-keeper of any Turnpike Road, or Person renting the Tolls thereof, and residing in any Toll-house belonging to the said Trust, shall be removeable from such Toll-house by the Order of any Justices of the Peace, in pursuance of any Laws now in being for the Relief or Regulation of the Poor, unless he shall become actually chargeable to the Parish or Place in which such Toll-house is situate; and that no such Gate-keeper, or Person renting such Tolls, and residing in such Toll-house, as aforesaid, 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 of any Turnpike Road, nor any 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 Poors Rate, or any other publick or parochial Levy whatsoever.

nor shall gain a Settlement by renting the Tolls, nor be assessed for the Toll-house or Tolls.

Gate-keepers permitting a greater Number of Horses, or Carriages constructed otherwise than allowed by the Act, or without proper Inscriptions painted thereon, and not prosecuting for the same, forfeit 40s.

And be it further enacted, That if any Toll-gatherer or Gate-keeper shall permit 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 Gate-keeper or Toll-gatherer, or to pass through any Toll-Gate or Bar with any greater Number of Horses, or Beasts of Draught, or with any Carriage constructed or drawn in any other Manner than is before directed, or without such Names and Descriptions painted thereon as are hereby directed, and shall not within the Space of One Week proceed for the Recovery of the Forfeiture or Penalty hereby inflicted for every such Offence,

fence, in the Manner directed or authorised by this Act, he shall forfeit and pay, for every such Neglect, the Sum of Forty Shillings.

Justices at Special Sessions may transfer Part of the Statute-duty, applicable to Turnpike Roads, to the Parish Roads, if the Circumstances of the several Roads require and admit of it.

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, or some Part thereof, may be dispensed with, and employed more conveniently for the Benefit of the other publick Highways within the Parish, Township, or Place, in which such Turnpike Road lies; 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 any Parish, Township, or Place, in the Situation herein-before described, to summon the Clerk and Surveyor of such Turnpike Road to appear before them, at some other Special Sessions, and then and there to produce before them a State of the Revenues and Debts belonging to such Turnpike Road, and for such Justices then and there to enquire into the State and Condition of the Repairs thereof, and also of such other Highways; and if it shall appear to them, 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 Money 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 just and reasonable, and the same shall be performed accordingly; any Thing in this or any other Act of Parliament contained to the Contrary thereof in any-wise notwithstanding.

Justices in *Wales*, at their *Michaelmas* Quarter Sessions, may allow an addi-

Provided always, and be it further enacted, That it shall and may be lawful for the Justices of the Peace, within the Principality of Wales, at their respective General

neral Quarter Sessions of the Peace, to be held in the Week after Michaelmas, to licence an Increase of the Number of Horses to be employed in drawing Carriages on any Turnpike Road within their respective Jurisdictions, over and above the Number herein-before limited, if upon Enquiry into the State and Condition of such Roads they shall find any additional Number of Horses necessary, and, from Time to Time, at any Michaelmas Quarter Sessions, to revoke, alter, or vary the same, as they shall think fit; and that neither the Owner or Driver of the Horses so licensed shall incur any Forfeiture for using such increased Number of Horses. tional Number of Horses when they think fit.

And be it further enacted, That no Toll shall be collected or received at any Toll-gate, for or in respect of Carriages solely employed in carrying Materials for the Repair of any Turnpike Road or publick Highway, or for going to such Employment, or returning after having been so employed. No Toll to be paid for Carriages employed in carrying Materials for Turnpike Roads or Highways.

And whereas it has been found by Experience, that small Stones being permitted to lie upon the Land are a Benefit thereto, be it therefore enacted, That no Surveyor shall gather, or cause to be gathered, any Stones for the Use of the Highways, upon or from the common Fields or inclosed Lands or Grounds of any Person or Persons whomsoever, without the Consent of the Occupier of such Lands or Grounds, or a Licence from a Justice of Peace of the Limit where such Lands or Grounds lie for that Purpose, after having summoned such Occupier to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent; any Thing contained in this Act, or in any Act of Parliament, for making and repairing Turnpike Roads, to the Contrary thereof in any-wise notwithstanding. No Surveyor to gather Stones from the common Fields or inclosed Lands of any Person without his Consent, or a Licence from a Justice of Peace.

And whereas many Persons are liable by Tenure, Inclosure, or otherwise, to the Repair of certain Highways, which having become Turnpike Roads, are more used, and occasion an Increase of the Expence in repairing and maintaining thereof, which ought in some Degree to be laid upon such Turnpike Road: For Remedy whereof, be it further enacted, That it shall and may be lawful for the Trustees of such Turnpike Road to agree with Power for Trustees of Turnpike Roads to agree with Persons liable by Tenure to repair any Part of such Road, concerning the future Repair of it.

with the Person or Persons liable to repair such Highway, for the Repair thereof, in such Manner as they shall think fit, and to contribute so much to the Repair thereof, out of the Tolls arising upon such Turnpike Road, or out of the Statute-duty belonging to the same, as they shall think just and reasonable.

Persons liable to repair old Highways turned or stopped up, shall be liable to repair a Part of the new Highway equal to the Burthen of the old One.

