Anno ſeptimo

Georgii III. Regis.

An Act to continue and render more effectual Three Acts for repairing the Highways between *Tyburn* and *Uxbridge*, in the County of *Middleſex*; and for amending the Road leading from *Brent Bridge*, over *Hanwell Heath*, through the Pariſhes of *Hanwell*, *New Brentford*, and *Ealing*, to the Great Weſtern Road in the ſaid County; and for lighting, watching, and watering, the Highway between *Tyburn* and *Kenſington Gravel Pits*.

WHEREAS by ſeveral Acts made in the Firſt and Twelfth Years of the Reign of His Majeſty King George the Firſt, and the Fifteenth Year of the Reign of His late Majeſty, ſeveral Tolls or Duties, and Powers, were granted for repairing the Highways between Tyburn and Uxbridge, in the County of Middleſex; and for amending the Road leading from Brent Bridge over Hanwell Heath, through the Pariſhes of Hanwell, New Brentford, and Ealing, to the Great Weſtern Road in the ſaid County: And whereas the Truſtees appointed in and by the ſaid Acts have, from time to time, proceeded in the Execution thereof; and

the Sum of Three thouſand nine hundred Pounds is now owing upon the Credit of the Tolls or Duties thereby granted; which Sum cannot be repaid, and the ſaid Highways be effectually repaired, widened, and kept in Repair, unleſs the Term granted and continued by the ſaid Acts be further continued, the Tolls or Duties thereby granted increaſed, and the Powers thereof altered and enlarged: And whereas the Highway between Tyburn and Kenſington Gravel Pits, being Part of the Highway between Tyburn and Uxbridge, is frequently infeſted, in the Night-time, with Robbers and other wicked and evil diſpoſed Perſons, and Robberies, Outrages, and Violences, are committed thereon, which might be, in a great Meaſure, prevented, if the ſaid Part of the ſaid Highway was properly lighted and watched; and it would be a great Convenience to all Perſons travelling the ſaid Part of the ſaid Highway, if the ſame was properly watered; but as the Purpoſes aforeſaid cannot be effected without the Aid of Parliament; May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Term granted and continued by the ſaid Acts, ſhall be, and the ſame is hereby further continued from the Expiration thereof, for and during the further Term of Five Years, according to the Tenor of an Act made in the Twenty eighth Year of the Reign of His late Majeſty, intituled, An Act to amend an Act made in the Twenty ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for the Amendment and Preſervation of the publick Highways and Turnpike Roads in this Kingdom, and for the more effectual Execution of the Laws relating thereto*; and from and after the Expiration of the ſaid additional Term of Five Years, then for and during the further Term of Twenty one Years; and inſtead of the Clauſes, Proviſions, Tolls, Powers, Penalties, Forfeitures, Exemptions, Payments, Puniſhments, Matters, and Things, in the ſaid Three Firſt recited Acts, or either of them, contained, the Clauſes, Proviſions, Tolls, Powers, Penalties, Forfeitures, Exemptions, Payments, Puniſhments, Matters, and Things, in this Act contained, ſhall, for the Purpoſe of repairing, widening, and keeping in Repair, the Highways by the ſaid Three Firſt recited

Terms of the Acts continued.

Acts directed to be repaired, and for other the Purpoſes of this Act, take place, and commence upon the Twenty firſt Day after the paſſing of this Act, and ſhall continue in Force during the Reſidue of the Term granted and continued by any of the before recited Acts, and for and during the ſaid additional Terms of Five Years, and Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

Truſtees for the former Acts, to put this Act in Execution.

And be it further enacted, That the Honourable Edward Bentinck, commonly called Lord Edward Bentinck; the Honourable Hugh Percy, commonly called Earl Percy; the Honourable Robert Manners, commonly called Lord Robert Manners; the Right Honourable James Grenville, the Honourable Edwin Sandys, William Jellico, John Dodd, William Adair, George Auguſtus Eliott, John Ayton, John Brettel, John Drinkwater, Poulton Allen, Edmund Baſil, Charles Churchill, Richard Cavendiſh, Curzon of Penn, William Greenwood, Robert Maſter, William Maſter, Gervaſe Scroope, Admiral Francis Holborn, Chriſtopher Towers junior, Robert Aſhby, Robert Aſhby junior, James Bridges, James Grenville junior, George Bowyer, William Woodley, George Colcroft Heſſe, Peregrine Bertie, Andrews, John Chetwynd Talbot, Charles Talbot, Ellis of Drayton, Edgar Edlyne, John Croſier junior, Boteler of Uxbridge, Wood of Denham, Sherrington Groveſnor, Benjamin Way, Charles Molloy, Eſquires; the Reverend Doctor Barton Dean of Briſtol, the Reverend Doctor James Weedon, the Reverend Robert Hare, Thomas Mills, William Williams, Clerks; Robert Turner, William Pope, Tomkyns of Hillington, William Melliſh, Thomas Howard, Richard Bowyer, Thomas Franks, Joſeph Partridge, William Cooke, Vane, Joſeph Cooke, and Richard Turner, Gentlemen; together with the Truſtees appointed in, or by virtue of, the ſaid Three Firſt recited Acts, and their Succeſſors, to be appointed in Manner herein after-mentioned, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution.

On Death, &c. of Truſtees, others to be choſen.

And be it further enacted, That as often as any of the Truſtees ſhall die, remove out of the Counties of Middleſex or Bucks, or refuſe to act (ſuch Refuſal being ſignified in Writing to a Board of Truſtees, at their publick Meeting by the Truſtee ſo refuſing to act) it ſhall be lawful for the ſurviving or remaining Truſtees, or any Nine or more of them, by any Writing or Writings under their Hands and Seals, to appoint

any Perſon living in the ſaid Counties of Middleſex or Bucks, a Truſtee, in the Room of him ſo dying, removing, or refuſing to act; and every Perſon ſo appointed, ſhall and may act in the Execution of this Act, as fully as any Truſtee hereby appointed is impowered to act.

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 One hundred Pounds, or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate, of the clear yearly Value of Two hundred Pounds, or poſſeſſed of, or intitled to, a Perſonal Eſtate, to the Amount or Value of Two 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 who ſhall inform and ſue for the ſame; to be recovered in any of his Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, together with Coſts of Suit, 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 hath acted as a Truſtee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Truſtees Meeting.

And be it further enacted, That the firſt Meeting of the ſaid Truſtees, ſhall be on the ſaid Twenty firſt Day after the paſſing of this Act, at the George Inn in the Town of Acton, and they, or any Five or more of them, ſhall then proceed to the Execution of this Act; and they are hereby impowered to adjourn themſelves, from time to time, to ſuch Times and Places as they ſhall think proper for putting this Act in Execution; and if it ſhall at any Time happen that there ſhall not meet a ſufficient Number of Truſtees to act, or to adjourn, then the Clerk to the Truſtees ſhall appoint a Meeting to be held on that Day Fortnight, at the Place where ſuch intended Meeting was appointed to be held, and ſhall cauſe Notice thereof to be affixed on all the Toll-gates then erected, at leaſt Seven Days before ſuch Meeting.

Truſtees to defray their own Expences.

Provided always, That the ſaid Truſtees ſhall hold Four General Meetings at the leaſt in every Year, and ſhall

ſhall at all Meetings defray their own Charges and Expences; and that no Adjournment ſhall be made by the ſaid Truſtees for a longer Space of Time than Three Calendar Months.

