Anno tertio

Georgii III. Regis.

An Act to continue the Term and enlarge the Powers of Two Acts of Parliament, for repairing the Highways from *Whitechapel Church*, in the County of *Middlesex*, to *Woodford*, in the County of *Essex*; and for Enlightening and Watching Part of the said Highway from *Whitechapel Church* to *Stratford*; and for repairing the Road through the Parishes of *Chigwell* and *Lambourn*, in the County of *Essex*.



WHEREAS by Two Acts of Parliament passed in the Eighth Year of the Reign of His Majesty King George the First, and the Tenth Year of the Reign of His late Majesty, several Tolls or Duties and Powers were given and granted to Trustees therein and thereby appointed, for repairing the Highways from the Stones-end at Whitechapel Church, in the County of Middlesex, to Shenfield, and to the furthermost Part of the Parish of Woodford leading to Epping, in the County of Essex; and for the repairing the Road leading from the Causeway

Preamble, reciting Acts 8 *Geo.* I. & 3 *Geo.* II.

Cauſeway in the Parish of Lowlayton, to the End of the Parish of Woodford, next to the Parish of Chigwell in the County of Eſſex: And whereas, there is now due and owing upon the Credit of the ſaid Acts, the Sum of Two thouſand nine hundred Pounds; which Sum, together with the Tolls collected, hath been applied in the Execution of the ſaid Acts; notwithſtanding which the ſaid Roads cannot be effectually repaired, widened, and kept in Repair, and the Money now owing be repaid, unleſs the Term granted by the ſaid Acts is further continued, and the Powers of the ſaid Acts are enlarged: And whereas, all the ſeveral Roads which lead from the Counties of Norfolk and Suffolk, and every Part of the County of Eſſex, to the City of London, unite and fall into One at or near Stratford Langthorn, in the ſaid County of Eſſex, at the Diſtance of about Four Miles from Whitechapel Church aforeſaid, by reaſon whereof, (and alſo that the Inhabitants reſiding in or near the ſaid Road within the ſaid Diſtance, are grown very numerous, and have great Intercourſe and Connections with the Inhabitants of the ſaid City) great Numbers of Carriages of all Sorts, as well as Foot Paſſengers, are conſtantly obliged to travel and paſs that Part of the ſaid Turnpike Roads which lies between London and the Four Mile-ſtone at Stratford Langthorne aforeſaid, as well by Night as by Day, and are thereby expoſed to great Danger and frequent Outrages and Violences, the ſaid Road, by reaſon of its Contiguity to the Suburbs of the ſaid City, being often in the Night-time infeſted with Robbers and other evil diſpoſed Perſons; which Danger, Outrages, and Violences, might in a great meaſure be prevented, if the ſaid Road was enlightened, and a proper Guard was kept thereon: And whereas, the Road from the ſaid End of the Parish of Woodford next to the Parish of Chigwell, through the Pariſhes of Chigwell and Lambourn, is in a ruinous Condition, narrow in ſome Places, and incommodious to Paſſengers, and cannot be effectually repaired, widened, and kept in Repair, by the preſent Methods provided by Law: Therefore, for the more effectual repairing, widening, and keeping in Repair all the ſaid Roads, and for the ſecuring and preſerving the Perſons and Property of all His Majeſty's Subjects paſſing upon the ſaid Part of the ſaid Roads: May it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled,

aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſixty three, the Truſtees appointed or to be appointed by or under the ſaid Two firſt mentioned Acts, or any Five or more of them, ſhall have full Power and Authority to cauſe ſuch and ſo many Lamps to be erected upon the ſaid Road, from the Obeliſk at Whitechapel Church aforeſaid, to the Four Mile-ſtones near Stratford aforeſaid, both in the Rumford and Woodford Roads, or to fix ſo many of ſuch Lamps as they ſhall think proper to the Freehold of any Perſon whatſoever, with the Conſent of the Owner thereof, making good the Damages which ſhall be done thereto by the ſame; and alſo to appoint ſuch a Number of fit and able-bodied Men to watch and guard ſuch Part of the ſaid Roads, ſo to be lighted, in the Night-time, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper and neceſſary; and ſhall alſo have full Power and Authority from time to time to contract with any Perſon or Perſons for lighting, maintaining, and repairing the ſaid Lamps, and to make ſuch Allowances to the ſaid Watchmen for their Attendance, and to give ſuch Orders and Directions concerning the ſame, and the Manner in which the ſaid Watchmen ſhall be armed and ſtationed upon the ſaid Road, and for the due and regular Performance of the ſaid reſpective Services, as they the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable, neceſſary, or expedient, and as the Nature of the ſaid Services may require; and ſhall alſo have full Power and Authority from time to time to remove any of the ſaid Watchmen, and appoint others in their ſtead, if they the ſaid Truſtees ſhall ſee Cauſe; and that the Expences of erecting, lighting, and maintaining ſuch Lamps, and the Allowances to be made to ſuch Watchmen, and all other Charges incident to the ſaid reſpective Services, ſhall be paid and defrayed out of the Money to be raiſed by virtue of the ſaid former Acts, or either of them, or by virtue of this preſent Act; any thing in the ſaid former Acts or either of them to the contrary notwithſtanding.

Truſtees under the Two Acts may erect Lamps from the Obeliſk at *Whitechapel Church* to the Four Mile-ſtones near *Stratford*; and appoint Watchmen.

Allowances to be made to the Watchmen;

who may be removed, and others choſen.

Expences how to be paid.

And be it further enacted, That the ſaid Watchmen ſhall, during the Time of their being ſtationed upon the ſaid Road, uſe their beſt Endeavours to prevent Murders, Robberies, and all other Outrages and Miſdemeanors; and to that End, it ſhall be lawful to and for the ſaid Watchmen, or any of them, to apprehend and ſecure all Malefactors, Rogues, Vagabonds, and other

Duty and Power of Watchmen.

diſorderly Perſons, who ſhall be found loitering, wandering, or misbehaving themſelves, or committing any Diſorders or Offences upon any Part of the ſaid Road ſo lighted, or whom the ſaid Watchmen ſhall have Reaſon to ſuſpect of any evil Deſigns; and the Perſon or Perſons ſo apprehended, ſhall be delivered as ſoon as conveniently may be into the Cuſtody of a Conſtable or other Peace Officer, who is hereby required, if he ſhall ſee ſufficient Cauſe, to ſecure ſuch Perſon or Perſons, and as ſoon as conveniently may be, convey him, her, or them, before ſome Juſtice or Juſtices of the Peace for the ſaid County of Middleſex or Eſſex, where the Offence ſhall be committed, or the Party or Parties taken as aforeſaid to be examined and dealt with according to Law.