And whereas Parts of Highways or Turnpike Roads, have been, or may be, diverted and turned by legal Authority, to make the same nearer or more commodious to the Publick; and Doubts have arisen, and may arise, whether the Inhabitants of any Parish, Township, or Place, or any particular Person or Persons, liable to repair the old Highway or Road, so deviated from by Statute-duty, Tenure, or otherwise, ought to repair, or contribute to the Repair of, the Whole, or some, and what Part or Proportion of such new Highway or Road: For obviating which Doubts, and preventing Disputes about the same, be it enacted, That the Inhabitants of every such Parish, Township, or Place, and Person or Persons, who was, were, or shall be, liable as aforesaid, to the Repair of any such old Highway or Road, which hath been, or shall be, so diverted and turned, shall respectively be and continue in the same Manner liable to the Repair of such new Highway or Road, or so much thereof as shall be equal to the Burthen and Expence of repairing such old Highway or Road from which he, she, or they, shall be eronerated, by turning the same, as aforesaid: and that if the several Parties interested cannot agree therein, the same shall be viewed by Two Justices of the Peace of the Limit where such Road shall be, and settled, adjusted, and determined by them, in such Manner as they shall think just and reasonable; and from and after such Determination of the Justices, the Inhabitants of the said Parish, Township, or Place, or the Person or Persons liable to repair such new Highway or Road, as aforesaid, shall bear all Charges and Expences of Indictments and Prosecutions for not repairing the same: And if it shall be found more convenient to fix a gross Sum, or an annual Sum, to be paid by any such Inhabitants, or Person or Persons, towards the Repair of such new Highway or Road, instead

and if the Parties cannot agree, it shall be viewed and settled by Two Justices of the Peace.

A gross or annual Sum may be paid, if the Parties agree thereto.

stead of fixing the Part or Proportion of such new Highway or Road, to be repaired by him, her, or them, the said Justices may, with the Consent of such Person or Persons, and also of the Inhabitants interested therein, obtained at a Vestry or publick Meeting held for that Purpose, and also of the Trustees at a publick Meeting, if it be Turnpike Road, order and direct the same accordingly; which Order shall be, and for ever after continue, binding to all Persons whomsoever.

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

And be it further enacted, That in all Cases where any Action shall be brought by or against any Trustee or Trustees of any Turnpike Road, Evidence of such Trustee or Trustees 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, shall be sufficient Proof of his or their being a Trustee or Trustees.

Treasurers and Surveyors who have not already given Security, shall give Bond with Surety to the Trustees, for the duly paying and applying the Money in their Hands.

And be it further enacted, That every Treasurer and Surveyor of any Turnpike Road, who hath not already given proper Security to the Trustees of such Turnpike Road, duly to pay and account for the Money which hath come, or shall come to his Hands, as Treasurer or Surveyor, shall, on or before the Twenty-fifth Day of December next, and every succeeding Treasurer and Surveyor shall, within One Month after his Appointment, give a Bond to the said Trustees, with a sufficient Surety, in such Penalty as the said Trustees, at any publick Meeting, shall direct, conditioned for the duly paying and accounting for all such Money which shall be then in his Hands, or which he shall afterwards receive, as Treasurer or Surveyor, according to the Directions of the several Acts of Parliament respecting such Turnpike Road; which Bond shall be wrote upon Paper without any Stamp thereupon.

Trustees on the 30th *Sept.* next, to put on every Toll-gate a Table of the Tolls, and also of the Weights allowed to each Carriage,

And be it further enacted, That upon the Thirtieth Day of September, One thousand seven hundred and seventy-three, the Trustees of every Turnpike Road within that Part of Great Britain called England, shall, and are hereby required to put up, or cause to be put

up,

up, and afterwards to be continued upon every Toll-gate within their respective Districts, a Table of all the Tolls payable at every such Gate, distinguishing each Toll, and the different Sorts of Carriages for which they are to be paid, where there shall be any Variation therein; and also a Table of the Weights allowed for each Carriage, with the Loading thereof in Summer and Winter; And that the said Trustees shall, and are hereby required, from Time to Time, to examine and inspect, or cause to be examined and inspected, every Weighing Engine which shall be erected upon their respective Turnpike Roads, in order to see that the same, with the Weights belonging thereto, are kept in good Condition to weigh the Carriages and Loading with Accuracy.

and the Trustees to examine, or cause to be examined, the Weighing Engines, to see they are kept in good Order.

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.

Two Oxen to considered as One Horse.

And, for the better Discovery of Offenders against this Act, be it enacted, That the Owner of every Waggon, Wain, or Cart, and also of every Coach, Post-chaise, or other Carriage, let to hire, shall paint, or cause to be painted, upon some conspicuous Part of his Waggon, Wain, or Cart, 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 or her Christian and Surname, and the Place of his or her Abode, in large legible Letters, 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 Person using any such Carriage, as aforesaid, upon any Turn-

The Christian and Surname of the Owners of every Waggon, &c. and also of every Coach, &c. used for Hire, to be painted upon it,

and *Common Stage Waggon*, or *Cart*, where they travel Stages from Town to Town.

pike 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, for every such Offence, a Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Persons using Carriages without such Names and Descriptions, or with false Ones, forfeit not exceeding 5 *l.* nor less than 20 *s.*

And be it further enacted, That from and after the Twenty-ninth Day of September, One thousand seven hundred and seventy-six, the Tire of the Wheels of all Waggons, Wains, Carts, and Carriages, to be used upon any Turnpike Road, shall be countersunk in placing the same upon the Fellies, in such Manner that the Nails shall not rise above the Surface, and that the Sole or Surface of the Wheels shall be quite flat; and the Owner of every Carriage offending therein shall forfeit the Sum of Forty Shillings; and every Driver not being the Owner, the Sum of Twenty Shillings, for every Offence.

After *Michaelmas* 1776, the Tire of all Waggons, &c. shall be flat, and the Nails sunk so as not to rise above the Surface.

