Anno ſeptimo

Georgii III. Regis.

CAP. XL.

An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads of this Kingdom; and for other Purpoſes therein mentioned.

WHEREAS the Laws for the general Regulation of the Turnpike Roads of this Kingdom are very numerous, and in ſome Reſpects ineffectual: And whereas the good Purpoſes thereby intended might be better effected, if the ſaid Laws were intirely repealed, and One Law made for carrying ſuch Purpoſes into Execution: Wherefore, for Remedy thereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for all Commiſſioners and Truſtees appointed, or who ſhall hereafter be appointed, by any Act or Acts of Parliament for the Repair of any Turnpike Road within that Part of Great Britain called England, or any Five or more of them, at a General Meeting, if they ſhall think proper, at any or as many Gate or Gates, Bar or Bars, as they have erected or ſhall erect for the receiving of any Toll or Tolls, or upon any Part of the Road within their reſpective Juriſdictions, and

Preamble.

Five or more Truſtees for Turnpike Roads, at a General Meeting, impowered to erect Weighing Engines;

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and at ſuch a Diſtance from any Turnpike-bar or Toll-gate as they reſpectively ſhall think requiſite and expedient, to order and cauſe to be built or erected any Crane, Machine, or Engine, which they ſhall judge proper for the weighing of Carts, Waggons, or other Carriages, for the conveying of any Goods or Merchandize whatever; and by Writing ſigned by them, or any Five or more of them, to order all and every or any ſuch Carriage or Carriages, which ſhall paſs through any ſuch Gate or Bar, to be weighed, together with the Loading thereof; and for them, or any Five or more of them, or for any Perſon or Perſons impowered by any Five or more of them, to receive and take, over and above the Toll already granted or hereafter to be granted, the Sum of Twenty Shillings for every Hundred Weight, which every Waggon or Four Wheeled Carriage (not having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches) together with the Loading thereof, ſhall weigh over and above the Weight of Sixty Hundred; and the like Sum of Twenty Shillings for every Hundred Weight which every Waggon or Four Wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gage of Nine Inches, together with the Loading thereof, ſhall weigh over and above the Weight of Six Tons; and the like Sum of Twenty Shillings for every Hundred Weight which every Cart or Two Wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gage of Nine Inches, together with the Loading thereof, ſhall weigh over and above the Weight of Three Tons: Which ſaid additional Toll or Duty, hereby granted and made payable, ſhall and may be levied and recovered upon any Perſon liable thereto in any of the Caſes aforeſaid, or his or her Goods or Chattles, who ſhall, after Demand made thereof, refuſe or neglect to pay the ſame, in ſuch Manner as any other Toll or Duty, payable at the ſame Turnpike-gate or Bar, is or ſhall be by Law to be levied and recovered; and the Money ariſing from ſuch additional Duty, ſhall be applied to the Repair of the Turnpike Road where the ſame ſhall be collected.

and to make Order for weighing Carriages thereat;

and taking 20*s.* additional Tolls for all Narrow Four Wheeled Carriages, weighing above 60 *C. Wt.*

and for all Broad Four Wheeled Carriages weighing above 6 Tons;

and for all Carts, or Two Wheeled Carriages, with Broad Wheels, weighing above 3 Tons;

to be levied as the other Tolls,

and applied in Repair of the Road.

Provided always, That the Regulations herein before mentioned ſhall not extend, or be deemed or conſtrued to extend, to any Waggons or Wains having the Arle-trees thereof of ſuch different Lengths, that the Diſtance from Wheel to Wheel of the narrower Pair of the ſaid Wheels be not more than Four Feet Two Inches, to be meaſured at the Ground; and that the Diſtance from

The above Regulations not to extend to Waggons, &c. coming within the Deſcription here mentioned.

Wheel to Wheel of the other Pair thereof be such, that the Fore and Hind Wheels of such Waggons and Wains shall roll only One single Surface or Path of Sixteen Inches wide at the least, on each Side of the said Waggons or Wains, and having the Fellies thereof of the Breadth of Nine Inches from Side to Side at the Bottom or Sole thereof; but that the same shall pass upon any Turnpike Road, and through any Toll-gate or Bar within One hundred Miles from London, upon paying only so much of the Tolls and Duties as shall not exceed One Half of the full Toll or Duty payable, or by this Act intended to be paid, for all Waggons or Wains having the Fellies of the Wheels of the Breadth or Gage of Nine Inches from Side to Side, or for the Horses or Beasts of Draught drawing the same, and not rolling a Surface of Sixteen Inches, in the Manner herein before set forth.