Provided always, That Two Truſtees ſhall be ſufficient for the Purpoſe of adjourning; and in caſe the Treaſurer to the ſaid Truſtees, or any Three of the ſaid Truſtees, ſhall think it neceſſary that a Meeting of the Truſtees ſhould be held between the Times of Adjournment, it ſhall and may be lawful for the ſaid Treaſurer, or Three Truſtees, to appoint a Meeting to be held, cauſing the like Notice as is herein before directed of the Time and Place of ſuch Meeting to be affixed on all the Toll-gates then erected by virtue of this Act; and the Proceedings of the Truſtees at ſuch Meeting ſhall be as valid and effectual, to all Intents and Purpoſes, as if the ſaid Truſtees had at their laſt Meeting adjourned to ſuch Time and Place. Treaſurer, &c. may appoint a Meeting.

And be it further enacted, That no Order made by the ſaid Truſtees, or any Five or more of them, in or concerning the Execution of any of the Truſts, Powers, or Authorities of this Act, ſhall be revoked by any ſubſequent Order of the Truſtees, unleſs Five Truſtees ſhall concur in ſuch Revocation. No Order to be made unleſs Seven of the Truſtees preſent ſhall concur therein.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee under the Authority of this Act, in any Caſe where he ſhall be perſonally intereſted, or during the Time he ſhall hold any Place of Profit ariſing out of the Tolls hereby granted; but any Juſtice of the Peace for the ſaid County of Middleſex, may act as ſuch in the Execution of this Act, notwithſtanding his being a Truſtee. No Truſtee to accept a Place of Profit ariſing from the Tolls. Truſtees in Commiſſion of the Peace may act as Juſtices.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may continue or remove the Toll-gates and Toll-houſes, or any of them, now erected upon the ſaid Highways; and may cauſe to be erected any other Toll-gate and Toll-houſe, upon any Part or Parts of the ſaid Highways, between Tyburn and Batford Bridge, in the Pariſh of Hayes, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and to cauſe to be demanded and taken the following Tolls or Duties, before any Cattle or Carriage ſhall be permitted to paſs through any ſuch Toll-gate; that is to ſay, Truſtees may erect Turnpikes and Toll-houſes, and take Tolls thereat.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, or Chair, drawn by Six Horſes, the Sum of One Shilling; and drawn by Three or Four Horſes, the The Tolls.

the Sum of Eight Pence; and drawn by Two Horses, the Sum of Four Pence; and drawn by One Horse, the Sum of Three Pence.

For every Waggon, Wain, Cart, or Dray, drawn by One Horse, Mare, or Gelding, the Sum of Two Pence; and drawn by Two Horses, Mares, Geldings, or other Cattle, Three Pence; and drawn by Three Horses, Mares, Geldings, or other Cattle, Four Pence; and drawn by Four Horses, Mares, Geldings, or other Cattle, Six Pence; and drawn by Five Horses, Mares, Geldings, or other Cattle, Nine Pence; and drawn by Six Horses, Mares, Geldings, or other Cattle, One Shilling.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny.

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be paid to such Persons as the said Trustees, or any Five or more of them, shall appoint to collect the same; and the Money so to be collected is hereby vested in the said Trustees, and shall be applied in such Manner as is herein after mentioned: And if any Person, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for any of the Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person so refusing or neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining, shall and sell the Horses, Cattle, Beasts, or Goods so seized and distrained, returning the Overplus, if any, upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And

And be it further enacted, That the ſaid Toll-gates and Toll-houſes, and the Materials of which the ſame ſhall conſiſt, ſhall be, and they are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cauſe any Action or Actions to be brought, in the Name of their Treaſurer or Clerk, or to prefer, or order the preferring of, Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, or deſtroy, any Toll-gate or Toll-houſe, already erected, or which ſhall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the ſame ſhall be built or conſiſt. Toll-gates, &c. veſted in the Truſtees.

And be it further enacted and declared, That the Tolls or Duties hereby granted ſhall be ſubject and liable to the Payment of all Sums of Money to be borrowed by virtue of this Act, or which are now owing upon the Credit of the ſaid recited Acts, and of the Intereſt due and to grow due on the ſame reſpectively. Tolls ſubject to the Payment of Debts.

And be it further enacted, That out of the ſaid Tolls or Duties, or out of the Monies to be borrowed upon the Credit of this Act, the ſaid Truſtees, or any Five or more of them, ſhall, in the Firſt Place, pay and diſcharge all the Coſts and Expences of procuring and paſſing this Act, and ſhall apply the Remainder of the Money ſo collected or raiſed, in repairing, widening, and keeping in Repair, all the ſaid Highways, and in other the Purpoſes of this Act, and defraying the neceſſary Coſts, Charges, and Expences, attending the ſame. Application of the Monies.

And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, with the Conſent of the Perſon or Perſons intitled to Two Thirds of the Money borrowed on the Credit of the Tolls, to leſſen the Tolls hereby granted, for ſuch Time as the ſaid Truſtees ſhall think proper; and ſuch Tolls ſo leſſened, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied; and the ſaid Truſtees, or any Seven or more of them, may likewiſe raiſe the ſaid Tolls ſo leſſened, ſo as the ſame do not vary from or exceed the Tolls hereby granted. Truſtees, with Conſent of Creditors, may leſſen the Tolls, and raiſe them again.

And be it further enacted, That no Perſon who ſhall have paid the Toll hereby granted at any One Toll-gate continued or erected by virtue of this Act, ſhall be liable to pay any Tolls for paſſing through any other Toll-gate on the ſaid Highways; but upon producing a Note or Ticket denoting ſuch Payment, ſhall be permitted Tolls to be paid but Once a Day.

mitted to pass with the same Carriage, Cattle, Beast, or Drowes, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night; which said Note or Ticket the respective Collectors of the Tolls are hereby required to give gratis, upon the Payment of such Tolls.

No Toll on Election Days.

Provided always, That during the Continuance of this Act no Tolls whatever shall be collected or demanded at any Gate erected, or to be erected, by virtue of this Act, on the Day or Days on which there shall be an Election of a Knight or Knights of the Shire to serve in Parliament for the County of Middlesex.

Exemptions from Tolls.

Provided also, That nothing in this Act contained shall extend, or be construed to extend, to charge with Payment of the said Tolls any of the Coaches or Carriages of Their Majesties, or of his Royal Highness the Prince of Wales, the Princess Dowager of Wales, or any of the Royal Family; or any of the Horses of His Majesty's Guards, or of any Servants attending Their Majesties, the Prince of Wales, or Princess Dowager of Wales, or any other of the Royal Family; or any Post-horse carrying the Mail or Packquet; or any such Horse as is or shall be used only to ride on by the Owners or Drivers of any Waggon, Cart, or Carriage, who shall pass at the same Time with such Waggon, Cart, or Carriage, through any of the said Turnpikes; or the Horses of Soldiers, or Militia Men, or Officers, on their March, or the Carts, Waggons, or Carriages, attending them, and laden with their Arms or Baggage; or any Horses, Carts, or Carriages, travelling with Vagrants under the Authority of legal Passes; or the Carriages or Horses of any Person resident in any Parish through which the said Highways lead, on Sundays, to or from their Parish Church for the Purpose of attending Divine Service; or any Carriages or Horses attending the Funeral of any Person who shall die and be interred in any such Parish; or any Waggon, Cart, or other Carriage, laden with Gravel or Materials for amending the said Highways, or the Highways in any of the adjacent Parishes, or with Dung, Mould, or Compost of any Kind, for the manuring of Land or Garden Ground; or with Corn in the Straw, or Hay to be laid or set up in the Barns, Out-houses, or Yards, of the Inhabitants of the several Parishes or Places in which the Highways hereby directed to be repaired lie; or with any Ploughs, Harrows, or other Implements of Husbandry,

bandry, to be uſed or employed in tilling, manuring, or in the Cultivation of any Land in the ſaid Pariſhes or Places, or any of them.