And whereas the Powers given by several Turnpike Acts are ineffectual for the Purposes of digging, providing, and carrying Materials, for the Use of the Turnpike Roads therein described, and also for the Purposes of enlarging, diverting, and turning such Turnpike Roads, and stopping up, selling, and disposing of the old Roads so to be diverted and turned; and also for the making, opening, and cleansing of Ditches and Drains, and the cutting and pruning of Hedges and Trees; and also for the calling forth and compelling the Performance of the Statute-duty which shall belong to such Turnpike Roads: And whereas more ample Powers, under proper Guards and Restrictions, have been given, or may be given, for the several Purposes aforesaid, by certain Clauses, Provisions, and Regulations, contained, or to be contained, in the Act or Acts of Parliament made, or to be made, for the Amendment and Preservation of the Highways in general, (which Highways comprehend and include Turnpike Roads); and it may be more beneficial to the Turnpike Roads, and to the Publick, if the Surveyors of Turnpike Roads were authorised, within their respective Limits, to apply Part of the Tolls and Statute-duty in carrying the said Powers into Execution,

When the Powers for providing Materials, enlarging and turning Turnpike Roads, making Drains, pruning Hedges and Trees, and calling forth the Statute-duty, are ineffectual,

and where more ample Powers for these Purposes are given by the Highway Act,

for the Use and Improvement of such Turnpike Roads;

the Surveyor of Turnpike Roads, with the Approbation of the Trustees, may execute and enforce these Powers upon and for the Benefit of the Turnpike Roads,

be it therefore enacted, That the Surveyors of every Turnpike Road, within that Part of Great Britain called England, shall and may, with the Approbation of the Trustees of every such Turnpike Road, apply any Part of the Tolls and Statute-duty arising to, from, or in respect of every such Turnpike Road, in the Execution of all and every the said Powers, Clauses, Provisions, and Regulations, which are, or shall be contained in the said Act or Acts of Parliament, for the Amendment and Preservation of the Highways, and shall and may execute and enforce the same upon and to the Benefit and Improvement of such Turnpike Roads respectively, for the several Purposes aforesaid, as fully and amply, but upon such Terms, under such Restrictions, and in such Manner and Form, to all Intents and Purposes, as the Surveyor of any Parish, Township, or Place, can or may do, or apply the same, by virtue of, or under such Act or Acts of Parliament.

upon the Terms, and under the Restrictions, in the Highway Act:

But Satisfaction shall be made by the Trustees of the Turnpike Roads for all such Materials as are got in several or inclosed Lands or Grounds.

Provided nevertheless, and be it further enacted, That when any Materials shall be dug or got by the Surveyor of any Turnpike Road, in the several or inclosed Lands or Grounds of any Person or Persons, for the Use of any Turnpike Road, by or under the Authority of this Act, or of the said Act or Acts, for the Amendment and Preservation of the Highways, Satisfaction shall be made by the Trustees of such Turnpike Road to the Owner or Occupier of such Lands or Grounds, for the Materials so to be dug or got, and also for the Damages in carrying away the same, in such Manner as Satisfaction is or shall be required to be made for the Damages occasioned by the digging, getting, and carrying away the Materials in several or inclosed Lands or Grounds, by virtue of the said Act or Acts for the Amendment and Preservation of the Highways.

The Forms of Proceedings contained in the Schedule to be used, and no Objection or Advantage shall be taken for want of Form.

And be it further enacted, That the Forms of Proceedings relative to the several Matters contained in this Act, which are set forth and expressed in the Schedule hereunto annexed, shall be used upon all Occasions, with such Additions or Variations only as may be necessary to adapt them to the particular Exigencies of the Case; and that

no

no Objection shall be made, or Advantage taken, for want of Form in any such Proceedings, by any Person or Persons whomsoever.

Constables, Surveyors, and all Persons employed with Salaries, refusing to execute these Act, and wilfully neglecting to prosecute Offenders for One Week after the Offence committed, forfeit 10*l.*

And, to enforce further a due Observance of this Act, be it 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-gatherer, and all other Persons employed, or to be employed, by Trustees appointed, or to be appointed, for the repairing Roads, as do or shall receive Salaries or Rewards, who shall wilfully neglect, for the Space of One Week after the Offence 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 Ten Pounds.

Conviction, upon what Evidence to be made.

Provided always, and be it further enacted, That no Conviction shall be had or made by virtue of this Act, unless upon 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 be deemed a competent Witness, notwithstanding 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 for repairing and amending the Roads on which any Offence contrary to this Act shall be committed.

Inhabitants good Witnesses notwithstanding they live in the Place where the Offence was committed.

Justices may act although they are Creditors or Trustees.

Persons resisting the Execution of the Act, or assaulting Collectors,

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 particular Highway; or shall assault 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

or Fences, set up, or to be set up, by Authority of Parliament, without paying the Toll appointed to be paid at such Gate or other Fence; or shall hinder, or attempt to prevent or obstruct any such Person or Persons in the measuring or gauging the Wheels of any Carriage, or make any Rescue of Cattle or other Goods, distrained by virtue of this Act; or if any Constable, Headborough, or Tithingman, shall refuse or neglect to execute any Warrant granted by any Justice or Justices of the Peace, pursuant to the Directions of this Act; every such Person offending therein, and being convicted thereof, in Manner aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices of the Peace before whom he or she shall be so convicted; to be paid to the Surveyor of the Turnpike Roads where the Offence was committed, and laid out in the Repairs thereof: And in case he or she do not forthwith pay, or secure to be paid, the said Forfeiture, after such Conviction, then it shall and may be lawful for such Justice or Justices of the Peace to commit such Person or Persons to the common Gaol, or House of Correction, of the County, Division, or Place, where such Offence shall be commited, there to remain for any Time not exceeding Three Months, unless the said Forfeiture shall be sooner paid.