Particular Privileges granted to such Waggons.

Provided also, That the Regulations herein before mentioned concerning the Wheels of Carriages, and their Loading, shall not extend or be deemed or construed to extend to any Carts, Waggons, or other Carriages, employed only in Husbandry, or carrying only Manure for Land, Hay, Straw, Fodder, or Corn unthreshed.

The said Regulations not to extend to Carriages employed only in Husbandry, &c.

And for the better discovering and detecting the Offenders against this Act, it is hereby further enacted, That it shall and may be lawful to and for all the Trustees appointed or to be appointed by any Act or Acts of Parliament, made or to be made for the repairing or amending any Turnpike Road within the Kingdom, or any Two or more of them, and they are hereby authorized and required, by Writing under their Hands, to order the Fellies of all Waggons, Wains, Carts, or other Carriages, which are or ought to be of the Breadth or Gage herein before directed and prescribed, to be measured and gaged at any Weighing Engine, or at any Turnpike or Toll-gate, erected or to be erected upon any Part of the Turnpike Road in or upon which such Waggon, Wain, Cart, or Carriage respectively, shall travel, pass, or be drawn.

Trustees impowered to order the Fellies of all Waggons, &c. to be gaged.

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

No Composition for Tolls to be made in respect of Narrow Wheeled Carriages.

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

And be it further enacted, That if any Perſon or Perſons ſhall unload, or cauſe to be unloaden, any Goods, Wares, or Merchandizes, from any Cart, Waggon, or other Carriage (except ſuch Carriages as are herein before excepted) at or before the ſame ſhall come to any Turnpike-gate or Weighing Engine erected, or to be erected, by virtue or in purſuance of this or any other Act made, or to be made, for the Repair or Preſervation of any Turnpike Road within this Kingdom; or ſhall load or lay upon ſuch Carriage (except as aforeſaid) after the ſame ſhall have paſſed any ſuch Turnpike-gate or Weighing Engine, any Goods, Wares, or Merchandizes, taken or unloaden from any Horſe, Cart, or other Carriage, belonging to, or hired or borrowed by, the ſame Waggoner or Carrier, in order to avoid the Payment of the ſaid reſpective Duties of Twenty Shillings per Hundred; each and every Perſon ſo offending, and being thereof lawfully convicted before the Truſtees of ſuch Tolls or Duties, or any Three or more of them, or One or more Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, or Place, where the Offence ſhall be committed, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit and pay the Sum of Five Pounds, to be levied upon the Goods and Chattles of the Owners of ſuch Cart, Waggon, or other Carriage; and each and every Driver of ſuch Waggon or Carriage ſo offending, and being thereof convicted as aforeſaid, ſhall be committed to the Houſe of Correction for the Space of One Month: And in caſe any Collector or Receiver of the Tolls or Duties at any Gate or Turnpike where, or near to which, any Crane, Machine, or Engine, for weighing of Carriages ſhall be built and erected, ſhall permit or ſuffer any Cart, Waggon, or Carriage, as aforeſaid, being laden, to paſs or repaſs through any ſuch Gate or Turnpike without weighing the ſame, and being thereof convicted in Manner aforeſaid; ſuch Collector or Receiver, ſo offending, ſhall be immediately diſcharged, and rendered incapable of holding any Office under the ſaid Truſtees, or ſhall forfeit the Sum of Five Pounds, at the Option of ſuch Truſtees.

and the Driver to be committed for One Month.

Collectors neglecting their Duty are liable to be diſcharged,

or forfeit 5l.

Regulations to be obſerved in the Conſtruction of the Wheels of Waggons, &c. travelling on Turnpike Roads above 20 Miles from *London*,

And be it further enacted, That no Waggon, Wain, or Cart, ſhall paſs along any Turnpike Road, being above Twenty Miles from the Cities of London or Weſtminſter, having the Fellies of the Wheels thereof of the Breadth or Gage of Nine Inches at the Bottom, unleſs the ſame ſhall be made and conſtructed in ſuch Manner, that no Pair of ſuch Wheels (except ſuch as ſhall roll a Surface of Sixteen Inches) ſhall be wider

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

on Forfeiture of 5 *l.* by the Owner.