Penalty on making illegal Claims, &c.

Provided alſo, and be it enacted, That if any Perſon ſhall claim and take Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied in the Manner herein after directed, concerning the general Application of Penalties and Forfeitures by this Act impoſed.

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

And be it further enacted, That if any Perſon occupying any Land near to any Toll-gate continued or erected in purſuance of this Act, ſhall permit or ſuffer any Perſon to paſs through any Gate, Paſſage, or private Way, belonging to ſuch Occupier, with any Carriage, Cattle, Beaſt, or Drove; or if any Perſon ſhall, with any Carriage, Cattle, Beaſt, or Drove, paſs through any ſuch Gate, Paſſage, or private Way; or if any Perſon ſhall take off, or cauſe to be taken off, any Horſe or other Beaſt from any Carriage, on either Side of any Toll-gate continued or erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Perſon ſhall give to, or receive from, any Perſon, any Note or Ticket by this Act directed to be given, or ſhall forge or counterfeit any ſuch Ticket; or if any Perſon ſhall forcibly paſs through any ſuch Toll-gate with any Carriage, Cattle, Beaſt, or Drove, whereby the Payment of any of the Tolls by this Act granted ſhall be avoided; every Perſon ſo offending in each of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Truſtees may borrow Money on the Credit of the Tolls.

And, for the more ſpeedy repairing and widening of the ſaid Highway, be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, from time to time, upon the Credit of the Tolls by this Act made payable, to borrow and take up at Intereſt any ſuch further Sum or Sums of Money as they, or any Eleven or more of them, ſhall think needful for the Purpoſes of this Act; and they are hereby impowered to mortgage or aſſign over the ſaid Tolls, or any Part thereof, to any Perſon or Perſons for any Term or Number of Years, as a Security for the ſeveral and reſpective Sums of Money which ſhall be ſo borrowed, and the Intereſt thereof; and Copies of all and every ſuch Mortgages or Aſſignments

ments ſo to be made by the ſaid Truſtees as aforeſaid, ſhall be regiſtered or entered in a Book or Books to be kept for that Purpoſe by the Treaſurer or Clerk to the ſaid Truſtees.

Notice to be given of borrowing Money.

Provided always, That no Money ſhall be borrowed by the ſaid Truſtees upon the Credit of the ſaid Tolls after the Firſt Meeting of the ſaid Truſtees, unleſs Notice in Writing under the Hand of the Clerk to the ſaid Truſtees ſhall be fixed upon all the Toll-gates then erected, at leaſt Fourteen Days before the borrowing of ſuch Money.

Aſſignments may be tranſferred.

And be it further enacted, That every Perſon to whom any Mortgage or Aſſignment of the Tolls granted by the ſaid recited Acts, or either of them, hath been made, or to whom any Mortgage or Aſſignment of the Tolls by this Act granted ſhall be made, or who ſhall be intitled to the Money thereby ſecured, and his or her Aſſignee or Aſſignees may, from time to time, aſſign over ſuch Security, and all the Monies which ſhall be due thereon, to any other Perſon or Perſons; and every ſuch Aſſignment ſhall, from time to time, be aſſignable by the Perſon intitled thereto: And a Memorandum or Entry of all ſuch Aſſignments, and of the Days when the ſame were brought to be ſo entered, ſhall be made by the Clerk of the ſaid Truſtees, in a Book to be kept for that Purpoſe, at the Expence of the ſaid Truſtees; for which Entry, ſhall be paid to the Clerk Two Shillings and Six Pence, and no more; and every Perſon intereſted may, at all ſeaſonable Times, inſpect the ſame; and no ſuch Aſſignment ſhall be deemed good and effectual until ſuch Memorandum or Entry ſhall be made.

Entries to be made of all Aſſignments.

Clerk's Fee.

Truſtees may appoint Officers;

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, may appoint ſuch Officers and other Perſons as they ſhall think neceſſary to employ in the Execution of this Act; and any ſuch Officers or other Perſons, from time to time, may remove, and may appoint others in caſe of Death or ſuch Removal; and may, out of the Monies which ſhall ariſe by the Tolls aforeſaid, make ſuch Allowances to ſuch Officers and other Perſons, for their Services, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable: And all and every ſuch Officers and other Perſons, and all and every the Officers and other Perſons who have had, received, or paid, by virtue of the ſaid recited Acts, or who ſhall, at any Time or Times hereafter, have, receive, or pay, any Sum or Sums of Money by virtue of this Act, on account of, or relating

lating to, the repairing, widening, and keeping in Repair, the ſaid Highways, ſhall, from time to time, when thereunto required by the ſaid Truſtees, or any Five or more of them, make and render to them a true, exact, and perfect Account, in Writing, under their reſpective Hands, upon Oath to be taken before Two or more of the ſaid Truſtees (which Oath Two Truſtees are hereby impowered to adminiſter) of all Monies which he, they, and every of them reſpectively ſhall, to that Time, have received, paid, and diſburſed, by virtue of the ſaid recited Acts, or this Act, or by reaſon of their reſpective Offices; and in caſe any Money ſo received, ſhall remain in their or any of their Hands, the ſame ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon as they ſhall appoint to receive the ſame: And in caſe any ſuch Officer or other Perſon ſhall not make or render, or ſhall refuſe to verify upon Oath, ſuch Account, or to make ſuch Payment as aforeſaid; then any One or more Juſtice or Juſtices of the Peace for the County, where ſuch Officer or other Perſon ſhall reſide or be found, ſhall make Enquiry concerning ſuch Default in a ſummary Way, as well by Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath; and upon Conviction, ſhall commit ſuch Officer or other Perſon to the Common Gaol of ſuch County, there to remain without Bail or Mainprize, until he or they ſhall make and render a full, true, and perfect Account and Payment as aforeſaid, or until he or they ſhall have compounded and agreed with the ſaid Truſtees, or any Nine or more of them, and ſhall have paid ſuch Compoſition to the Perſon whom they ſhall appoint to receive the ſame; which Compoſition the ſaid Truſtees, or any Nine or more of them, are hereby impowered to make.

Officers refuſing to account,

Juſtices to inquire into the Default,

and commit the Offender, until Payment or Compoſition made.

Provided always, That no ſuch Officer or Perſon ſhall remain in ſuch Common Gaol, for a longer Space of Time than Twelve Calendar Months after having rendered a true and perfect Account as aforeſaid.

Proviſo.