and Constables disobeying Warrants of Justices of Peace, forfeit, not exceeding 10 *l.* not less than 40 *s.*

Penalties and Forfeitures to be levied and recovered by Distress and Sale:

And be it further enacted, That all Penalties and Forfeitures by this Act imposed, for any Offence against the same, and all Costs and Charges to be allowed and ordered by the Authority of this Act, (the Manner of levying and recovering of which is not hereby otherwise particularly directed), shall be levied by Distress and Sale of the Goods and Chattels of the Offender, or Person liable or ordered to pay the same respectively, by Warrant under the Hand and Seal of some Justice of the Peace for the Limit where such Offence, Neglect, or Default, shall happen, and such Order for Payment of such Costs or Charges shall be made, rendering the Overplus of such Distress and Sale, if any, to the Party or Parties, after deducting the Charges of making the same; which Warrants such Justice is hereby impowered and

required to grant, upon Conviction of the Offender, by Confession, or upon the Oath of One or more credible Witness or Witnesses, or upon Order made, as aforesaid; and the Penalties and Forfeitures, Costs and Charges, when so levied, shall be paid, the One Half to the Informer, and the other Half to the Surveyor of the Turnpike Road where such Offence, Neglect, or Default, shall happen, to be employed towards the Repair thereof, unless otherwise directed by this Act: And in case such Distress cannot be found, and such Penalties and Forfeitures, or the said Costs or Charges, shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorised and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders, or Person or Persons, liable to pay the same respectively, to the common Gaol, or House of Correction, of the Limit where the Offence shall be committed, or such Order, as aforesaid, shall be made, for any Time, not exceeding Three Months, unless the said Penalty, Forfeiture, Costs, or Charges, shall respectively be sooner paid: And if such Offender or Offenders, or Person or Persons, liable, or ordered to pay the same respectively, shall live out of the Jurisdiction of the Justice or Justices, hereby authorised to grant such Warrant, it shall and may be lawful for any Justice of the Peace of the Limit wherein such Person shall inhabit, and every such Justice is hereby required, upon Request to him for that Purpose made, and upon a true Copy of the Conviction whereby such Forfeiture or Penalty was incurred, or of the Order for the Payment of such Costs or Charges, produced and proved by a credible Witness upon Oath, by Warrant, under his Hand and Seal, to cause the Penalty or Forfeiture mentioned in such Conviction, or the Costs or Charges mentioned in such Order, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, or Person or Persons, liable, or ordered to pay the same respectively, as aforesaid; and if no sufficient Distress can be had, to commit such Offender or Offenders, or Person or Persons, liable, as aforesaid, to the common Gaol, or House of Correction,

How to be applied.

If no Distress, the Offender to be committed.

If the Offender lives out of Jurisdiction of the Justice, the Justices where he lives may proceed, having a Copy of the Conviction duly proved.

rection, of such Limit for the Time, and in Manner aforesaid.

No Warrant of Distress to be issued till Six Days after the Conviction.

Provided nevertheless, That no Warrant of Distress, unless otherwise directed by this Act, shall be issued for levying any Penalty or Forfeiture, Costs or Charges, until Six Days after the Offender shall have been convicted, and an Order made and served upon him or her for Payment thereof.

Forfeitures recovered on the Evidence of the Surveyor or other Officer employed by the Trustees with Salaries, shall be applied to the Use of the Roads.

Provided also, and be it enacted, That whatever Penalty or Forfeiture shall be levied or recovered on the Information of the Surveyor of any Turnpike Road, or of any Toll-gatherer, or other Person employed by the Trustees appointed for repairing the Roads, and receiving Salaries or Rewards for their Services, and not otherwise directed by this Act, shall go and be applied to the amending of the said Turnpike Roads respectively, and to no other Use or Purpose whatever; any Thing in this or any other Act to the Contrary notwithstanding.

Prosecutors may recover Forfeitures below 40 s. only by Information before a Justice, but above 40 s. by Information, as aforesaid, or by Action, &c.

And be it enacted, That every Prosecutor or Informer may, at his Election, 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 hereafter mentioned; that is to say, If the same shall not amount to the Sum of Forty Shillings, it shall be recoverable only by Information before a Justice of the Peace; and if the same shall amount to Forty Shillings, or upwards, it shall and may be recovered either by Information, as aforesaid, or 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 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; 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 Ten Days Notice in Writing

Writing be given to the Party offending previous to the Commencement of such Action; and that the same be brought and commenced within One Calendar Month after the Offence for which such Action is brought shall have been committed.

Ten Days Notice to be given before Action brought, and to be commenced within One Month after Offence committed.

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, 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 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 on the Case.

Distress not unlawful, nor the Party making it a Trespasser, for want of Form, or Irregularity in the Proceedings; but the Party aggrieved may recover Satisfaction for the special Damages.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on the 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 Judgements, shall be had, made, and given, in and by such Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover for any Irregularity in the Proceedings, if Tender of Amends be made before the Action brought.

Defendant may pay Money into Court.