Officers required to meaſure ſuch Carriages accordingly:

5 *l.* Penalty on obſtructing them, *&c.*

And be it further enacted, That no Waggon, Wain, or other Four Wheel'd Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gage of Nine Inches, ſhall paſs or be drawn on any Turnpike Road with more than Eight Horſes; nor any Cart, or other Two Wheeled Carriage, having Wheels of the Breadth aforeſaid, ſhall paſs or be drawn upon any Turnpike Road with more than Five Horſes; the Horſes in ſuch reſpective Carriages to be drawn in Pairs, except where there is an odd Horſe, and except where the Number of Horſes ſhall not exceed Four: And alſo, that no Waggon, Wain, or other Four Wheel'd Carriage, having the Fellies of the Wheels of leſs Breadth than Nine Inches, ſhall paſs or be drawn on any Turnpike Road with more than Four Horſes; or Six Oxen or Neat Cattle in Pairs, and Two Horſes; or Eight Oxen or Neat Cattle in Pairs, and One Horſe: And that no Cart or other Two Wheel'd Carriage, having the Fellies of the Wheels of leſs Breadth than Nine Inches, ſhall paſs or be drawn on any Turnpike Road with more than Three Horſes; or Six Oxen or Neat Cattle in Pairs, and One Horſe; or Four Oxen or Neat Cattle in Pairs, and Two Horſes; on Pain of the Owner of ſuch Waggon, Wain, Cart, or Carriage, forfeiting the Sum of Twenty Shillings, and alſo every Horſe or other Beaſt of Draught above

No Broad Wheeled Waggon to be drawn with more than 8 Horſes;

Nor Two Wheeled Carriages with more than 5;

and in Pairs.

Narrow Four Wheeled Carriages not to be drawn with more than Four Horſes, *&c.*

nor Two Wheeled Carriages with more than 3;

on Forfeiture of 20 *s.* and the ſupernumerary Horſes.

above the Numbers herein before reſpectively preſcribed and limited, to any Perſon or Perſons who ſhall ſeize or ſue for the ſame; except as herein after mentioned.

5 *l.* Penalty on fraudulently taking off any Horſe, or altering the Diſtance of the Wheels, before coming to any Gate, *&c.*

And be it further enacted, That if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe or Horſes, or other Beaſt of Draught, from any Waggon or other Carriage, or ſhall alter, or cauſe the Diſtance of the Wheels thereof to be altered, at or before the ſame ſhall come to any of the ſaid Gates or Turnpikes, with Intent to avoid any Toll, Forfeiture, or Penalty, for drawing with a greater Number of Horſes or Beaſts of Draught, or in any other Manner than hereby allowed; each and every Perſon ſo offending, and being convicted thereof before the ſaid Truſtees, or any Three or more of them, or One or more Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, or Place, where the Offence ſhall be committed, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit and pay the Sum of Five Pounds.

Driver traveling with more Horſes the ſame Day than he ſhall have paſſed through any Gate with, deemed guilty of a Fraud.

And be it further enacted and declared, That every Perſon who ſhall drive any Waggon or other Carriage upon any Turnpike Road, with more Horſes or Beaſts of Draught than ſuch Waggon or other Carriage ſhall, on the ſame Day, have paſſed with through any Turnpike-bar or Gate, ſhall be deemed and adjudged to have taken off the ſaid Horſes or Beaſts of Draught with Intent to avoid paying the Toll or Duty.

Where it ſhall be judged neceſſary, the Truſtees may allow Waggons with Broad Wheels to be drawn up Hills by 10 Horſes; and Narrow Wheeled Carriages by 6;

Provided always, and be it further enacted, That if it ſhall appear to the Truſtees of any Turnpike Road within this Kingdom, or any Nine of them, at any of their Public Meetings, that it is impracticable for any Waggon or other Four Wheel'd Carriage, with the Weights to the ſame reſpectively allowed as aforeſaid, to be drawn up any Hill or Hills, lying in or upon ſuch Turnpike Road, by the Number of Horſes herein before reſpectively allowed, without manifeſt Inconvenience and Hazard; in ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine of them, to allow ſuch Number of Horſes as they ſhall judge neceſſary, not exceeding Ten for ſuch Nine Inch Wheels, and not exceeding Six for ſuch Wheels of leſs Breadth than Nine Inches, to be uſed in ſuch Waggon or Four Wheel'd Carriage for the Purpoſe only of drawing the ſame up ſuch Hill or Hills as aforeſaid; the Length and Extent of ſuch Hill or Hills to be ſpecified in ſuch Order of Allowance, and the Termination at each End thereof to be marked by a Poſt or Stone to be erected at ſuch reſpective Boundaries; and the ſaid Order of Allowance