And be it further enacted, That if any Clerk, Collector, or other Perſon, employed by the ſaid Truſtees, or any Five or more of them, ſhall refuſe or neglect to deliver up, within Seven Days after being thereunto required, all the Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Truſts and Powers hereby granted, to the ſaid Truſtees, any One or more Juſtice or Juſtices of the Peace for the County wherein any ſuch Clerk, Collector, or other Perſon, ſhall

Clerk to deliver up Books, &c.

ſhall reſide or be found, ſhall, upon the Complaint of any Five or more of the ſaid Truſtees, make Enquiry of and concerning ſuch Default in a ſummary Way, and upon Proof thereof made before ſuch Juſtice or Juſtices, by the Oath of any One or more credible Witneſs or Witneſſes, or by Confeſſion of the Party complained of, ſhall commit ſuch Clerk, Collector, or other Perſon ſo making Default, by Warrant under his or their Hand and Seal, or Hands and Seals, to the Common Gaol of ſuch County, there to remain without Bail or Mainprize, until he ſhall deliver, or cauſe to be delivered, to the ſaid Truſtees, or any Five or more of them, or to their Order, all and every ſuch Books, Papers, and Writings, or until he ſhall give ſuch Satisfaction to the ſaid Truſtees, or any Five or more of them, as they ſhall think reaſonable, concerning the ſaid Books, Papers, and Writings.

Treaſurer, &c. to give Security.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, may, and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Collector or Collectors, Surveyor or Surveyors, to be appointed for the Purpoſes of this Act, for the due Execution of their reſpective Offices, as to the ſaid Truſtees, or any Nine or more of them, ſhall ſeem meet.

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

And be it further enacted, That no Perſon keeping an Inn, Alehouſe, or other Houſe of publick Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, ſhall be capable of holding any Place of Truſt or Profit under this Act.

Surveyors may dig Gravel, &c.

And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors appointed by the ſaid Truſtees, or any Five or more of them, to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Highways, in, upon, out of, or from, any River or Brook, Waſte or Common, in any Pariſh, Town, or Place, in, adjoining to, or lying near the Highways aforeſaid, to be uſed in repairing the ſaid Highways, without paying any thing for the ſame; they the ſaid Surveyors filling up the Pits and Holes, and levelling the Ground, with all convenient Speed, and in the mean Time making a ſufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence ſuch Materials ſhall be taken: And if a Quantity of Materials ſufficient for that Purpoſe cannot be found in or upon ſuch Rivers or Brooks, Waſte or Common; then, and in ſuch Caſes,

without paying for the ſame;

levelling the Pits.

If ſufficient Materials cannot be had there, the ſame may be taken from private Grounds;

by Order of the ſaid Truſtees, or any Five or more of them, to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials, proper and ſufficient for that Purpoſe, in, upon, out of, or from any River or Brook, or the Lands or Grounds of any Perſon or Perſons where the ſame may be had or found, to be uſed towards repairing the ſaid Highways (ſuch Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Meadow, Wood, Coppice, Nurſery, or Ground planted with any Walk or Walks of Trees, or Avenue to any Houſe) they the ſaid Surveyors, paying or tendering to the reſpective Owners or Occupiers of ſuch River or Brook, Lands or Grounds, a reaſonable Compenſation for ſuch Materials, and for any Damage done by carrying the ſame over their Grounds: And in caſe of any Difference between the ſaid Truſtees or Surveyors and the ſaid Owners or Occupiers, any Two or more Juſtices of the Peace for the County where the ſaid Materials ſhall be ſo cut, digged, gathered, taken, and carried away, ſhall and may, on Fourteen Days Notice thereof to be given by the ſaid Surveyor or Surveyors to the ſaid Owner or Owners, Occupier or Occupiers, or by them the ſaid Owner or Owners, Occupier or Occupiers, to the ſaid Surveyor or Surveyors, to be left at their reſpective Places of Abode, with ſome or One of their reſpective Families, hear, ſettle, and determine the Matters in Queſtion; and the Judgement or Order of the Juſtices therein, ſhall be final and concluſive to all Parties; and the Damages by them aſcertained ſhall be paid by the ſaid Truſtees.

making Satisfaction to the Owners.

Juſtices to determine Differences.

And be it further enacted, That if any Perſon or Perſons, other than thoſe employed by the ſaid Truſtees or their Surveyors for that Purpoſe, ſhall break down, pull up, injure, or take away any Bridge, Arch, Poſts, or Rails, erected, or to be erected on any Part of the ſaid Highways, or ſhall take, carry away, or deſtroy, any Ballaſt, Gravel, or other Materials, laid, or to be laid, on any Part of the ſaid Highways, for the Repair thereof, or ſhall take or carry away any of the Drift Sand from the ſaid Highways, without Leave in Writing under the Hands of the ſaid Truſtees, or any Three or more of them, ſpecifying the Quantity to be taken, and the Time for taking the ſame; every ſuch Perſon ſo offending, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the ſaid County of Middleſex, by his or their own Confeſſion, or upon the Oath of the Turnpike Surveyor

Penalty on taking away Materials, &c. got by Order of the Surveyor.

Surveyor or Surveyors, or One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, or to the Turnpike Surveyor, or other Person by them appointed, the Sum of Twenty Shillings.

Surveyors may make Causeways, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, or the Surveyors appointed or employed by them, may, and are hereby authorized and impowered to make Causeways in or along the Sides of any Part of the said Highways; and build

erect Bridges, &c.

Bridges upon, in, or across the said Highways, or any Part thereof; and to cut Watercourses in, through, or across, any Lands or Grounds, to prevent the said Highways, or any Part thereof, from being overflowed; and to erect Bridges over such Drains or Watercourses, if

and make a temporary Road;

necessary; and also to make a Road or Way through or over any Grounds contiguous to any narrow or ruinous Parts of the said Highways (not being the Site of, or Ground whereon any House or Houses stand, nor a Garden, Yard, Orchard, or planted Walk, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old or ruinous Highway is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same;

making Satisfaction to the Owners.

making reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain: And in case of any Difference between the said Trustees or their Surveyors, and such Owners or Occupiers, or any or either of them, concerning such Damages, any Two or more Justices of the Peace for the County of Middlesex, shall and may summon and examine Witnesses upon Oath, and settle and determine the Matter of the said Damages, and the Judgement or Order of the Justices therein shall be final.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted, That it shall and may be lawful for the said Surveyors to remove all Annoyances on the said Highways, and to cut down Trees or Bushes growing on the said Highways, or in the Hedges or Banks adjacent thereto (other than Oak Trees) the

Owners neglecting to remove the same, after Notice.

Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Fourteen Days after Notice in Writing given for that Purpose, under the Hand of any such Surveyor, the Charges whereof shall be reimbursed to such Surveyor by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers

piers ſhall not, upon Demand, pay and reimburſe to the Surveyor ſuch Charges as aforeſaid; it ſhall and may be lawful for ſuch Surveyor, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County where the Offence ſhall be committed, from time to time, to levy the Charges thereof upon ſuch Owners or Occupiers, by Diſtreſs and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods and Chattles ſhall have been ſo diſtrained and ſold, after all Charges paid: And if, after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before Two or more Juſtices of the Peace for ſuch County, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforeſaid, over and above the Charges of removing ſuch Annoyances.

the Charges to be reimburſed the Surveyor.

Penalty of a Second Offence.