Pariſhes, &c. liable to maintain Lamps, &c. by any former Act, not hereby excuſed.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That nothing herein before contained ſhall extend or be conſtrued to extend to excuſe any Pariſh, Town, or Place whatſoever, from erecting and maintaining ſuch and ſo many Lamps, or from keeping the ſame Watch and Ward, as every or any ſuch Pariſh, Town, or Place, now ought by any Act or Acts of Parliament, or by any Law, Cuſtom, or Uſage whatſoever, to erect and maintain or keep.

Lamps ſhall be placed ſo as to give Light to the main Road, as well as the Foot-path,

Provided alſo, and be it further enacted by the Authority aforeſaid, That all Lamps, which are already erected, or ſhall hereafter be erected in or by the Inhabitants or Pariſhioners of any ſuch Pariſh, Town, or Place, purſuant to ſuch Act or Acts of Parliament or otherwiſe as aforeſaid, on the Sides of any Part of the ſaid Road intended to be lighted as aforeſaid, ſhall be ſo placed by ſuch Pariſhioners and Inhabitants reſpectively, as to give Light to the main Road as well as the Foot-path; the ſaid Truſtees making a reaſonable Satisfaction to ſuch Pariſh, Town, or Place, in Money or otherwiſe, in Conſideration of and in Proportion to the Number of Lamps ſaved to the ſaid Truſtees thereby: And all Lamps which ſhall be erected by the ſaid Truſtees purſuant to this Act, ſhall be placed in like Manner, the ſaid Truſtees giving the Preference to the Horſe-path where both the Horſe and Foot-path cannot be equally enlightened.

the Truſtees making Satisfaction to ſuch Pariſh, &c.

Lamps erected by the Truſtees to be in the ſame Manner.

Truſtees may agree with Pariſhes to erect them Lamps for a Sum of Money.

Provided alſo, and be it further enacted by the Authority aforeſaid, That in caſe the Pariſhioners or Inhabitants of any Pariſh, Hamlet, Town, Ward, or Place, lying on the Side of any Part of the ſaid Road ſo intended to be lighted, ſhall be deſirous, for the better lighting and watching of ſuch Part of ſuch particular Pariſh, Town,

Town, Hamlet, Ward, or Place, as lies on the Sides of the said Turnpike Road, to have a greater Number of Lamps erected, or a greater Number of Watchmen appointed, than the said Trustees shall think necessary for the general Purpose of lighting and watching the main Road, it shall and may be lawful to and for the said Trustees, or any Five or more of them, at the Request of such Parishioners or Inhabitants, from time to time to contract and agree with them for the lighting and watching such Part of such Parish, Hamlet, Town, or Place accordingly, for an adequate Consideration or Sum of Money to be paid to the said Trustees, or any Five or more of them, for the same; and after such Contract made, to cause such additional or other Number of Lamps to be erected and maintained, and such additional or other Number of Watchmen to be kept there, as shall be so contracted and agreed for.

Penalty on wilfully damaging, &c. the Lamps.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any of the said Lamps, which shall be so erected by the said Trustees, or any of the Posts, Irons, or other Furniture thereof, or extinguish any of the said Lamps when lighted, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the said Counties of Middlesex or Essex within his or their Jurisdiction, and he and they is and are hereby required upon Oath made of the Commission of any such Offence (which Oath such Justice or Justices is and are hereby impowered and required to administer to any Person or Persons offering to make the same) to issue a Warrant or Warrants for apprehending the Party or Parties accused; or it shall be lawful for any Person or Persons whatsoever, who shall see such Offence committed, to apprehend, as also for any other Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Counties of Middlesex or Essex, where the Offence shall be committed, or the Party offending taken, to be dealt with as herein after is directed; and the Party or Parties accused being brought before any such Justice, or Oath being made before him that such Party or Parties cannot be found and apprehended (which Oath the said Justice is hereby also impowered and required to administer)

ner) such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted, shall, for the First Offence, respectively forfeit the Sum of Ten Shillings for each Lamp so broken, thrown down, damaged, or extinguished as aforesaid; and for the Second Offence, the Sum of Fifteen Shillings, and for the Third and every other subsequent Offence, the Sum of Twenty Shillings; and full Satisfaction shall also be made to the said Trustees, or any Five or more of them, or to their Surveyor, by such Offender or Offenders, for the Damage so by him, her, or them done as aforesaid: And in case such Offender or Offenders shall not upon Conviction pay such Forfeiture by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be convicted, is hereby required to commit him, her, or them, to the House of Correction, for the respective County where the Offence shall be committed, there to be kept to hard Labour for any Time not exceeding Three Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and One Moiety of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers, and the other Moiety shall be applied in the repairing the said Road: And if any Person shall negligently or accidentally break, throw down, or otherwise damage any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not upon Demand make Satisfaction to the said Trustees, or any Five or more of them, or to their Surveyor, for the Damage by such Person done as aforesaid, it shall be lawful for any Justice of the Peace for the said Counties respectively, and he is hereby required, upon Complaint to be made by any Five or more of the said Trustees, or by their Surveyor, to summon the Party complained of, and upon his or her Appearance, or making Default to appear (Oath being made that the Party complained of was served with such Summons, or that the same was left at his or her Dwelling-house or Place of Abode, if known, or that he or she could not be found) such Justice shall proceed to examine the Matter of the said Complaints,

Persons accidentally damaging, &c. Lamps, to make Satisfaction.

Complaint, and upon Proof thereof, either by Confession of the Party complained of, or by the Oath of One or more credible Witnesses or Witnesses (which Oath the said Justice is hereby impowered and required to administer), shall award and order such Satisfaction to be made by the Party complained of for the Damage so by him or her done, as to such Justice shall appear just and reasonable; and shall cause the Sum so awarded (in case the same be not paid forthwith upon the making of such Award or Order) to be levied by Distress and Sale of the Offender's Goods and Chattles, rendering to him or her the Overplus (if any be) upon Demand, after the Charges of prosecuting such Complaint, and of such Distress and Sale shall be deducted: And in case sufficient Distress cannot be found, such Justice shall commit the Party complained of to the Common Goal or House of Correction for the County where the Offence shall have been committed, until he or she shall pay the Sum so awarded, or for any Time not exceeding the Space of One Calendar Month.