the Length and Extent of the Hills to be ſpecified in the Order of Allowance,

lowance ſhall be certified, by the ſaid Truſtees or their Clerk, to the next General Quarter Seſſions of the Peace of the County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, within which ſuch Hill or Hills ſhall reſpectively be ſituated; and if the Facts, upon which the ſame is founded, ſhall, at the ſaid Quarter Seſſions, be proved upon the Oath of Two credible Witneſſes, to the Satisfaction of the Juſtices on the Bench, or the major Part of them, the ſaid Order of Allowance ſhall be confirmed, and filed among the Records of the Seſſions by the Clerk of the Peace, or otherwiſe ſhall be vacated and quaſhed; and from and after ſuch Confirmation and Filing, no Perſon ſhall be liable to any Penalty or Forfeiture for uſing ſuch Number of Horſes, as ſhall be ſo allowed, in drawing any Waggon or other Four Wheeled Carriage up ſuch Hill or Hills reſpectively.

and certified to the General Quarter Seſſions.

Order, if by them approved of, is to be confirmed, and filed;

otherwiſe to be vacated.

Provided alſo, and be it further enacted, That if it ſhall appear upon the Oaths of credible Witneſſes, to the Satisfaction of any Juſtice or Juſtices of the Peace, Commiſſioners or Truſtees, or of any Court of Juſtice authorized to enforce the Execution of this Act, that any Waggon, Cart, or Carriage, could not, by reaſon of deep Snow or Ice, be drawn with the reſpective Weights, and by the Number of Horſes or Beaſts of Draught, hereby reſpectively allowed; then, and in every ſuch Caſe, it ſhall and may be lawful for ſuch Juſtice or Juſtices of Peace, Commiſſioners, Truſtees, or Court reſpectively, and they are hereby reſpectively required, to ſtop all Proceedings before them reſpectively for the Recovery of any Penalty or Forfeiture which may have been incurred by drawing a greater Number of Horſes or Beaſts of Draught than are hereby allowed; any thing herein contained to the contrary notwithſtanding.

Particular Exemption with reſpect to Carriages drawing with an extraordinary Number of Horſes thro' deep Snow, or Ice.

And whereas great Damage is done to Turnpike Roads by Waggons and Four Wheeled Carriages, with Narrow Wheels, drawn by Horſes in Pairs; for Remedy thereof, be it enacted, That it ſhall not be lawful for any Waggon or Four Wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of leſs Breadth or Gage than Nine Inches, to paſs upon any Turnpike Road, or through any Turnpike-gate or Bar, if the ſame be drawn by Horſes in Pairs (other than and except Waggons and Four Wheeled Carriages loaden with Fiſh, Rabbits, Poultry, Calves alive or ſlaughtered, or Lambs only.)

Narrow Wheeled Waggons not to be drawn by Horſes in Pairs.

Provided always, and be it further enacted, That no Waggon, Cart, or other Carriage, travelling upon any

No Waggon, &c. to be fraudulently turned out of a Turnpike Road, to avoid the Tolls,

of the said Turnpike Roads, shall be driven or turned out of the same into any of the Roads adjacent, not being Turnpike Roads, in order to avoid, and thereby avoiding, paying the Tolls and Duties by this or any other Act or Acts made, or to be made, payable at any Gate or Turnpike erected, or to be erected, for the collecting and receiving the same; upon Pain of forfeiting and losing any One of the Horses drawing the same, not being the Thill or Shaft Horse, with all his Gears and Accoutrements, to the sole Use and Benefit of any Person or Persons who shall seize and distrain the same.

on Forfeiture of One of the Horses.

Collector, &c. being privy to any of the within Offences, and not duly prosecuting for the Penalty,

And be it further enacted by the Authority aforesaid, That if any Toll-gatherer or Gate-keeper shall permit or suffer any Waggon, Wain, Cart, or other Carriage, to be drawn or pass upon any Turnpike Road within the View, or with the Knowledge, of such Gate-keeper or Toll-gatherer, or to pass through any Toll-gate or Bar, with any greater Number of Horses, Oxen, or Neat Cattle, or with any Carriage constructed or drawn in any other Manner than is before directed, and shall not, within the Space of One Week, proceed for the Recovery of the Forfeiture or Penalty hereby inflicted for every such Offence, in the Manner directed or authorized by this Act; he shall forfeit and pay, for every such Neglect, the Sum of Forty Shillings.

forfeits 40s.

Driver of any Waggon with Wheels not duly constructed, or drawn by more Horses than authorized,

may be apprehended by any Person,

and taken before a Justice;

and on Conviction forfeits 5l.