And be it further enacted, That if any Perſon, who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, adjoining to, or which ſhall lead out of or from, any Part of the ſaid Highways, ſhall not, in a proper Manner, cauſe the ſame to be ſcoured and cleanſed within the Space of Ten Days next after Notice in Writing for that Purpoſe given to him or her reſpectively, or left at his or her reſpective Place of Abode by the ſaid Surveyor or Surveyors; then the ſaid Surveyor or Surveyors may cauſe ſuch Ditch, Drain, or Watercourſe, to be ſcoured and cleanſed, and pay for the ſcouring and cleanſing the ſame; and if ſuch Perſon ſhall not repay the Money paid by ſuch Surveyor or Surveyors, upon Demand thereof upon him or her reſpectively made, either in Perſon, or by Writing to be left at his or her reſpective Place of Abode, the ſaid Money, and every Part thereof, upon due Proof made by the Oath of One or more Witneſs or Witneſſes before any Juſtice of the Peace of the County or Place where ſuch Perſon ſhall reſide, ſhall and may, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon, rendering the Overplus (if any be) upon Demand, after all Charges paid.

Owners neglecting to ſcour their Watercourſes, after Notice,

Surveyors may cleanſe them,

and levy the Charges by Diſtreſs and Sale.

And be it further enacted, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall, at any Time during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the ſaid

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

Highways, for the better Accommodation of Paſſengers; the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority to treat, contract, and agree, with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, or altering, any Part of ſuch Highways; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Seven or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe; or the ſaid Truſtees, or any Seven or more of them, may, with the Conſent of the Lord or Owner of the Manor, give in Exchange any Part or Parts of the Lands conſtituting the former Highway, for any Part of the Lands, Grounds, or Hereditaments, ſo to be laid into or made Part of the ſaid Highways.

Bodies Politick, *&c.* to contract for the Sale of Lands, *&c.*

And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any Lands, Grounds, or Hereditaments, which the ſaid Truſtees, or any Seven or more of them, ſhall judge neceſſary to be taken in and added to the ſaid Highways, or through which the ſame may be turned, to treat, contract, and agree, with the ſaid Truſtees, or any Seven or more of them, for the Sale of ſuch Lands, Grounds, or Hereditaments, or for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary thereof in any wiſe notwithſtanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees

Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

And be it further enacted, That if any ſuch Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, or other Perſon or Perſons intereſted in any ſuch Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, or Hereditaments, ſo to be taken in, and added to, the ſaid Highways, or into or through which any ſuch Highway is to be turned or altered as aforeſaid, ſhall, by the Space of Twenty one Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall, after giving Fourteen Days Notice at leaſt to the Party or Parties intereſted, cauſe it to be inquired into, and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Middleſex (which Oath any Two or more of the Truſtees are hereby impowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to, ſuch Owners, Proprietors, or Occupiers, or other Perſon or Perſons intereſted for or upon account of the taking ſuch Lands, Grounds, or Hereditaments, into the ſaid Highways, or of turning any ſuch Highways into or through any ſuch Lands, Grounds, or Hereditaments; and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered to adminiſter) and they ſhall alſo order and cauſe the ſaid Jury to view the Places in Queſtion, if there be Occaſion, and ſhall uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſſes, as they the ſaid Truſtees,

Perſons neglecting to treat for the Sale of Lands;

Jury to aſſeſs the Damages.

Witneſſes may be ſummoned, and examined upon Oath.

or

or any Seven or more of them, ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained, and ſettled, ſuch Damage and Recompence, they the ſaid Truſtees, or any Seven or more of them, ſhall thereupon order, adjudge, and determine, the ſaid Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, or Occupiers, of, or other Perſons intereſted in, the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, or Coliegiate, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever; and all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon and Perſons intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, be thereby, and from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of, the ſame: And, for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the County of Middleſex, thereby commanding and requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons to appear before the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn: And

Verdict of the Jury to be final.

Truſtees to iſſue their Warrant, &c. to impanel a Jury.

Jurors may be challenged.

the ſaid Truſtees, or any Seven or more of them, ſhall have full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes; and on any of the Perſons ſummoned and returned on ſuch Jury, who ſhall not appear, or appearing, ſhall refuſe to be ſworn on the ſaid Jury, or, being ſo ſworn, ſhall refuſe to give their Verdict, or ſhall, in any other Manner, wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any Perſon who, being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to appear, or, appearing, ſhall refuſe to be ſworn and give Evidence; and, from time time, to levy ſuch Fine or Fines, in the ſame Manner as other Forfeitures or Penalties are by this Act directed to be levied, ſo that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence.

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

Fine not to exceed 10 *l.*

And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompence or Satisfaction for the Right, Intereſt, or Property, of any Perſon or Perſons in any ſuch Lands, Grounds, or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to, and offered by, the ſaid Truſtees, or any Seven or more of them, before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any Loſs or Damage as aforeſaid; then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes for the aſcertaining and determining the Value of any ſuch Right, Property, or Intereſt, or the Loſſes or Damages ſuſtained as aforeſaid, ſhall be borne and paid by the ſaid Truſtees, or any Seven or more of them, out of the Tolls and Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any Jury or Juries, ſo ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Monies than ſhall have been agreed to, and offered by, the ſaid Truſtees, or any Seven or more of them, before the ſummoning and returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages as aforeſaid; then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes

Expences of the Jury how to be borne.

ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute.

Monies allowed for Lands, how to be charged and tendered.

And be it further enacted, That all and every Sum and Sums of Money, ſo aſſeſſed as aforeſaid, ſhall be, and the ſame is and are hereby charged upon the Monies which ſhall be collected or raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or any Seven or more of them, or their Treaſurer, to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons, or their Agents, and in caſe of Refuſal to accept the ſame, then, upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Perſons, ſuch Lands, Grounds, or Hereditaments, ſhall be laid into and made Part of the ſaid Highways, and ſhall to all Intents and Purpoſes become, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the ſaid Highways for ever after, and ſhall be repaired, and kept in Repair, by ſuch Ways and Methods, and in all Reſpects in ſuch Manner, as the old Highway ſo widened, altered, or turned, was and ought to have been kept in Repair; and after ſuch new Highway ſhall be completed, the Lands and Grounds comprized in or conſtituting the old or former Highway, ſhall be veſted in, and may be ſold by, the ſaid Truſtees, or any Seven or more of them, to ſuch Perſon or Perſons as ſhall be willing to become the Purchaſer or Purchaſers thereof, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the repairing of the ſaid Highways, and other the Purpoſes of this Act; and the Sale or Conveyance and Conveyances to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County of Middleſex, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

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

and eſteemed a publick Highway.

Old Road may be ſold.

Buildings not to be injured, &c.

And be it further enacted, That in widening, turning, or diverting, any Part or Parts of the ſaid Highways, nothing ſhall be done which ſhall or may in any wiſe injure or damage any Dwelling-houſe, Out-houſe, or other Building, or any Garden, Yard, Court, Park, Paddock, Nurſery Ground, planted Walk, or Avenue to a Houſe (except Gardens, Orchards, or Nurſery Grounds, in the Tenure or Occupation of Gardeners, Nurſery Men, or Farmers, whether Owners or Tenants);

nants); any thing herein contained to the contrary notwithſtanding.

Perſons liable to the Repair of the Roads, &c. to continue ſo.