Provided also, 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 hereafter mentioned, and for which no particular Method of Relief hath been already appointed,

Persons aggrieved may appeal,

such

such Person may appeal to the Justices of the Peace, at any 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 Person 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 Recognizance before some Justice of the Peace, with One sufficient Surety, 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 each and every Justice of the Peace, having received Notice of such Appeal, as aforesaid, shall return all Proceedings whatever had before them respectively touching the Matter of such Appeal, to the said Justices at their General Quarter Sessions aforesaid, on Pain of forfeiting Five Pounds for every such Neglect; and the said Justices, at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear, and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties 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.

upon giving Six Days Notice after the Cause of Complaint shall arise;

and entering into Recognizance to try the Appeal, and pay the Costs.

Justices, to whom Notice of Appeal shall be given, are to return all the Proceedings to the Quarter Sessions.

Justices at Quarter Sessions are to hear and determine the Complaints, and award Costs.

No Proceed- to be removed by *Certiorari*.

Provided, That no such Appeal shall be made against any Conviction for any Penalty or Forfeiture incurred by virtue of this Act, unless the Person convicted, shall, at the Time of such Conviction, if he shall be then present, if not, within Six Days after, give, o

No Appeal to be made against a Conviction, unless the Party give Notice thereof at the Time of Conviction, if present,

caule to be given, Notice of his or her Intention to appeal, and at the same Time enter into Recognizance, or give Security, with sufficient Sureties, to pay such Penalty or Forfeiture, in case such Conviction shall be affirmed upon such Appeal; and upon his or her giving such Security, the further Proceedings for such Penalty or Forfeiture shall be suspended until such Appeal shall be heard and determined.

if not, within Six Days after, and enter into Recognizance as above.

And be it enacted, That where any Oath is hereby required and directed to be made or taken, the Justices of the Peace of any Limit, or the Trustees 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 impowered to administer the same.

Justices and Trustees have Power to administer Oaths.

And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done or acted in pursuance of this Act; then, and in every such Case, such Action or Suit shall be commenced or prosecuted within Three Calendar Months after the Fact committed, and not afterwards; and the same and every such Action or Suit, shall be brought in the County where the Person against whom such Action or Suit shall be commenced doth ordinarily inhabit or reside, or where the Fact was committed, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, 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 and by the Authority of this Act: And if the same shall appear to have been so done, 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 than as aforementioned, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like

If Action be commenced for any Thing done under this Act, it shall be brought within 3 Months after the Offence committed, and in the County where the Defendant resides, or the Fact was done.

Defendant may plead the General Issue, and give the Act, and Special Matter, in Evidence.

If Plaintiff proceeds in any other Manner, the Jury are to find for the Defendant, and he is to have Treble Costs.

like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any Cases by Law.

The Statute of 7 Geo. III. repealed.

And be it further enacted, That from and after the Twenty-eighth Day of September, One thousand seven hundred and seventy-three, an Act, passed in the Seventh 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 of this Kingdom, and for other Purposes therein mentioned, (except so much thereof, as repeals the several Acts therein mentioned), shall be, and the same is hereby repealed; and that this Act shall commence and take Effect on the Twenty-ninth Day of September, One thousand seven hundred and seventy-three.

This Act is to commence on the 29th Day of Sept. 1773.

FINIS.

SCHEDULE

Containing the Form of PROCEEDINGS.

No. I.

Order of Truſtees for erecting a Weighing Engine.

At a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King George *the Third for* [State the principal Part of the Title of the Act] *held at the Day of* 17

IN purſuance of the Powers given to us by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for regulating the 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 Gate-keeper at the ſaid Gate or Bar for the Time being to attend the ſaid Weighing Engine, and carefully to weigh all Carriages paſſing, loaded

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, according to the Directions of the said Act, 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.

(*To be signed by Five at least of the Trustees.*)

No. II.

TABLE of Weights allowed in Winter and Summer to Carriages directed to be weighed, including the Carriage and Loading, by the Act of the Thirteenth *George* the Third.

	Summer. Tons.	Cwt.	Winter. Tons.	Cwt.
To every Waggon upon Rollers of the Breadth of Sixteen Inches,	1	7	1	7
To every Waggon with Nine Inch Wheels, rolling a Surface of Sixteen Inches on each Side,		9		9
To every Waggon with Nine Inch Wheels,		6		6
To every Cart with Nine Inch Wheels,		3		3
To every Waggon with Six Inch Wheels,		15		15
To every Waggon with Six Inch Wheels, rolling a Surface of Eleven Inches,		5		5
To every Cart with Six Inch Wheels,		2		2
To every Waggon with Wheels of less Breadth than Six Inches,		3		3
To every Cart with Wheels of less Breadth than Six Inches,		1		1

Agreement

N°. III.

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* 17 *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 Thirteenth Year of the Reign of His Majeſty King* George *the Third, for regulating the 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-thirds*), or (*Three-fourths*), 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.

N°. IV.

Complaint to the Court of Quarter Seſſions of a Turnpike Road being damaged by exceſſive Weights, and that there is no Weighing Engine upon it.

To the Juſtices at the General Quarter Seſſions of the Peace for the (County) Riding) Diviſion) *of*

WE, whoſe Names are ſubſcribed, being (*Creditors* or *Truſtees*) 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*], do hereby complain to the Juſtices at the ſaid Court, that a Part of the ſaid Turnpike Road, lying between and is much damaged by the Carriage of exceſſive Weights thereupon, and that the Truſtees of the ſaid Turnpike Road have hitherto neglected to erect, or order any Weighing Engine to be erected, upon the ſaid Road, purſuant to the Powers given to them by the Act paſſed in the Thirteenth Year of the Reign of King *George* the Third, *for regulating the Turnpike Roads*; and we apprehend, that if a Weighing Engine was to be erected upon the ſaid Road purſuant to the ſaid Act, at or near the Toll-gate at (or known by the Name of the Gate), it would contribute greatly to the Preſervation of the ſaid Road.