And be it further enacted, That in case any Person or Persons shall, upon any Turnpike Road, drive, or act as the Driver or Drivers of, any Waggon, Cart, Wain, or Carriage, having Wheels of a Construction not authorized by this Act, or drawn by more than the Number of Horses, Oxen, or Neat Cattle, hereby respectively appointed; that then, and in every such Case, it shall and may be lawful to and for any Constable, Tythingman, Surveyor, or any other Person, to apprehend and take, or cause to be apprehended and taken, such Person or Persons so driving, or acting as Driver or Drivers, as aforesaid, before One or more Justice or Justices of the Peace for the County, Riding, Division, or Place, where the said Offence shall be committed; and upon Conviction thereof, either by Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before such Justice or Justices of the Peace, every such Person or Persons so offending shall respectively forfeit and pay, for every such Offence, the Sum of Five Pounds.

Drag Irons to be flat at the Sole, and of the Breadth of the Fellies,

Provided always, and be it further enacted, That where any Drag Iron, or other Instrument, shall be affixed under the Sole of the Wheel or Wheels of any

Waggon.

Waggon or other Carriage, to make the Paſſage of ſuch Waggon or Carriage more eaſy and ſecure down ſteep Hills; every ſuch Drag Iron, or other Inſtrument, ſhall be flat at the Bottom or Sole thereof, and ſhall not be of leſs Breadth than the Felloes of the Wheels under which the ſame ſhall be ſo affixed, on Pain of the Owner of every ſuch Waggon or other Carriage forfeiting the Sum of Forty Shillings for every ſuch Offence. on Forfeiture of 40*s.*

And be it further enacted, That every Owner or Owners of any Waggon, Wain, Cart, or Carriage, ſhall paint, or cauſe to be painted, in large and legible Characters, upon the Tilts of every ſuch Waggon, Wain, Cart, or Carriage, which has a Tilt, and upon the moſt conſpicuous Part of ſuch Waggon, Wain, Cart, or Carriage, which has not a Tilt, before he, ſhe, or they, ſhall uſe or drive the ſame upon any Turnpike Road, his, her, or their Chriſtian and Surname or Names, and the Place of his, her, or their Abode; and every Owner or Owners of every Common Stage Waggon or Cart ſhall, over and above his, her, or their Chriſtian and Surname or Names, paint, or cauſe to be painted, on the Part, and in Manner, as aforeſaid, the following Words, COMMON STAGE WAGGON, or CART, as the Caſe may be: And if any Owner or Owners of any ſuch Waggon, Wain, Cart, or Carriage, ſhall travel with, or uſe, by himſelf, herſelf, or theirſelves, Servant or Servants, any ſuch Waggon, Wain, Cart, or Carriage, without having his, her, or their Chriſtian Name, and Surname or Names, and Place of Abode, ſo painted thereon; or if any Perſon or Perſons ſhall paint, or cauſe to be painted, any falſe or fictitious Name on ſuch Waggon, Wain, Cart, or Carriage; he, ſhe, or they, ſhall forfeit the Sum of Five Pounds: And if any Owner or Owners of any Common Stage Waggon or Cart ſhall travel with, or uſe, the ſame, by himſelf, herſelf, or theirſelves, Servant or Servants, without having the Words hereby required to be painted thereon reſpectively; he, ſhe, or they, ſhall forfeit the Sum of Forty Shillings. Owner's real Name and Place of Abode to be painted on the moſt conſpicuous Part of each Waggon and Cart; alſo the Words *Common Stage Waggon* or *Cart*, as the Caſe may be; Travelling with a fictitious Name thereon, forfeits 5*l.* and without the Words required, 40*s.*

And whereas in and by ſeveral Acts of Parliament, made and paſſed for amending and repairing particular Turnpike Roads within this Kingdom, ſeveral high and extraordinary Tolls are granted and directed to be levied and paid for Waggons, Carts, and other Carriages, drawn by more than a certain Number of Horſes or Beaſts of Draught therein reſpectively mentioned, with an Intent in effect to prohibit the Paſſage of ſuch Carriages, and thereby the better to preſerve the ſaid

On ſuch Roads where extraordinary Tolls have been granted, deſignedly to prohibit Waggons, &c. being drawn thereon by more than a certain Number of Horſes, the Truſtees are required to reduce ſuch Tolls, in reſpect of Broad Wheeled Waggons, &c.