And be it further enacted, That all Bodies Politick and Corporate, Towns, Pariſhes, Hamlets, Places, and the Inhabitants thereof, and all Perſons who, before the making of this Act, have uſed, or of Right ought, by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account, to repair any Part or Parts of the Highways hereby intended to be repaired, or any Bridges, Cauſeways, Drains, Sewers, or Arches, ſhall, notwithſtanding this Act, be ſubject and liable to, and charged with, the Repair of the ſame reſpectively, in the ſame Manner as they have heretofore uſually done, or ought to do.

Inhabitants to do Statute-work.

And be it further enacted, That the Inhabitants of and the Occupiers of Lands, Tenements, and Hereditaments, in the ſeveral Towns, Pariſhes, Hamlets, and Places, through which the Highways hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or ſhall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, ſhall ſtill be ſubject and liable to do and perform the ſame, and ſhall and they are hereby required to do and perform ſuch and ſo many Days Work in thoſe Parts of the ſaid Highways by this Act directed to be repaired, which lie within the Towns, Pariſhes, Hamlets, or Places, wherein ſuch Inhabitants reſpectively ſhall reſide, or ſhall occupy any Lands, Tenements, or Hereditaments, as aforeſaid, as any Three Juſtices of the Peace for the ſaid County of Middleſex, at any Petty or Special Seſſions of the Peace, upon Application made to them by any Five or more of the ſaid Truſtees, ſhall adjudge and determine; which Statute-work ſhall be done at ſuch Times, and in ſuch Manner, as the ſaid Truſtees, or any Five or more of them, or their Surveyor, ſhall direct or appoint; and that every ſuch Inhabitant and Occupier reſpectively, who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds (Tythes only excepted) ſhall do and perform ſuch Work in and towards the Repair of the ſaid Highways, as Perſons occupying a Plough Land are obliged by Law and ought to do.

Surveyors of the Highways to deliver in Liſts of Perſons liable to do Statute-work.

And, to the end that the ſaid Truſtees may know the Inhabitants and the Occupiers of Lands, Tenements, or Hereditaments, in all the Towns, Pariſhes, Hamlets, and Places, wherein the Highways by this Act directed to be repaired do lie, who are liable to do Statute-

tute work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the respective Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said Trustees after the First Day of June, One thousand seven hundred and sixty seven, and in every succeeding Year after the Twenty fifth Day of March, or at any other Meeting of the said Trustees, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Tolls-gates then erected) to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants and of all the Occupiers of Lands, Tenements, and Hereditaments, in such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute-work in and upon the said Highways; and shall, in every such List, distinguish and set forth which of such Inhabitants or Occupiers are liable to do Duty upon the said Highways, as Persons keeping a Team or Teams, or occupying a Plough Land or Plough Lands, and which of them to do Duty as Labourers only.

Penalty on Surveyors neglecting to deliver Lists.

And be it further enacted, That if the respective Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Highways lead, shall not deliver in to the said Trustees Lists of the Inhabitants and of the Occupiers of Lands, Tenements, or Hereditaments, in their several Districts (Tythes only excepted) at such Times, and in such Manner, as by this Act is directed; every such Surveyor shall forfeit and pay, for every such Default, the Sum of Thirty Pounds:

Penalty on Persons not performing Statute-work.

And if any such Inhabitant or Occupier, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do and perform the same at such Times and Places, and in such Manner, as shall, by the said Trustees, or any Five or more of them, or their Surveyor, be directed or appointed; every such Inhabitant or Occupier shall, for every such Neglect or Default, forfeit and pay the several Sums which are or shall be in such Cases directed to be forfeited and paid by the several Laws and Statutes of this Realm for repairing the Roads and Highways thereof: And if any

Persons found idle to be turned off.

Person, who shall come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Highways, for the Repairs thereof, commonly called Statute-work, shall be found idle or negligent, or shall not

not properly perform ſuch Statute-work, ſuch laſt-mentioned Surveyor may and is hereby impowered and required to remove and diſcharge ſuch Perſon; and it ſhall be deemed and taken as if ſuch Perſon had not come, or ſuch Team, Draught, or Cart, had not been ſent to work on the ſaid Highways; and the Perſon liable to perform ſuch Statute-work ſhall be ſubject to the like Forfeitures as if he or ſhe had neglected or refuſed to do or perform ſuch reſpective Days Work.

12 *l. per Ann.* to be paid by the Pariſh of *Ealing* in lieu of Statute-work.

Provided always, and be it enacted, That in caſe the Inhabitants of the Pariſh of Ealing, or their Truſtees, ſhall yearly and every Year pay to the Treaſurer to be appointed in purſuance of this Act, the Sum of Twelve Pounds, they ſhall, in Conſideration thereof, be exempt and diſcharged from doing any Statute-work on the ſaid Highways in reſpect of ſuch Parts thereof as lie within the ſaid Pariſh of Ealing.

Truſtees may compound with Pariſhes, &c. for Statute-work.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may, and are hereby authorized and impowered to compound with any Perſon or Perſons, Bodies Politick or Corporate, for the Repairs to be by them reſpectively done upon the ſaid Highways, or to any Bridges, Cauſeways, Sewers, or Drains, and alſo with the Surveyor or Surveyors of the ſeveral Towns, Pariſhes, Hamlets, and Places, through which the Highways hereby intended to be repaired, or any Part or Parts thereof, do lie, or with any of the Inhabitants thereof, or Occupiers of Lands, Tenements, or Hereditaments therein, for the ſeveral Days Statute-work to be by them reſpectively done upon the ſaid Highways, for ſuch Sum and Sums of Money, by the Year, or otherwiſe, as they the ſaid Truſtees, or any Seven or more of them, and ſuch Perſon or Perſons, Bodies Politick or Corporate, Surveyor or Surveyors, or Inhabitants or Occupiers reſpectively, ſhall agree upon; which ſaid Money ſhall be inſtantly paid to the ſaid Truſtees, or any Seven or more of them, or to their Appointment.

Surveyors paying the Compoſition-money, how to be reimburſed.

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways of any Pariſh or Place, for the Statute-work whereof ſuch Compoſition ſhall be made as aforeſaid, ſhall pay the Compoſition-money in Manner herein before directed; then, and in ſuch Caſe, ſuch Surveyor or Surveyors ſhall be repaid or reimburſed the Compoſition-money ſo paid by him or them, in ſuch Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are

to be repaid or reimbursed the Monies by them expended in buying Materials for amending Highways.

Trustees to erect Lamps, and appoint Watchmen.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized to erect such and so many Glass Lamps in or near the Highway between Tyburn and Kensington Gravel Pits, being Part of the Highways by this Act directed to be repaired, as they shall think necessary; and to appoint a competent Number of fit and able-bodied Men to watch and guard the said Part of the said Highway, and also to water the said Part of the said Highway, as they the said Trustees, or any Five or more of them, shall think proper and convenient; and, from time to time, to contract with any Person for lighting, maintaining, and repairing, the said Lamps, and for watering the said Part of the said Highway; and to make such Allowances to the said Watchmen for their Attendance, and to give such Orders and Directions concerning the same, with the Manner in which the said Watchmen shall be armed and stationed upon the said Part of the said Highway, 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 or expedient; and, from time to time, to remove any of the said Watchmen, and appoint others in their Stead: And the Expences of erecting, lighting, and maintaining, such Lamps, and of watering the said Part of the said Highway, and the Allowance 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 the said Tolls or Duties, or any Money to be borrowed upon the Credit thereof; any thing herein contained to the contrary notwithstanding.