Parishes contracting with Trustees for Lamps,

And, for the better enabling such Parishioners and Inhabitants, who shall so contract and agree with the said Trustees for an additional Number of Lamps or Watchmen as aforesaid, to raise such Sums of Money as shall be so agreed to be paid for the same; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Parishioners and Inhabitants respectively, who shall contract and agree with the said Trustees as aforesaid, or any Five or more of them, assembled at any publick Meeting within such Parish wherein such Part of the said Road shall lie, on publick Notice of such said intended Meeting given in the Parish Church of such Parish, on the Sunday next preceding such Meeting, to make Rates upon themselves for raising such Sums of Money as shall be agreed to be paid to the said Trustees as aforesaid, by the Person so contracting as aforesaid, according to the Rents of their respective Houses or Tenements lying on the Side of that Part of the said Road so agreed to be watched and lighted, with an additional Number of Lamps and Watchmen; which Rates so from time to time to be made at any such Meeting or Meetings, and signed by the major Part of the said Inhabitants then and there assembled, shall be good and binding on all the said Inhabitants who shall have so contracted and agreed; and the Money thereby rated shall and may be recovered by the said Trustees, or any Five or more of them, as any Penalty by this Act inflicted is recoverable.

Expences to be raised by a Rate.

Proviſo. Provided nevertheleſs, That no ſuch Rate ſhall be binding or extend to any Perſon, who ſhall not have entered into and ſigned ſuch Contract with the ſaid Truſtees.

New Tolls, And in order to bear the Expence of keeping ſuch Watch, and erecting, lighting, and maintaining ſuch Lamps as aforeſaid; be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June, the ſaid Truſtees, or any Five or more of them, or any Perſon or Perſons by them duly authorized, ſhall and may demand, have, receive, and take, at any Turnpike-gate or Gates, Bar or Bars, erected or to be erected in purſuance of the ſaid Acts or this Act, for every Coach, Chariot, Chaiſe, Berlin, Landau, Calaſh, Hearſe, and every Pleaſure Carriage drawn with more than One Horſe, paſſing through ſuch Turnpike-gate or Gates, Bar or Bars, before they ſhall be admitted to paſs the ſame reſpectively (over and above ſuch Tolls or Duties as are granted by the ſaid former Acts) the following Tolls or Duties; that is to ſay,

If the ſame be drawn with Two Horſes, the Sum of One Penny,

If drawn with Four Horſes, the Sum of Three Pence,

And if drawn with Six Horſes, the Sum of Five Pence,

And that from and after the Twenty fourth Day of June, which will be in the Year of our Lord One thouſand ſeven hundred and ſixty five, the ſaid Truſtees, or any Five or more of them, or any Perſon or Perſons by them authorized as aforeſaid, ſhall and may demand, have, receive, and take, at any ſuch Gate or Gates, Bar or Bars, as aforeſaid, for every Cart, Waggon, or Carriage, laden with Hay or Straw in the Truſs, or with Wood or Faggots (except Carts drawn by One Horſe only, and all Carts, Waggons, and Carriages for Loadings, the Wheels whereof are of the Breadth or Gage of Nine Inches in the Fellies) the Sum of Two Pence, over and above all other Tolls and Duties by the ſaid Two former Acts laid thereon; and for every Cart, Waggon, or other Carriage for Loading (except as aforeſaid) if the ſame be laden with any Kind of Manure for Land or Gardens, or being unloaden and going to fetch any ſuch Manure (for which no Tolls or Duties are

granted by the said former Acts) the Sum of Four Pence, before any such Waggon, Cart, or Carriage (except as aforesaid) shall be permitted to pass through such Gate or Gates, Bar or Bars: All which said Tolls and Duties hereby granted are hereby vested in the said Trustees, and shall be applied by them, or any Five or more of them, in the First Place, to pay all the Expences and Costs attending the procuring and passing of this Act, and afterwards to and for the several Purposes in this present Act and the said former Acts mentioned and directed, and not otherwise; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, shall from time to time nominate and appoint for that Purpose, by Warrant under their Hands and Seals, to levy the said Tolls and Duties hereby granted, upon any Person or Persons liable thereto, who shall after Demand thereof made refuse or neglect to pay the same, by Distress and Sale of any Horse or Horses drawing such Coach, Chariot, Chaise, Landau, Calash, Hearse, Pleasure Carriage, Cart, Waggon, or Carriage for Loadings, for which such Tolls and Duties are respectively granted as aforesaid, or by Distress and Sale of any Goods or Chattles of the Person or Persons who ought to pay the same, by such Ways and Means and in such Manner as hereinafter is directed.

vested in the Trustees;

with Power to distrain.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That none of the said Tolls or Duties granted by the said Two former Acts, or by this present Act, shall be demandable in any One Day more than once, nor at more than One of the said Gates, Bars, or Turnpikes (such Day to commence and be computed from and after Twelve of the Clock of the preceding Night, and to continue to the same Hour of the next Night) provided that every Person having paid at any One such Gate, Bar, or Turnpike, and requiring to go through the same, or any other such Gate, Bar, or Turnpike, within such Day, shall and do produce to the Receiver or Collector there a Toll Ticket received on that Day at any One of such Gates, Bars, or Turnpikes (which Ticket the Collectors or Toll-gatherers at such Gates are hereby required to deliver gratis on Payment of every Toll) and provided that such Person pass with the same Coach, Chariot, Chaise, Horse, Ass, Mule, Cattle, Waggon, Cart, Dray, or other Carriage, for which such Tolls or Duties were before paid, and not otherwise:

No Toll to be demanded more than Once in a Day, nor at more than One Gate,

(producing a Ticket)

nor on Election Days.

wise: Nor shall any of the said Tolls or Duties be demanded at any of the said Gates, Bars, or Turnpikes (for any Coach, Chaise, or other Carriage with Passengers, nor of any Persons riding on Horseback) on the Day or Days on which there shall be any Election for a Knight or Knights of the Shire for the said Counties of Middlesex or Essex respectively; any thing herein, or in the said former Acts, or either of them, contained to the contrary notwithstanding.

Repeal of Clause 8 *Geo.* I. limiting the Day to 10 at Night.