Roads; now it is hereby further enacted, That it ſhall and may be lawful to and for the Truſtees appointed, or to be appointed, in or by virtue of any Act of Parliament made, or to be made, for repairing and amending ſuch particular Roads as aforeſaid, or any Five or more of ſuch Truſtees reſpectively, within their reſpective Diſtricts, and they are hereby authorized and required, at the Firſt Meeting after the Commencement of this Act, to mitigate, leſſen, and reduce, the ſaid high and extraordinary Tolls and Duties, for and in reſpect of ſuch Waggons or other Wheel Carriages only having Wheels of the Breadth or Gage of Nine Inches as aforeſaid, in ſuch Manner as no greater Toll or Duty, in reſpect to Waggons, be demanded or taken for the ſame than is provided and directed, by the ſaid Acts reſpectively, to be paid and taken for Waggons and other Four Wheel Carriages drawn by Four Horſes or Beaſts of Draught; and that no greater Toll or Duty be demanded or taken for Carts, having the Fellies of their Wheels of the Breadth or Gage of Nine Inches, than is provided and directed, by the ſaid Acts reſpectively, to be taken for Carts drawn by Three Horſes; and the ſaid Truſtees within their reſpective Diſtricts, or any Five or more of them reſpectively, are hereby authorized and required to give Directions in Writing to the ſeveral Collectors within ſuch their reſpective Diſtricts, to take and receive ſuch Tolls and Duties, and no other; any Law or Statute to the contrary notwithſtanding.

And the Tolls are to be raiſed throughout One Half more, on all Narrow Wheeled Waggons, &c.

And be it further enacted by the Authority aforeſaid, That the Truſtees appointed or to be appointed, by virtue or under the Authority of any Act of Parliament made, or to be made, for making, repairing, or amending Turnpike Roads, or ſuch Perſon or Perſons as are or ſhall be authorized by them, ſhall and may, and are hereby required to demand and take for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of leſs Breadth or Gage than Nine Inches from Side to Side at the leaſt, at the Bottom or Sole thereof, and for the Horſes or Beaſts of Draught drawing the ſame, One half more than the Tolls or Duties which are or ſhall be payable for the ſame reſpectively by any Act or Acts of Parliament, made or to be made, for making, amending, or repairing Turnpike Roads, before any ſuch Waggon, Wain, Cart, or Carriage reſpectively, ſhall be permitted to paſs through any Turnpike-gate or Gates, Bar or Bars,

Bars, where Tolls ſhall be payable by virtue of any ſuch Acts.

except on Carts with 6 Inch Fellies, drawn by 2 Horſes, &c.

Provided always, and be it enacted, That it ſhall and may be lawful to and for any Cart or Carriage drawn by Two Horſes or Four Oxen, and no more, having the Fellies of the Wheels thereof of the Breadth or Gage of Six Inches at the Bottom from Side to Side, to paſs upon any Turnpike Road, and through any Turnpike-gate or Bar, paying the Tolls or Duties required to be paid by any of the ſaid Acts reſpectively.

And whereas there are, or hereafter may be, in ſeveral Acts of Parliament for making, amending, and repairing Turnpike Roads, Exemptions allowed from Payment of Tolls in particular Caſes therein reſpectively mentioned; and Liberties are or may be allowed, in particular Caſes, to pay leſs Tolls than are charged upon other Waggons, Wains, Carts, and Carriages, paſſing through Turnpike-gates or Bars: And whereas it will tend to the Advantage and Preſervation of Turnpike Roads, to confine ſuch Exemptions, Liberties, Privileges, and Advantages, to Carriages with Wheels of the Breadth or Gage of Nine Inches as aforeſaid, except as herein after excepted: Be it therefore enacted, That no Perſon ſhall, by virtue of the ſaid Acts of Parliament, have, claim, or take, the Benefit or Advantage of any Exemption from Toll, or Part of Tolls, or to pay leſs Toll, for or in reſpect of any Waggon, Wain, Cart, or other Carriage, or Horſe drawing the ſame, and carrying any particular Kind of Goods, than other Carriages of the like Nature carrying other Goods ought to pay; unleſs ſuch Waggon, Wain, Cart, or other Carriage, have the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gage of Nine Inches as aforeſaid; other than and except Carts and Carriages drawn by Two Horſes or Four Oxen, and no more, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gage of Six Inches as aforeſaid; and other than and except Carts and Carriages employed in carrying Corn or Grain in the Straw, Hay, Fodder, Dung, Lime for the Improvement of Land, or other Manure, or any Implements of Husbandry only; but that the Toll required by the ſaid Acts reſpectively, together with the additional Tolls hereby directed to be taken, for or in reſpect of every ſuch Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of leſs Breadth or Gage than Nine Inches as aforeſaid, and for and in reſpect of Horſes,