Allowances to Watchmen, if Trustees see Cause;

how to be paid.

Duty and Power of the Watchmen.

And be it further enacted, That the said Watchmen shall, during the Time of their being stationed upon the said Part of the said Highway, 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 Rogues, Vagabonds, and other disorderly Persons, who shall be found loitering, wandering, or misbehaving themselves, or committing any Disorders or Offences upon the said Part of the said Highways, 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,

Officer, who is hereby authorized and required to ſecure ſuch Perſon or Perſons, and, as ſoon as conveniently may be, to convey him, her, or them, before ſome Juſtice of the Peace for the ſaid County of Middleſex, to be examined and dealt with according to Law.

Parishes, &c. to maintain Lamps, &c. as heretofore.

Provided always, and be it further enacted, That nothing herein before contained ſhall extend, or be conſtrued to extend, to excuſe any Pariſh, Hamlet, Town, Place, or Perſon, from erecting and maintaining ſuch and ſo many Lamps, or from keeping the ſame Watch and Ward as every or any ſuch Pariſh, Hamlet, Town, Place, or Perſon, have heretofore done or ought to do by any Act or Acts of Parliament, or by any Law, Cuſtom, or Uſage whatſoever.

Penalty on Perſons wilfully,

And be it further enacted, That if any Perſon ſhall wilfully break, throw down, or otherwiſe damage, any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, or extinguiſh any of the ſaid Lamps, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid County of Middleſex, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, to iſſue a Warrant for apprehending the Party accuſed; and any Perſon, who ſhall ſee ſuch Offence committed, ſhall and may apprehend, and any other Perſon may aſſiſt in apprehending the Offender or Offenders, and by Authority of this Act ſuch Perſons may convey the Party ſo offending to ſome Peace Officer, and deliver him, her, or them, into the ſaid Officer's Cuſtody, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County of Middleſex; and the Party accuſed being brought before any ſuch Juſtice, or Oath being made before him that ſuch Party could not be apprehended, and cannot be found, 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 accuſed ſhall be convicted of ſuch Offence, either by his or her own Confeſſion, or upon ſuch Information as aforeſaid, the Party ſo convicted ſhall, for the Firſt Offence, forfeit the Sum of Ten Shillings for each Lamp ſo broken, thrown down, damaged, or extinguiſhed as aforeſaid; and for the Second Offence, the Sum of Fifteen Shillings for every ſuch Lamp; and for the Third and every other ſubſequent Offence, the Sum of Twenty Shillings for every ſuch Lamp; and full Satisfaction ſhall alſo be made to the ſaid Truſtees, or any Five or more of them, or to their Surveyor, by ſuch Offender, for the Damage by him or her done as aforeſaid:

said: And in case the Party so offending shall not, upon Conviction, pay the Forfeiture incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender shall be convicted, is hereby required to commit him or her to the House of Correction for the said County, there to be kept to hard Labour for any Time not exceeding Two Calendar Months; and such Offender shall not be discharged before the Expiration of the Time for which he or she shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; One Moiety of which respective Forfeiture, when recovered, shall be paid to the Informer or Informers, and the other Moiety shall be applied in repairing the said Highways, and for other the Purposes of this Act: 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 County of Middlesex, and he is hereby required, upon Complaint thereof made by any Five or more of the said Trustees, or by their Clerk or Surveyor, to summon the Party complained of, and upon his or her appearing, 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) such Justice shall proceed to examine the Matter of the said Complaint; and upon Proof thereof, either by Confession of the Party complained of, or by the Oath of One or more credible Witness or Witnesses, 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 Goods and Chattles of the Person complained of, rendering to him or her the Overplus (if any be) upon Demand, after the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be deducted.

or accidentally, breaking the Lamps, &c.

Property of the Lamps, &c. vested in the Trustees.

And be it further enacted, That the Right and Property to and in all such Lamps as shall be erected or fixed in pursuance of this Act as aforesaid, and to and in the Posts, Irons, and other Furniture, of all such Lamps; and also to and in all Watchhouses, Coats,

Arms, Implements, and Things, to be provided for the ſaid Watchmen; and alſo the Right and Property to and in all Carts, Implements, Utenſils, and Things whatſoever, bought and provided in purſuance of the ſaid recited Acts, or which ſhall be bought and provided by the ſaid Truſtees, or any Five or more of them, or by their Order, in purſuance of this Act, or otherwiſe belonging to and uſed by them for the Purpoſes of this Act, 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 Name of any Three or more of them, or in the Name of their Treaſurer or Clerk, or to prefer Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, injure, or damage, the ſame, or any of them, or ſhall diſturb the ſaid Truſtees in the Poſſeſſion of their Property therein.

Truſtees may bring Actions or Indictments.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Highways to be meaſured, and Mile-ſtones to be ſet up on the Sides thereof, where the ſame is not already done, with Inſcriptions, to be made thereon, denoting the Number of Miles and Diſtance of Places; and alſo Poſts at the ſeveral Highways leading out of the Highways hereby directed to be repaired, with Inſcriptions to be made thereon denoting to what Place or Places the ſaid Highways reſpectively lead; and alſo ſuch Poſts, Rails, and other Fences, for the Preſervation and Defence of the Foot Paths lying on the Sides of the Highways hereby directed to be repaired, as they, or any Five or more of them, ſhall think fit: And if any Perſon ſhall wilfully or deſignedly break, pull down, dig up, injure, or deſtroy, any or either of the Mile-ſtones, Poſts, Rails, or other Fences, already ſet up, or to be ſet up as aforeſaid, or ſhall eraſe, obliterate, or deface, any of the Inſcriptions made, or which ſhall be made, on ſuch Mile-ſtones or Poſts, or procure the ſame to be done; every ſuch Perſon ſo offending ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Forty Shillings.

Roads to be meaſured, and Mile-ſtones erected.

Penalty on defacing Mile-ſtones.

And be it further enacted, That if any Perſon ſhall hale or draw along any Part of the ſaid Highways any Tree or Piece of Timber, otherwiſe than upon or by Wheel Carriages, or draw any Plough upon or croſs the ſaid Highways, or any Part thereof, whereby the ſaid Highways ſhall or may be prejudiced; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Penalty on drawing Timber otherwiſe than upon Wheel-carriages.

Penalty on Persons obstructing the Passage of the Road.

And be it further enacted, That if any Owner or Driver, or any other Person, shall set, place, have, or leave, any Waggon, Cart, Coach, or other Carriage, laden or unladen, in any Part of the Highways by this Act directed to be repaired, so as to interrupt or hinder the free Passage thereof; every Person so offending, and being thereof convicted, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace for the County of Middlesex, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings; to be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of such Justice; One Moiety of the said Penalty to be paid to the Informer, and the other Moiety towards repairing the said Highways, and other the Purposes of this Act; and for want of sufficient Distress within the said County, such Justice is hereby impowered and required to commit such Offender to the House of Correction for the said County of Middlesex; there to remain and to be kept to hard Labour for any Time not exceeding One Calendar Month, unless such Penalty shall be sooner paid.

Offenders may be apprehended without Warrant.