Signed this Day of 17

(*If a Juſtice of Peace makes the Complaint, the Form will be as under*);

Middleſex. I *A. B.* One of His Majeſty's Juſtices of Peace for the ſaid County, do hereby complain, *etc.* (*as above*).

N°. V.

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*

[*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 17

A. B. Clerk to the ſaid Truſtees.

N°. VI.

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 17 to enforce the Directions of an Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, *For regulating the Turnpike Roads* (as far as the ſame reſpects the erecting of Side-gates,) in purſuance of publick Notice given in Writing upon all the Toll-gates erected on the ſaid Road, and alſo in the Newſ-papers circulated in this Part of the Country, for Twenty-one 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*].

This to ſigned by Nine Truſtees at leaſt.

N°. VII.

Order of Truſtees for permitting Carriages with Six Inch Wheels to be drawn by Horſes in Pairs.

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, *etc.* [*State the material*

material Part of the Title of the Act], held at on the Day of One thouſand ſeven hundred it was requeſted by ſeveral Perſons, that Liberty ſhould be given to draw Carriages with Fellies of the Breadth of Six Inches, by Horſes in Pairs; and the State and Condition of the ſaid Turnpike Road being taken into Conſideration, and it appearing to us, that the ſaid Requeſt may be granted without Prejudice to the ſaid Turnpike Roads, we do hereby authoriſe all Perſons, who ſhall uſe Carriages with Fellies of the Breadth of Six Inches upon the ſaid Turnpike Road, to draw ſuch Carriages with Horſes in Pairs, if they ſhall think fit, from and after the Day of next, purſuant to the Power given to us by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *For regulating Turnpike Roads*.

(This Meeting muſt conſiſt of Seven or more Truſtees).

N. VIII.

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 Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for regulating the 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, give Security, with ſufficient Sureties, to the Satisfaction of the Truſtees of the ſaid Turnpike Road, for Payment of the Rent agreed for, and at ſuch Times as they ſhall direct.

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

Order

No. IX.

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*

WHEREAS by the ſaid Act there was no Power (*or no effectual Power*) given (*as the Caſe may be*) to the Truſtees to leſſen the Tolls authoriſed to be taken by the ſaid Act; we, whoſe Names are ſubſcribed, being Seven or more of the Truſtees acting under the ſaid Act, being now aſſembled for reducing the Tolls authoriſed to be taken by and under the ſaid Act, purſuant to publick Notice given for that Purpoſe in the News-paper 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 intitled to Five-ſixth 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 One thouſand ſeven hundred be leſſened and reduced in the following Manner; [*Here ſtate the ſeveral Reductions propoſed to be made*].

No. X.

Order of Two Juſtices, for determining what Repairs ſhall be done to new Roads by Perſons who are diſcharged from the Repair of old Roads.

Middleſex. WE, Two of His Majeſty's Juſtices of the Peace for the ſaid County, acting within the (*Hundred*) of in the ſaid County, having (at the Requeſt of the Parties intereſted in the Repair of Part of the Highway (*or Turnpike Road*) hereafter mentioned, who could not agree about the Repair thereof), viewed a certain Part of the

Highway, (*or Turnpike Road*) deſcribed in the Plan hereunto annexed, of the Length of Yards, which hath been ſet out and appropriated for a new Highway (*or Turnpike Road*) between and in lieu of an old Highway, (*or Turnpike Road*), which hath been ordered to be ſtopped up, and having alſo viewed the Ground where the ſaid old Highway was ſituated, and having ſummoned the Surveyor of the ſaid new Highway, (*or Turnpike Road*), and alſo *A. B.* (*who was liable by Tenure, etc.*) *If the old Road lay in a different Pariſh, and was to be repaired by the Inhabitants, leave out the Words in Italick, and inſert* (*the Surveyor of the (Pariſh, etc.) of where the ſaid old Road lay, who were liable*) to the Repair of the ſaid old Highway, (*or Turnpike Road*), to appear before us this Day; and having heard what has been alleged touching the Repairs of the ſaid Part of the ſaid Highway, (*or Turnpike Road*), and having fully conſidered the ſame, and all the Circumſtances of the Caſe, we think it juſt and reaſonable, and do hereby order and (*adjudge*), that the ſaid *A. B.* (*or the Inhabitants of the ſaid Pariſh, etc.*) ſhall, from Time to Time, repair, and keep in Repair, the Whole, (or a Part of the ſaid Highway) from to containing Yards in Length at each End, whereof we have cauſed a Poſt, or Stone, to be placed, to aſcertain the Extent thereof.

Given under our Hands and Seals, this Day of 17

(*If it be agreed, by the Conſent of the Parties, to pay a Sum in groſs, in lieu of ſuch Repairs, after the Word* (adjudge) *inſert* (By and with the Conſent of the ſaid *A. B.* ſignified by his ſubſcribing his Name to this Order,) (or by the Conſent of the Inhabitants of the ſaid *(Pariſh, etc.)* of ſignified in Writing, at a Veſtry or other publick Meeting, a Copy whereof is hereunder written) that the ſaid *A. B.* (*or the Inhabitants, etc.*) is (*or are*) liable to repair Part of the ſaid new Highway; and that if he (*or they*) ſhall, on or before the Day of next pay to the Surveyors of the Highways of the ſaid (*Pariſh, etc.*) of (*if it is not Turnpike Road*) and, if it be Turnpike Road, (*to the Treaſurer of the ſaid Turnpike Road*), the Sum of he the ſaid *A. B.* and his Heirs, (*or the ſaid Inhabitants, and their Succeſſors*) ſhall be for ever acquitted and diſcharged from the Burden and

Obligation to repair the ſaid new Highway, or any Part thereof.