And be it further enacted by the Authority aforesaid, That so much of the Clause in the said Act of the Eighth Year of King George the First, made to prevent Persons being liable to pay Toll twice in One Day, as limits such Day to Ten of the Clock at Night, between the Eleventh Day of September and the Eleventh Day of March, shall, from and after the Twenty fourth Day of June, One thousand seven hundred and sixty three, be repealed.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning or occupying any Lands or Tenements near to any of the said Turnpike Gates or Bars, shall permit or suffer any Person or Persons to pass through any Land, Gate, Passage, or private Way, with any Carriage or Sort of Cattle, for which any Toll or Duty is granted by the said former Acts or this Act, whereby the Payment of any such Toll or Duty shall or may be avoided; or if any Person shall take off, or cause to be taken off, any Horse, Mare, or other Cattle from any Carriage, with an Intent to avoid Payment of any of the said Tolls or Duties, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every such Offence, to be levied and applied as herein after is directed.

Penalty on Persons giving or receiving Tickets, to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall give or dispose of any Ticket or Tickets, so given on or for Payment of Toll as aforesaid, in order to avoid Payment of any of the said Tolls or Duties granted by the said former Acts or this Act, or if any Person shall write on or alter any such Ticket, or any Figures or Letters thereon, with such Intent as aforesaid, every Person giving, and every Person receiving, writing on, or altering such Ticket as aforesaid, shall forfeit and pay the Sum of Twenty Shillings for every such Offence, to be levied and applied as is herein after directed.

And

And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and sixty three, it shall and may be lawful to and for the said Trustees, from time to time, at any General Meeting or Meetings to be called for that Purpose (at which General Meetings not less than Nine of the said Trustees shall be present) to lessen and reduce all or any of the Tolls granted by the said former Acts, or this present Act, if they the said Trustees, or the major Part of them, shall so think fit; and also from time to time, at such like Special General Meetings, to raise and increase the same Tolls, as they, or the major Part of them, shall see convenient, and to order and direct the said Tolls, so lessened and reduced, or raised and increased, to be collected and taken in such Manner, Parts, and Proportions, as they shall think fit, so as the Tolls so varied do never exceed the present Tolls by the said former Acts, or this Act granted, nor ever be lessened until the Money borrowed, or which shall be borrowed on the Credit thereof, with the Interest of the same, be repaid, or reduced to Five hundred Pounds, or under, or the Persons to whom such Money and Interest shall be due, consent to such lessening the said Toll; any thing in the said former Acts, or the present Act, contained to the contrary notwithstanding: And the said Tolls and Duties so varied, and every of them, shall be collected, recovered, laid out, and applied, in the same Manner as the Tolls and Duties by the said former Acts, or this Act granted, are directed to be collected, recovered, and applied. Trustees may reduce the Tolls, &c.

And, for the better effecting the Purposes aforesaid, and for rendering more effectual the Powers granted by the said Two former Acts and this Act, be it further enacted by the Authority aforesaid, That the Right and Property of all such Lamps as shall be erected or fixed in pursuance of this Act, with the Posts, Irons, and other Furniture of such Lamps, and also of all Watch-houses, Coats, Implements, and Things to be provided for the said Watchmen, and also the Right and Property of all and every the Gates, Bars, Turnpikes, Toll-houses, Store-houses, Rooms, Sheds, Carts, Engines, Weights, Mile-stones, Materials for Repairs, Pavements, Posts, Rails, Implements, Utensils, and Things whatsoever, which are or shall be erected and set up, or bought and purchased by the said Trustees, or any Five or more of them, Lamps, &c. vested in the Trustees,

them, or by their Order, or otherwise belonging to and used by them for the putting in Execution this present Act, or the said former Acts, or either of them, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to dispose of the same as they shall think fit, and to bring Actions in the Names of any Five or more of them, or in the Name of their Treasurer or Clerk for the time being, or to prefer and prosecute with Effect Bills of Indictment against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same, or any of them, to their own Use or Uses, or shall disturb them the said Trustees in the Possession of the Property thereof.

With Power to bring Actions, &c.

Trustees:

And be it further enacted by the Authority aforesaid, That the Trustees appointed or to be appointed by or under the said Two former Acts, or this present Act, shall be Trustees for putting the said Acts, and this Act, in Execution; and they, or any Five or more of them (except where a greater Number of Trustees is expressly required by the said former Acts or this Act) are hereby authorized and impowered to put the same in Execution to all Intents and Purposes whatsoever; and they, or any Five or more of them, shall meet for that Purpose at such Times and Places as they are, or shall or may be, adjourned to, or which shall be otherwise publickly appointed for such Meetings, from time to time, according to the Intent of the said Acts, or of this Act; and that no Warrant or Order of the said Trustees, which shall be required to be signed, shall be good and effectual, unless the same be signed by Five or more of them; nor shall any Order, Act, or Determination of the said Trustees at such Meetings be good or valid, unless there be Five or more of the said Trustees present at such Meetings respectively, nor unless such Order, Act, or Determination be made with the Consent of the major Part of the Trustees present at such Meetings, nor unless such Meetings be held according to such Adjournment or previous Appointment, or in pursuance of some Resolution of the Trustees present at some former Meeting or Meetings, whereby any Person or Persons is, are, or shall be authorized to carry such Resolution into Execution; nor shall any Order made or to be made by Five or more of the said Trustees as aforesaid, be revoked, repealed, or set aside, by any subsequent Order of Trustees, unless

Their Meetings regulated.

Nine

Nine or more of the said Trustees shall be present at and concur in the making such subsequent Order.

Trustees in certain Cases disqualified.

Provided always, and be it further enacted by the Authority aforesaid, That no Person appointed or to be appointed a Trustee for putting in Execution the said former Acts, or this Act, shall be capable of acting as such, unless he be then actually resident in the County of Middlesex or Essex, or in the City of London; nor in case he shall accept of any Office or Place of Profit arising out of the said Tolls or Duties, or any of them, during his Enjoyment of such Place or Office; nor shall any Trustee be present at the Debate, Consideration, or Determination, of, or upon, any Proposal, Contract, Matter, or Thing whatsoever, wherein he is personally interested; nor shall any Victualler or Retailer of Beer or Ale, or any Spirituous Liquors whatsoever, be capable of holding or enjoying any Office under the said Trustees.

Trustees who are in the Commission of the Peace to act as Justices.

Provided nevertheless, and it is hereby further enacted and declared by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for any Trustee or Trustees appointed or to be appointed by or under the said former Acts, or this present Act, for putting the same in Execution, who is, are, or shall be, in the Commission of the Peace for the Counties of Middlesex and Essex, or either of them, to act as a Justice or Justices of the Peace within their respective Jurisdictions, for putting in Execution the several Powers and Authorities granted by the said former Acts, or this present Act, notwithstanding his or their being a Trustee or Trustees as aforesaid.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds; or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds: And if any Person hereby deemed incapable to act, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same, to be recovered

recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Power to borrow Money.

And, forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act granted may not be sufficient at present to answer the Purposes by this Act intended, be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, from time to time, by Writing under their Hands and Seals, to assign over the Tolls or Duties hereby granted, or any other Tolls or Duties granted by the said former Acts (the Costs and Charges of such Assignment to be borne and paid out of such Tolls and Duties) for any Term during the Continuance of the said former Acts, and of this Act, or for any Part of such Term, as a Security for any Sum or Sums of Money to be borrowed for that Purpose, unto such Person or Persons, or their Trustees, who shall advance the same, to secure the Repayment thereof, with Interest not exceeding the Rate of Five Pounds per Centum per Annum; which Money so borrowed shall be disposed of as the said Tolls or Duties hereby granted are herein before directed to be disposed of, and to and for no other Use, Intent, or Purpose whatsoever: And the said Mortgages and Securities shall, from time to time, be assignable by such Mortgagee or Mortgagees, so as every such new Assignment be, within Two Months after the making thereof, produced and notified to the Treasurer or Clerk to the said Trustees for the time being, to the end that he may make due Entries thereof; and from the Time of making such Entry, such new Assignee and As-

signees shall be intitled to all Benefit of the said Mortgages, and to Payment thereon.

And be it further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, which will be in the Year of our Lord One thousand seven hundred and sixty six, it shall and may be lawful to and for the said Trustees and their Successors, or any Twenty one or more of them, from time to time, by any Writing under their Hands and Seals, to assign, demise, lease, and to farm let the Tolls and Duties by this and the said former Acts granted, to any Person or Persons who shall be willing to farm the same, from Year to Year (such Year always to commence from the Twenty ninth Day of September) for any Term not exceeding Three Years, for the best Price the said Trustees or their Successors can get, payable at such Times, and under such Covenants, as they the said Trustees or their Successors, or any Twenty one or more of them, shall think fit; which Money so received by the said Trustees, or their Order, shall be applied and disposed of as the Tolls or Duties granted by this Act, and the said former Acts, are directed to be applied and disposed of. Clauses regulating the leasing the Tolls.

Provided nevertheless, That the said Tolls or Duties shall not be so let but at some publick Meeting to be held for that Purpose, and after Notice given that the Trustees will then let the said Tolls and Duties, by Advertisement in some publick News Paper, for One Month preceding such Meeting. Proviso.

Provided also, That no such Contract shall be binding, unless the same shall be proposed at a General Meeting, Notice of which shall have been given as aforesaid, agreed to at a Second General Meeting, and confirmed at a Third General Meeting, at which several Meetings Twenty one Trustees shall be present and concur therein. Proviso.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Surveyor or Surveyors nominated or to be nominated and appointed by the said Trustees, or any Five or more of them, and to and for such Person or Persons as he or they shall appoint, from time to time, to prevent and remove all Obstructions, Annoyances, and Encroachments, on the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise, and to stop or turn any Watercourses, Sinks, or Drains, running into, along, or out of, any Part of Surveyors may remove Annoyances, &c.

the said Roads, or otherwise, to the Prejudice thereof; and to open, scour, and cleanse, as often as it shall be necessary, any Ditches or Watercourses adjoining to any Part of the said Roads, and to make the same as deep and as large as he or they shall think fit and necessary; and also to cut down, lop, or top, any Trees, Branches, or Bushes, growing, or to grow, on any Part of the said Roads, or in the Banks or Hedges adjacent thereto, in case the Owners or Occupiers of the Premisses where such Obstructions, Annoyances, and Incroachments, are respectively, or the Persons causing the same shall neglect to reform and remove them, or to open, scour, or cleanse, such Ditches or Watercourses, or to cut down, lop, or top, such Trees, Branches, or Bushes, for the Space of Five Days after Notice in Writing given or left for that Purpose under the Hand or Hands of any Five or more of the said Trustees, or of their said Surveyor or Surveyors for the time being by their Order; the Charges whereof shall be paid and reimbursed by such Owners and Occupiers respectively, to the said Surveyor or Surveyors: And in case any of the said Owners or Occupiers shall refuse or neglect to pay such Charges upon Demand, it shall and may be lawful to and for the said Surveyor or Surveyors, by Warrant under the Hands and Seals of any Five or more of the said Trustees; which said Warrant the said Trustees, or any Five or more of them, are hereby authorized and impowered to grant, upon the Information or Evidence of the said Surveyor, or any other credible Witness, upon Oath (which Oath the said Trustees, or any Five or more of them, are hereby impowered and required to administer) to levy the same by Distress and Sale of the Goods and Chattles of such Owners or Occupiers respectively, by such Ways and Means, and in such Manner, as hereinafter is directed: And if, after Removal of any such Obstructions, Annoyances, and Encroachments, as aforesaid, any Person or Persons shall offend again in the like Kind, every such Person so offending, and being thereof convicted by his own Confession, or on the Oath of any One credible Witness, before One or more Justice or Justices of the Peace for the said Counties of Middlesex and Essex respectively, where the Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Ten

cleanse Watercourses,

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor,

to be levied by Distress and Sale.

Penalty on a Second Offence.

Ten Shillings, to be levied and applied in such Manner as herein after is mentioned.

And whereas the Road leading from the further End of the said Parish of Woodford, next to the said Parish of Chigwell, through the said Parishes of Chigwell and Lambourn, in the said County of Essex, in the Road leading towards Ongar, is in a ruinous Condition, in some Places narrow, and in the Winter Season dangerous to Passengers, and the same cannot be put into or kept in sufficient Repair by the present Methods provided by Law: And whereas the Parishioners and Inhabitants of the said Parishes of Chigwell and Lambourn have proposed to and agreed with the said Trustees to pay to them the Sum of Sixty Pounds; that is to say, For the Parish of Chigwell Fifteen Pounds, and for the Parish of Lambourn Forty five Pounds, for or towards the Charges of putting the said Road into Repair for the First Year, and afterwards to pay to them the yearly Sum of Fifteen Pounds for the said Parish of Chigwell, and the Sum of Fifteen Pounds for the said Parish of Lambourn, as Compositions in lieu of their Statute Labour, as hereinafter is mentioned: Now to the End that the said Road may with all convenient Speed be effectually amended and hereafter kept in good Repair, be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and sixty three, and on Payment of the said Sums by the said Parishes of Chigwell and Lambourn, in Manner as aforesaid to the said Trustees, or any Five or more of them, and during the Continuance of the said former Acts and of this present Act, the said Road from the End of the said Parish of Woodford, through the said Parishes of Chigwell and Lambourn, shall be at convenient and suitable Times amended and repaired by the said Trustees out of the said Tolls; and all and every the Powers by the said former Acts or this present Act vested in the said Trustees, shall extend to the repairing, widening, and maintaining, the said last mentioned Road, to all Intents and Purposes as if the same had been mentioned and directed to be repaired in and by the said former Acts; any thing in the said former Acts contained to the contrary notwithstanding.