And be it further enacted, That it shall be lawful to and for any Person or Persons, without any Warrant, or other Authority than that of this Act, to apprehend any Offender or Offenders in the Premisses; and, with all convenient Speed, to convey and deliver him or them to the Constable or other Peace Officer nearest to be found to the Place where the Offence shall have been committed, in order to his or their being carried before a proper Magistrate to be dealt with according to Law: And if any Person so apprehended as aforesaid shall refuse to discover his Name and Place of Abode to the Justice before whom he shall be brought; such Person so refusing shall be immediately delivered over to the Constable or other Peace Officer by whom he shall have been so brought, or to some other Constable or Peace Officer, and shall by him be conveyed to the House of Correction; there to remain until he shall, by Writing under his Hand, or signed by his Mark, declare his Name and Place of Abode to the Justice who committed him, or to the Clerk to the said Trustees.

Penalties and Forfeitures how to be recovered.

And be it further enacted, That all Fines, Penalties, and Forfeitures, by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and

Seals, of One or more Juſtice or Juſtices of the Peace for the County of Middleſex, or for the County or Place wherein the Offender ſhall reſide; which Warrant the ſaid Juſtice or Juſtices is and are hereby reſpectively impowered and required to grant upon the Information of any One or more credible Witneſs or Witneſſes, upon Oath, and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) upon Demand, to the Party whoſe Goods and Chattles ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to their Treaſurer; and ſhall be applied (if not otherwiſe directed to be applied by this Act) for and towards the amending of the ſaid Highways, and other the Purpoſes of this Act; And in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties or Forfeitures ſhall not be paid; it ſhall and may be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Houſe of Correction for any Time not exceeding Two Months.

And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That upon any Complaint, Information, Indictment, or Action, to be laid or brought againſt any Perſon for any Offence committed againſt this Act, the Evidence of any of the Inhabitants of any of the Pariſhes or Places through which the Highways directed by this Act to be repaired do lead, ſhall be taken and admitted in all Caſes whatſoever; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding. Inhabitants may be admitted as Evidence.

And be it further enacted, That it ſhall be lawful for the Juſtice or Juſtices before whom any Perſon or Perſons ſhall be convicted of any Offence or Offences in and by this Act declared, to draw up and record ſuch Conviction, mutatis mutandis, in the Form or to the Effect following; that is to ſay,

Form of Conviction.

County of } BE it remembered, That on this Day of in the Year of the Reign of His preſent Majeſty, *A. B.* is convicted before me [us] of His ſaid Majeſty's Juſtices of the Peace for the ſaid County of [*ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be*] and I [we] the ſaid Juſtice [Juſtices] do adjudge him [or her] to forfeit and pay for the ſame the Sum of Given under my Hand and Seal [our Hands and Seals] the Day and Year above written.

And

Juſtices may adminiſter Oaths.

And be it further enacted, That in all Caſe where Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon for his or their more certain Information in the Matters then depending.

Perſons aggrieved may appeal to the Quarter Seſſions.

And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Act, Order, or Judgement, of any Juſtice or Juſtices of the Peace which ſhall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, except in ſuch Caſes wherein ſuch Acts, Orders, or Judgements, are herein before declared to be final, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at any General or Quarter Seſſion of the Peace for the County or Place where the Matter or Thing for or by reaſon of which ſuch Act, Order, or Judgement, ſhall be done, made, or awarded, and which ſhall be holden within the Space of Four Calendar Months next after the doing, making, or awarding of ſuch Act, Order, or Judgement; he, ſhe, or they, then entering into a Recognizance, with Sureties, before ſome Juſtice of the Peace, with Condition for the Appearance of ſuch Appellant or Appellants to ſtand the Award of the Court on ſuch Appeal, and not to depart without Leave of the Court; and cauſing reaſonable Notice in Writing of ſuch Appeal, and of the Cauſe or Matter thereof, to be given to the Perſon or Perſons on whoſe Oath or Oaths, or Evidence, ſuch Act, Order, or Judgement, ſhall be ſo done, made, or awarded, and to the Treaſurer or Clerk to the ſaid Truſtees; which ſaid Juſtices, at their ſaid Seſſions, upon due Proof of ſuch Notice being given, ſhall proceed in, and hear and determine, the Cauſes and Matters of the ſaid Appeals, and every of them; and the Orders and Judgements of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned or intereſted therein.

Recognizance to be entered into.

Notice of Appeal to be given.

Proceedings not removeable by *Certiorari*.

And be it further enacted, That no Order made, touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction of any Offender againſt this Act, ſhall be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; and 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 to be unlawful, nor the Party or Parties making the ſame be

Diſtreſs not unlawful for want of Form;

deemed

deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereunto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any ſubſequent Irregularity in the Proceedings of the Perſon or Perſons making ſuch Diſtreſs; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

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

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, if Tender of Amends hath been made by or on Behalf of the Party diſtraining, before ſuch Action brought.

Plaintiff not to recover, if Tender of Amends has been made.

And be it further enacted, That Accounts of all Receipts and Diſburſements, and all Contracts, Orders, and Proceedings, entered into, made, and had, by or on the Behalf of the ſaid Truſtees in the Execution of this Act, ſhall be entered in Books to be kept for that Purpoſe by the Treaſurer or Clerk to the ſaid Truſtees; and that any Perſon may take Copies thereof, paying for every Copy, not exceeding One hundred Words, Six Pence, and ſo proportionably for any Number of Words; and all Orders and Proceedings ſo entered ſhall be ſigned by the Chairman preſiding at the Meeting where ſuch Orders and Proceedings ſhall be made and had; which ſaid Books, and alſo the Books directed to be kept for the regiſtering and entering the ſaid Mortgages, or Aſſignments and Tranſfers, ſhall be admitted to be read in Evidence in all Caſes of Appeal, Suits, or Actions, touching any Thing done in purſuance of this Act.

Proceedings to be entered in a Book.

Provided always, and be it further enacted, That whenever it ſhall happen at any Meeting of the ſaid Truſtees for the Execution of this Act, that there ſhall be an Equality of Voices of the Truſtees then preſent, the Chairman in every ſuch Caſe ſhall have a caſting Voice.

In caſe of Equality, Chairman to have a caſting Voice.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Aſſignment, or other Security for the borrowing of Money, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals, of, or only ſigned by, any Truſtee or Truſtees for putting this Act in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby veſted in ſuch Truſtee or Truſtees, Juſtice or Juſtices of the Peace, or any of them,

Writings to be without Stamps.

them, or Transfer or Aſſignment of any of the Securities aforeſaid made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Limitation of Actions. And be it further enacted, That if any Action or Actions, Suit or Suits, ſhall be brought againſt any Perſon or Perſons for any thing done in purſuance of this Act, or in relation to the Matters herein contained, ſuch Actions and Suits, and every of them, ſhall be commenced within Six Months next after the doing the Matter or Thing for which ſuch Action or Actions, Suit or Suits ſhall be ſo brought, and not afterwards; and ſhall be brought, laid, and tried, in the County of Middleſex, and not in any other County or Place; and that the Defendant or Defendants in ſuch Actions and Suits, General Iſſue. and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants; or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become Nonſuit, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if, upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Treble Coſts. Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Coſts in any other Caſes of Law.

Publick Act. And be it further enacted, 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 all other Perſons whomſoever, without ſpecially pleading the ſame.

FINIS.