Exemptions and Privileges granted in particular Caſes with reſpect to Tolls, reſtrained for the future to Broad Wheeled Carriages;

Carts, &c. with 6 Inch Fellies, drawn by 2 Horſes, &c. excepted;

and ſuch Carriages as ſhall be employed in Huſbandry only;

In all other Caſes the ordinary Tolls granted by thoſe Acts, with the additional ones hereby granted, are to be paid.

or Beasts of Draught, drawing the same (except as before excepted) shall be paid in the same Manner to all Intents and Purposes, as if no Exemption or less Toll had been enacted or allowed by any of the said Acts respectively, and as fully as all other Waggons, Wains, Carts, and Carriages, and Horses drawing the same, ought respectively to pay which are not intitled to any Exemption from Toll, in the Whole or Part, or to pay a less Toll than other Waggons, Wains, Carts, and Carriages; any Law or Statute to the contrary notwithstanding.

Carriages which do not come within the Intention of this Act.

Provided always, That nothing in this Act shall extend, or be construed to extend, to any Chaise Marine, Coach, Landau, Berlin, Chariot, Chaise, Calash, or Hearse; or to any Caravan, or covered Carriage, of any Nobleman or Gentleman for his private Use; or to such Ammunition or Artillery as shall be for His Majesty's Service; or to any Cart or Carriage drawn by One Horse, or Two Oxen, and no more; or to any Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, which shall be laden with One Stone, Block of Marble, One Piece of Metal, or One Piece of Timber.

Persons fraudulently taking the Benefit of any Exemption,

forfeit not exceeding 5*l.* nor less than 40*s.*

Provided also, and be it enacted, That if any Person or Persons shall take the Benefit of any Exemptions under, or by virtue of, this or any other Act made, or hereafter to be made, for the Repair of any Turnpike Road, in any fraudulent or colluſive Manner whatsoever; such Person or Persons shall forfeit, for every such Offence, a Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Where the Roads shall be sufficiently repaired, or nearly so; and the Money borrowed paid, or nearly discharged;

And whereas in and by several Acts of Parliament made and passed for amending and repairing particular Turnpike Roads within this Kingdom, there is no Power given to the Trustees to lessen the Tolls, although such Turnpike Roads may be sufficiently, or in a great Degree, amended and repaired; and all, or the greatest Part, of the Money borrowed upon the Credit of any such Acts have been paid and discharged; be it therefore further enacted, That it shall and may be lawful to and for the Trustees appointed in and by virtue of any Act of Parliament, now in Force, for repairing and amending such particular Roads as aforesaid, or any Thirteen or more of such Trustees respectively, and they are hereby impowered in any of the Cases aforesaid, at a Meeting to be held for that Purpose, of which One

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Calendar Month's Notice ſhall be given in Writing, to be affixed on all the Turnpike-gates which ſhall be then erected upon ſuch reſpective Roads, from time to time, to leſſen or reduce all or any of the Tolls granted by any of the ſaid reſpective Acts, for and during ſuch Time as the ſaid Truſtees, or any Thirteen or more of them, ſhall think proper; and afterwards at any Meeting to be held as aforeſaid, from time to time, if they ſhall ſee Occaſion, to advance all or any of the Tolls, ſo leſſened, to any Sum or Sums of Money, not exceeding the ſeveral Rates granted by ſuch Acts of Parliament reſpectively.

the Tolls may be reduced,

and occaſionally raiſed again;

Provided nevertheleſs, That where the whole Money borrowed on the Credit of the Tolls granted by any ſuch Act ſhall not have been paid and diſcharged, no ſuch Tolls ſhall be leſſened or reduced without the Conſent of the Perſon or Perſons intitled to Five Sixths of the Money remaining due upon ſuch reſpective Tolls.

but no ſuch Reduction is to take Place, where Money is due, unleſs with Conſent of the Mortgagees.