Chigwell and *Lambourn* Roads to be repaired out of the Toll.

And whereas the said Trustees have usually agreed, pursuant to the said former Acts, with the several Parishes, Hamlets, and Places, liable to do their Statute-

work

work on the said Roads, for certain Compositions in Money, in lieu of their said Statute-work or Repairs; and it has been found much more convenient for all Parties to have the said Compositions paid in Money, than to have the said Statute-work and Repairs done by the Inhabitants of the said Parishes, Hamlets, and Places: And whereas the Parishioners and Inhabitants of the several Parishes, Hamlets, and Places after mentioned, are willing to pay the several Sums of Money herein after mentioned yearly and every Year during the Continuance of this Act, for and towards the Repairs of the said Road, in lieu of their said Statute-work: Therefore be it further enacted by the Authority aforesaid, That from and after the passing of this Act, the several Parishes, Hamlets, and Places, herein after mentioned, shall be chargeable with, and shall pay yearly and every Year during the Continuance of this Act, for and towards the Repairs of the said Roads, as a Composition for and in lieu of their Statute-work, the following Sums of Money; that is to say, The Parish of Saint Mary Matfellon, otherwise White Chapel, in the County of Middlesex, the Sum of Thirty Pounds; the Parish of Stepney, otherwise Stebunheath, in the same County, the Sum of Thirty seven Pounds, and Ten Shillings; that is to say, The Hamlet of Mile End Old Town, as Part of the said Parish of Stepney, otherwise Stebunheath, in the same County, the Sum of Six Pounds, Fourteen Shillings, and One Penny; the Hamlet of Mile End New Town, as other Part of the same Parish, the Sum of Three Pounds, Four Shillings, and Three Pence; the Hamlet of Ratcliffe, as other Part of the same Parish, the Sum of Six Pounds, Fourteen Shillings, and One Penny; the Hamlet of Poplar and Blackwall, as other Part of the same Parish, the Sum of Five Pounds, Seven Shillings, and Three Pence; the Parish of Saint Ann Limehouse, late Part of the same Parish, the Sum of Five Pounds, Seven Shillings, and Three Pence; the Parish of Saint George, Middlesex, late Part of the same Parish, the Sum of Four Pounds, and Five Pence; the Parish of Christ Church, late Part of the same Parish, the Sum of Six Pounds, Two Shillings, and Eight Pence; the Parish of Saint Leonard Bromley, in the County of Middlesex, the Sum of Six Pounds, and Five Shillings; the Parish of Bow, in the same County, the Sum of Six Pounds, and Five Shillings; the Parish

Compositions for Statute-work,

rish of West Ham, in the County of Essex, the Sum of Seven Pounds, and Ten Shillings; the Parish of East Ham, in the same County, the Sum of Two Pounds; the Parish of Little Ilford, in the same County, the Sum of One Pound, and Five Shillings; the Parish of Barking, in the same County, the Sum of Five Pounds; the Parish of Dagenham, in the same County, the Sum of One Pound, and Ten Shillings; the Parish of Hornchurch, in the same County, exclusive of Rumford, the Sum of One Pound, and Five Shillings; that Part of the said Parish of Hornchurch called Rumford, in the same County, the Sum of Six Pounds, Eleven Shillings, and Three Pence; the Parish of Southweal, in the same County, exclusive of Brentwood, the Sum of One Pound, and Fifteen Shillings; that Part of the Parish of Southweal called Brentwood, in the same County, the Sum of One Pound, and Five Shillings; the Parish of Lowlayton, in the same County, the Sum of Three Pounds, and Fifteen Shillings; the Parish of Wanstead, in the same County, the Sum of Two Pounds; the Parish of Woodford, in the same County, the Sum of Four Pounds, and Fifteen Shillings: Which said Compositions or Sums of Money, and also the Compositions and Sums of Money herein before-mentioned to be paid by the Parishes of Chigwell and Lambourn, shall be paid yearly by the Overseer or Overseers of the Poor for the time being for the said Parishes, Hamlets, and Places respectively, unto the said Trustees, or any Five or more of them, or to their Treasurer or Clerk, or any other Person who shall be authorized by them to receive the same, on or before the Twenty fifth Day of March in each Year, out of the Monies to be collected for the Relief of the Poor, for each Parish, Hamlet, Town, and Place aforesaid, commonly called the Poor's Rate (without making any particular or Distinct Rate for that Purpose) the first Payment thereof respectively to be made on or before the Twenty fifth Day of March, One thousand seven hundred and sixty four: And in case any of the said Sums of Money, so chargeable on the said respective Parishes, Hamlets, Towns, or Places as aforesaid, or any Part thereof, shall be behind and unpaid by the Space of Fifteen Days after the End of each Year for which such Composition shall become due, and after Demand shall be made thereof in Writing under the Hand of the Treasurer or Clerk to the said Trustees for the time being, by Order of the said

to be paid out of the Poor's Rates;

with Power of Distress:

Truſtees, or any Five or more of them, to be given to any of the Overſeers of the Poor for the time being for ſuch Pariſhes, Hamlets, Towns, or Places reſpectively, or left for him or them at his or their uſual Place of Abode; it ſhall and may be lawful to and for any One or more of His Majeſty's Juſtices of the Peace for the ſaid Counties of Middleſex or Eſſex, within their reſpective Juriſdictions (Oath being made before him or them of ſuch Demand and Default; which Oath he or they is and are hereby impowered reſpectively to adminiſter) from time to time to levy ſuch Sums of Money ſo in Arrear, by Diſtreſs and Sale of the Goods and Chattles of ſuch Overſeer or Overſeers of the Poor of whom ſuch Demand hath been ſo made, in ſuch Manner and by ſuch Ways and Means as herein after is directed; and ſuch Overſeer and Overſeers ſhall and may pay and retain to him or themſelves the ſaid Arrears ſo levied on him or them reſpectively out of the Money collected on the Poor's Rates then in his or their Hands, or out of any Money which ſhall be received or collected on any Poor's Rate to be then after made for ſuch Pariſh, Hamlet, Town, or Place; any Law or Statute to the contrary notwithſtanding.