(If it be by the Conſent of Parties agreed to pay an annual Sum in lieu of ſuch Repairs, the Form will be eaſily varied, and adapted to that Caſe.)

I do conſent and agree to the above Order.

A. B.

N°. XI.

Agreement of Inhabitants, at a Veſtry, or publick Meeting, to pay a groſs Sum, or annual Payment, to be diſcharged from the Repair of a particular Road.

WE, whoſe Names are ſubſcribed, being a Majority of the Inhabitants of the (*Pariſh, etc.*) of aſſembled, this Day of at a Veſtry, or publick Meeting, held purſuant to Notice duly given, for the Purpoſes of conſulting about an Agreement to be made concerning the Repair of Part of a Highway (*or Turnpike Road*) within the ſaid (*Pariſh, etc.*) of do conſent and agree to pay the Sum of to be abſolutely exonerated and diſcharged from all future Repairs of the ſaid Highway, (*or Turnpike Road*) (*or if an annual Payment be agreed upon*), to pay annually the Sum of

N°. XII.

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 *for* [State the principal Part of the Title of the Act] *held at the Day of* 17

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

Attorney or Agent, authoriſed 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 Thirteenth Year of the Reign of King *George* the Third, *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 Twenty-ninth Day of *September* 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 Twenty-fifth Day of *March*, 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.*]

N°. XIII.

Order of Juſtices at a Special Seſſion, for proportioning the Statute-duty, where there are Two or more Turnpike Roads in the ſame Place.

Middleſex. *At a Special Seſſions, held by Juſtices of the Peace for the ſaid County, acting for the* (Hundred) Riding) Diviſion, *etc.) of at within the ſaid* (Hundred, *etc.*) *the Day of* 17

IT appearing to us, that Part of the Highway lying in the (*Pariſh, etc.*) of was made Turnpike Road by

by an Act, paſſed in the Year of the Reign of King *George* the called the Turnpike Road, and alſo that Part of another Highway, lying in the ſame *(Pariſh, etc.)* was made a Turnpike Road by an Act, paſſed in the Year of the Reign of King *George* the called Turnpike Road; and that, &c. [*State the others in the ſame Manner, if there are more than Two*] and that by the ſaid ſeveral Acts, more than Three Days Statute-duty are required to be performed by the Inhabitants of the ſaid *(Pariſh, etc.)* upon all the ſaid Turnpike Roads; and we having, purſuant to the Directions of the Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, *for regulating the Turnpike Roads*, duly ſummoned the Surveyors of the ſaid ſeveral Turnpike Roads, and alſo the Surveyor of the ſaid *(Pariſh, etc.)* to appear before us this Day; and having had Regard to the Extent and Condition of the ſeveral Highways within the ſaid *(Pariſh, &c.)* and to the Tolls and Revenues ariſing from the ſaid Turnpike Roads, and having heard and conſidered the whole Caſe, we do order, that the Inhabitants of the ſaid *(Pariſh, etc.)* ſhall perform (*One*) Day's Statute-duty upon the ſaid Road called the Turnpike Road, (*One*) other Day's Statute-duty upon the ſaid Road called the Turnpike Road, &c. under the Directions and Inſpection of the Surveyors of thoſe reſpective Turnpike Roads, and the Remainder of their Statute-duty upon the other Highways within the ſaid *(Pariſh, etc.)* under the Direction and Inſpection of the Surveyor (*or Surveyors*) thereof.

A. B.

C. D.

[*The Proportion of the Duty to be varied as the Circumſtances of the Caſe ſhall require*].

19 P Order

N. XIV.

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.

Middlesex. *At a Special Sessions, held by Justices of the Peace for the said County, acting in the* (Hundred) *of within the said County, at on the Day of* 17

WHEREAS Application and Complaint upon Oath has been made unto us by *A. B.* Surveyor of the (*Parish, etc.*) of that the several Highways, not being Turnpike, within the said (*Parish, etc.*) are very extensive, and in bad Repair, and that a considerable Part of the Statute-duty arising within the said (*Parish, etc.*) hath been called forth, and required to be applied in the Repair of certain Turnpike Roads lying within the said (*Parish, etc.*), 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 shew 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, etc.*); 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, etc.*) 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 Thirteenth Year of the Reign of King *George* the Third, *for regulating Turnpike Roads*, do order, That from and after

after the Twenty-ninth Day of *September* next, there ſhall be only (*One*) Day's Statute Duty performed by the Inhabitants of the ſaid (*Pariſh, etc.*) 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, etc.*)

[*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. XV.

Licence by the Truſtees for drawing with an increaſed Number of Horſes up a ſteep Hill.

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*

IT appearing to us, upon the Oath of being a Perſon experienced in levelling, that the Riſe of (*Part of*) a certain Hill, upon the ſaid Turnpike Road, lying in the Pariſh of called or known by the Name of Hill, between the Poſt marked (*Put on*) and the Poſt marked (*Take off*) being Yards in Length, is above Four Inches in a Yard, we do hereby allow to be drawn up the ſaid Hill, between the Poſts above mentioned, Waggons, having the Soles or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, with Horſes; and Carts having the like Wheels, with Horſes; and Waggons having Wheels of the Breadth of Six Inches, with Horſes; and Carts having the like Wheels, with Horſes; and Waggons having Wheels of leſs Breadth than Six Inches, with Horſes; and Carts having the like Wheels, with Horſes.