Overſeers to be reimburſed.

And whereas the Methods directed by the ſaid Two former Acts for making Compoſitions with the Abbey Land Owners, in the ſaid former Acts mentioned, in lieu of the repairing and maintaining the Cauſeway, Road, and Highway, lying between Bow Bridge and Channelſea Bridge, in the ſaid County of Eſſex, which they are liable to do, by reaſon of their Tenure of the ſaid Abbey Lands, and for the raiſing, collecting, and recovering, ſuch Compoſitions, have been found inconvenient and ineffectual, and the ſaid Abbey Land Owners are deſirous to have their Compoſition-money fixed and aſcertained; be it therefore enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the Owners and Proprietors of the ſaid Abbey Lands and Tenements, chargeable to the ſaid Repairs, ſhall be charged to pay yearly and every Year, during the Continuance of the ſaid former Acts and of this Act, for and towards ſuch Repairs as they are liable to as aforeſaid, the Sum of Fifty five Pounds; which ſaid Sum of Fifty five Pounds is hereby veſted in the ſaid Truſtees, and ſhall be paid to them, or any Five or more of them, or to their Treaſurer or Clerk for the time being, on or before the Twenty fifth Day of March, in each Year, during the Continuance of the ſaid former Acts and

Abby Land Owners charged with the yearly Sum of 55 *l.*

of this Act, in lieu and full Satisfaction of and for their said Repairs; the First Payment thereof to be made on or before the Twenty fifth Day of March, in the Year One thousand seven hundred and sixty four: And if Default shall be made in Payment of the said yearly Sum of Fifty five Pounds, or any Part thereof, for the Space of Fifteen Days next after the said Twenty fifth Day of March, in the Year One thousand seven hundred and sixty four, or after the same Day in any subsequent Year, and after Demand shall be made thereof, by Writing signed by any Five or more of the said Trustees, or by their Treasurer, Clerk, or Surveyor, for the time being, by their Order, and given to, or left at, the House or usual Place of Abode of any One of the said Abbey Land Owners living in the said Parish of West Ham; it shall and may be lawful to and for any Justice or Justices of the Peace for the said County of Essex, on Oath made of such Default and Demand (which Oath he or they are hereby impowered and required respectively to administer) by any Warrant or Warrants under their Hands and Seals, or Hand and Seal, from time to time, to levy the said Sum of Fifty five Pounds, or any Part thereof, and all Arrears thereof, by Distress and Sale of all or any Cattle, Goods, or Chattles whatsoever, lying or being in or upon the said Abbey Lands or Tenements, or any of them, or any Part thereof, in such Manner, and by such Ways and Means, as herein after is directed. Power of Distress.

And, for the better enabling the said Abbey Land Owners to raise the said Composition-money by Rates amongst themselves, and to reimburse any Person or Persons on whom any such Distress or Distresses may be made for the same as aforesaid, as also to enable them to raise any Sum or Sums of Money for or towards the Repairs of Bow Bridge and Channelsea Bridge, or either of them (which they are also liable to repair and keep in Repair, by reason of their Tenure of their said Lands) together with the Charges and Expences of making and collecting the said Rates; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Abbey Land Owners, or any One or more of them, from time to time, to call a Meeting or Meetings of the said Abbey Land Owners for the Purposes aforesaid, at any Place or Places within the Ward of Stratford Langthorne, wherein the said Abbey Lands lie, by giving to, or leaving for, the several Abbey Land Owners residing within Power to Abby Land Owners to raise the Composition-money, &c. call Meetings,

in

in the said Ward, at their usual Place of Abode, and to or for the Tenants residing within the said Ward of such of the said Abbey Land Owners as do not so reside, Six Days at least before such intended Meeting, Notice in Writing of the Times and Places of such Meetings respectively, and also by giving such other publick Notice thereof as by the said Abbey Land Owners shall be agreed on between themselves; at which Times and Places so respectively to be appointed, the said Abbey Land Owners, and such other Persons as shall be deputed and authorized by Abbey Land Owners, or the major Part of them who shall be then and there present, shall and may make Rates and Assessments, from time to time, for the Purposes aforesaid, or any of them, by a Pound Rate, according to the Rents or Values of their respective Lands and Tenements liable as aforesaid, with Power to moderate the same with respect to any Houses, new Buildings, or Improvements, as shall be agreed on by the major Part of the said Persons present at such Meetings; and such Rates and Assessments being so made under the Hands of the said Abbey Land Owners, and Persons deputed as aforesaid, or the major Part of them present at such Meetings, shall be good and binding on all the said Abbey Land Owners.

and make Rates;

to be collected by the Surveyor of *Stratford* Ward, or other Person approved.

And be it further enacted by the Authority aforesaid, That such Rates and Assessments so made as aforesaid, shall be collected, from time to time, by the Surveyor of the Highways for the said Ward for the time being, or by such other Person or Persons as shall be authorized and appointed thereto at such Meetings; and in case any Person or Persons so assessed shall refuse or neglect to pay such Sum or Sums of Money, so rated and assessed on him, her, or them respectively, to the said Surveyor or other Person so authorized to receive the same as aforesaid, within Seven Days after Demand thereof, it shall and may be lawful to and for such Surveyor or other Person, and he is hereby required to levy the same by any Warrant or Warrants under the Hand and Seal, or Hands and Seals of any One or more of His Majesty's Justices of the Peace for the County of Essex; which Warrant or Warrants the said Justices or Justice is and are hereby impowered and required to issue, upon the Application of such Surveyor, or such other Person or Persons as shall be authorized and appointed at such Meeting or Meetings, to collect such Rates and Assessments by Distress and Sale

Power to levy for Arrears.

of

of the Goods and Chattles of the Person or Persons so assessed and making Default, or of any Goods or Chattles of any Occupier or Occupiers of any Lands or Tenements for which such Sum or Sums of Money in Arrear was or were assessed, or any Cattle, Goods, or Chattles whatsoever, lying or being in or upon such Lands or Tenements, in such Manner, and by such Ways and Means, as herein after is directed.

Provided also, and be it further enacted by the Authority aforesaid, That in case any Person shall think him or herself aggrieved by any Rate or Rates so made as aforesaid, or by any thing which shall be done by virtue of the said former Acts or of this present Act (for which no particular Method of Relief hath already been appointed) every such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County where the Matter complained of was done, within Four Months after the Cause of such Complaint arose; such Appellant giving Fourteen Days Notice to the said Surveyor, or Person appointed to collect such Rate (in case such Appeal be on account of any such Rate; or, if the same be for any other Matter) to the Clerk of the said Trustees for the time being, or other Person concerned, of such his or her Intention to appeal, and of the Cause or Matter thereof; and within Six Days after such Notice, entering into Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, to try such Appeal at, and abide the Order of, the said Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice given, and of such Recognizance so entered into, shall hear and finally determine such Appeal in a summary Way, and may alter or amend any such Rate or Rates, without setting aside or altering the Whole thereof; and if they see Cause, may, by Order of such Session, mitigate at their Discretion all or any of the said Penalties and Forfeitures, or vacate and set aside any Conviction or Convictions, but not for want of Form only, and set the Party at Liberty, or otherwise may ratify and confirm the same, and may award, in any Case, such Costs as they shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes, and shall not be liable to be removed by Certiorari, or other Process whatsoever.

Appeal to Quarter Sessions.

Justices Power on such Appeal.

Provided also, That where any Occupier or Occupiers of any Lands, Messuages, or Tenements shall, by virtue

Occupiers may deduct out of their Rents any Sums paid for their Landlords.

of any Distress or otherwise, pay any Sum or Sums of Money charged or assessed on the Owner or Owners of such Lands, Messuages, or Tenements, or which such Owner or Owners ought to pay or bear by virtue of this present Act or the said former Acts, or either of them; in all such Cases it shall and may be lawful to and for such Occupier or Occupiers to deduct the Money so paid out of any Rent or Rents then due, or then after to grow due, to such Owner or Owners, for or in respect of the same Messuages, Lands, or Tenements; any Law, Usage, or Custom, to the contrary notwithstanding.

Penalties and Forfeitures how to be recovered and applied.

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

Provided

Provided nevertheless, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures, or any of them, as they shall think proper, not exceeding One Moiety of them, or any of them, to and for the Use of the Informer or Informers, or any of them; any thing herein or in the said former Acts contained to the contrary notwithstanding. Power to reward Informers.

And be it further enacted by the Authority aforesaid, That in all Cases of Distress which shall be taken by virtue of the said former Acts or this Act, for any Sum or Sums of Money which shall be due and unpaid, for or in respect of any Tolls, Duties, Compositions, Rates, Charges, or otherwise (except for Penalties and Forfeitures aforesaid), every such Distress shall and may be kept and detained for the Space of Four Days from the Time of taking thereof, unless the Sum or Sums of Money for which such Distress shall be so taken, together with the reasonable Charges of taking and keeping the same, be sooner paid; and after the Expiration of the said Four Days, it shall and may be lawful to and for the Person or Persons making such Distress, to sell and dispose of the same, returning the Overplus, if any be, to the Owner or Owners thereof on Demand, after such Sum or Sums of Money for which such Distress hath been so made, with the reasonable Charges of taking, keeping, and selling such Distress, shall be deducted and paid. Manner of levying Distress.

And be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and sixty three, where any Penalties, Forfeitures, or Sums of Money, are by the said former Acts or this present Act directed to be levied by Warrant of Distress in case of Nonpayment, and sufficient Distress cannot be found within the Counties of Middlesex or Essex where the Offence shall happen to be committed; then, upon Oath made before any Justice of the Peace of any other County or Place where sufficient Distress may be found, of the Hand-writing of the Justice of Middlesex or Essex set to such Warrant (which Oath the said Justice of such other County or Place is hereby impowered and required to administer, and to indorse his Name upon such Warrant) the Goods and Chattles of the Person or Persons against whom such Warrant shall be Power to follow Defaulters in other Counties.

be issued shall be subject and liable to such Distress in such other County or Place where the same shall or may be found; and may, by virtue of such Warrant and Indorsement, be distrained and sold by the Person or Persons bringing such Warrant, or to whom such Warrant shall have been originally directed, in the same Manner as if such Goods and Chattles had been found in the said Counties of Middlesex or Essex.

Distress not to be deemed unlawful for want of Form only;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made by virtue of the said former Acts, or of this present 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 Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or in any other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall happen to be done in making such Distress; but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages which he or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass, or on the Case, at the Election of the Party or Parties so aggrieved.

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

Plaintiff not to recover if Tender of Amends be made.

Provided nevertheless, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made by or on the Behalf of the Party or Parties distraining before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last mentioned Tender; but on Proof made of such Tender, on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgement as in Cases of Nonsuit, with Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law.

Proceeding, &c. not liable to Stamp Duties.

And be it further enacted by the Authority aforesaid, That no Warrant, Order, Writing, or Proceeding whatsoever, under the Hand and Seal of any Trustee or Trustees, Justice or Justices, or exhibited before them or any of them, touching or in Execution of any of the Powers or Authorities by the said former Acts or this present

ſent Act granted, ſhall be liable to or chargeable with any Stamp Duty whatſoever.

And be it further enacted by the Authority aforeſaid, That the ſaid Act made in the Eighth Year of the Reign of His late Majeſty King George the Firſt, and alſo the ſaid Act made in the Tenth Year of the Reign of His late Majeſty King George the Second, and all the Authorities, Powers, Proviſions, and Clauſes, in them or either of them contained, now in Force, and ſubject to the ſeveral Proviſions, Regulations, Additions, and Amendments herein contained, ſhall be executed according to the true Intent and Meaning of the ſaid Acts and of this preſent Act; and ſhall be further continued for and during the further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament, as fully and effectually as if the ſame were particularly repeated and re-enacted in this preſent Act. Continuance of the Act.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any thing done in purſuance of this Act, the ſame ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and ſhall be laid and brought in the County where the Fact was committed, and not elſewhere; and the Defendant or Defendants in 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 Authority of this preſent Act: And if it ſhall appear to be ſo done, or if it ſhall appear that ſuch Action or Suit was commenced after the Time before limited for bringing the ſame, or brought or laid in any other County or Place than as aforeſaid, or if the Plaintiff or Plaintiffs ſhall become Monſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, after the Defendant ſhall have appeared; or if upon Demurrer, Judgement ſhall be given for the Defendant or Defendants; or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs; the Defendant and Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have in any other Caſe by Law. Limitation of Actions. General Iſſue. Treble Coſts.

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

FINIS.