[*This Form is calculated where any Part of the Hill between thoſe Poſts riſes above Four Inches in a Yard, but if the whole Riſe between the Poſts ſhall be upon an Average*

more

more than Four Inches in a Yard, before the Word (above) *inſert* (upon an Average) *which will authoriſe the Juſtices to allow more Horſes than mentioned in the Act.*]

N°. XVI.

Certificate of the above Order to the Juſtices of 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 17

A. B.

N°. XVII.

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, *(etc. etc. etc.)*

Dated this Day of 17

N°. XVIII.

Warrant from a Juſtice of Peace to enter the Toll-gate Houſe, and remove the Perſons therein.

Middleſex. *To the* (Conſtable, Headborough) Tything-man) *of* *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, I do hereby authoriſe 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 17

N°. XIX.

Notice for Contracts to be made, for getting and carrying Materials.

NOTICE is hereby given, that *A. B.* Surveyor of the Turnpike Road, lying between and will, on the Day of 19 Q next

next, at the Hour of in the noon, let the getting of (*Tons*) of Gravel, *or* (*Tons*) of Stone, to be got at a Pit at for the Uſe of the ſaid Turnpike Road, and will alſo let the Carriage of the ſaid Gravel (*or Stone*) from the ſaid Pit to where the ſame is to be uſed and employed upon the ſaid Turnpike Road; and all Perſons deſirous of entering into a Contract with the ſaid Surveyor, either for getting or carrying the ſaid Materials, are deſired to attend at the Time and Place before mentioned.

Dated this Day of 17

A. B.

N°. XX.

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, or Aſſigns, for which Payment we hereby bind ourſelves ſeverally, and each of our Heirs, Executors, and Adminiſtrators.

Dated the Day of 17

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 Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for regulating the 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. XXI.

Summons for any Person or Persons to attend a Justice or Justices.

Middlesex. *To A. B. of*

WHEREAS Complaint and Information hath been made upon Oath before me *C. D.* One of His Majesty's Justices of the Peace for the said *(County, etc.)* by *E. F.* of that, *etc.* [*Here state the Nature and Circumstances of the Case, as far as it shall be necessary to shew 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, etc.)* 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 and Seal, this Day of 17

No. XXII.

Information.

Middlesex. BE it remembered, That on the Day of 17 *A. B.* of in the said County, informeth, and maketh Oath before me One of His Majesty's Justices of the Peace for the said County, that of in the said County [*Here describe the Offence particularly, and follow the Words of the Act as near as may be*] contrary to the Statute, made in the Thirteenth Year of the Reign of King *George* the Third, *for regulating the Turnpike Roads*, which hath imposed a Forfeiture of for the said Offence.

Taken and sworn the Day of before me } *A. B.*

Form

No. XXIII.

Form of Conviction.

Middlesex. BE it remembered, That on the Day of in the Year of our Lord, 17 at in the County aforesaid, *A. B.* came before me *C. D.* Esquire, One of His Majesty's Justices of the Peace for the said County, and informed me, that *E. F.* of on the Day of now last past, at in the said County, did [*Here set forth the Fact, in the Manner described by the Statute*] whereupon the said *E. F.* after being duly summoned to answer the said Charge, appeared before me on the Day of at in the said County; and having heard the Charge contained in the said Information, declared, that he was not guilty of the said Offence; but the same being fully proved, upon the Oath of *G. H.* a credible Witness, it manifestly appears to me the said Justice, that he the said *E. F.* is guilty of the Offence charged upon him in the said Information; it is therefore considered and adjudged by me, the said Justice, that he the said *E. F.* be convicted, and I do hereby convict him of the Offence aforesaid; and I do hereby declare and adjudge that he, the said *E. F.* hath forfeited the Sum of of lawful Money of *Great Britain* for the Offence aforesaid, to be distributed as the Law directs, according to the Form of the Statute in that Case made and provided.

Given under my Hand and Seal, the Day of 17

This to be inserted where the Party refuses to appear upon the Summons.

After the Words "being duly summoned to answer to the said Charge," insert, *(did not appear before me, pursuant to the said Summons;)* or, *(did neglect and refuse to make any Defence against the said Charge; but the same being fully proved, etc.)* as before.

This to be inserted when the Party accused confesses the Charge.

After the Words "contained in the said Information," insert, *(acknowledged, and voluntarily confessed the same to be true, and it manifestly appears to me, the said Justice, etc.)* as above.

Warrant

N°. XXIV.

Warrant to diſtrain for the Forfeiture.

Middleſex. *To the* (Conſtable) Headborough) *or*, Tithingman) *of*

WHEREAS *A. B.* of in the ſaid County, is 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 *J. 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.

This to be varied according to the Direction of the Act in each particular Caſe.

Given under my Hand and Seal the Day of 17

C. D.

No. XXV.

Return of the Conſtable to be made upon the Warrant of Diſtreſs, where there are no Effects.

I *A. B.* Conſtable of the (*Pariſh, etc.*) 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 17.

A. B.

Sworn before me, the Day and Year, *etc.* *C. D.*

No. XXVI.

Commitment for want of Diſtreſs.

Middleſex. } *In the* (Conſtable) *of in the ſaid County, and to the Keeper of the common Gaol, (or the* House of Correction) *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 Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for regulating the 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 hereby 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 17

C. D.

N°. XXVII.

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 17

C. D.

FINIS.