And be it further enacted, That where there are Two or more Turnpike Roads under ſeveral Acts of Parliament, within the ſame Pariſh, Townſhip, or Place, and the Statute Duty directed by all ſuch Acts to be taken or applied, for the Repair of ſuch Turnpike Roads within ſuch Pariſh, Townſhip, or Place, ſhall exceed Three Days Duty in the Whole; then, and in ſuch Caſe, it ſhall and may be lawful for Two or more Juſtices of the Peace of the County, Riding, Diviſion, or Place, where ſuch Turnpike Roads ſhall be, and they are hereby required, at ſome Special Seſſions, to adjuſt and proportion ſuch Statute Duty, betwixt ſuch Turnpike Roads and the other Highways in ſuch Pariſh, Townſhip, or Place, in ſuch Manner as they ſhall think fit; having Regard to the Extent and Condition of the ſaid ſeveral Roads and Highways, and alſo to the Tolls and Revenues ariſing from ſuch Turnpike Roads reſpectively (the ſaid Juſtices previouſly ſummoning the Clerks and Surveyors of ſuch Turnpike Roads, and likewiſe the Surveyors of the Highways for ſuch Pariſh, Townſhip, or Place, who are hereby reſpectively required to attend the Juſtices upon ſuch Summons.)

Where there are 2 or more Turnpike Roads under ſeveral Acts within the ſame Pariſh, &c. and the Statute Duty exceeds 3 Days,

the Juſtices are to apportion the Statute Duty between them.

And be it further enacted, That if any Surveyor or Surveyors, or other Perſon or Perſons having the Care of any Turnpike Road, ſhall ſuffer to be or remain, for the Space of Forty eight Hours, in any Part thereof within Twelve Feet on either Side of the Middle of ſuch Road, any Poſt or Poſts, Heap or Heaps of Stones, Rubbiſh, or Earth, ſet up or raiſed in or above the Surface of the ſaid Road, by which the Paſſage thereof

40*s.* Penalty on Surveyors ſuffering any Obſtruction to remain on the Roads.

thereof ſhall or may be obſtructed, impeded, confined, or ſtraitened (other than and except Poſts, Blocks, Stones, or Banks of Earth, fixed in the Ground, or raiſed, for ſecuring Horſe or Foot Roads, and alſo Direction Poſts and Stones) ſuch Surveyor or other Perſon ſhall forfeit and pay the Sum of Forty Shillings, to be recovered before One Juſtice of the Peace.

40ſ. Penalty on Perſons making Ditches, &c. on any Turnpike Road, not incloſed on both Sides, within 30 Feet of the Centre,

or turning their Plough or Harrow within 15 Feet thereof:

And whereas Inconveniencies have ariſen from making Hedges, or other Fences, and from ploughing or breaking up the Soil of Lands or Grounds near the Middle or Centre of Turnpike Roads; for Remedy thereof be it further enacted, That if any Perſon ſhall make, or cauſe to be made, any Hedge, Ditch, or other Fence, on any Turnpike Road not incloſed on both Sides, within the Diſtance of Thirty Feet from the Middle or Centre thereof; or ſhall plough, harrow, or break up, the Soil of any Land or Ground; or, in ploughing or harrowing the adjacent Lands, ſhall turn his or their Plough or Harrow in or upon any Land or Ground within the Diſtance of Fifteen Feet from the Middle or Centre of any Turnpike Road, made, or to be made, within this Kingdom; every Perſon ſo offending ſhall forfeit, for every ſuch Offence, Forty Shillings, to ſuch Perſon as ſhall make Information of the ſame; and it ſhall be lawful for the Truſtees who have the Care of any ſuch Road, or any Five or more of them, to cauſe ſuch Hedge, Ditch, or Fence, to be taken down or filled up at the Expence of the Perſon or Perſons to whom the ſame ſhall belong: And it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace of the County, Riding, Diviſion, or Place, where ſuch Offence ſhall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down ſuch Hedges as aforeſaid, as the ſeveral and reſpective Penalties hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattles, rendering the Overplus to the Owner on Demand.

Such Ditches, &c. may be taken down, or filled up, at the Expence of the Owner;

and be levied, together with the Penalties, by Diſtreſs and Sale.

Direction Poſts to be ſet up where ſeveral Highways meet;

And, for the better Convenience of Travellers, where ſeveral Highways meet, be it further enacted, That the Commiſſioners or Truſtees appointed, or to be appointed, to execute any Act of Parliament made, or to be made, for the Repair of any Turnpike Road, ſhall direct the Surveyor of every ſuch Turnpike Road where ſeveral Highways meet, and there is no ſufficient Direction Poſt or Stone already fixed or erected, forthwith to erect, or cauſe to be erected, or fixed, in the moſt convenient Place where ſuch Ways meet, a Stone or Poſt, with an Inſcription thereon in large Letters, containing the Name of,

of, and Diſtance from, the next Market Town or Towns, or other conſiderable Place or Places, to which the ſaid Highways reſpectively lead; and alſo, at the ſeveral Approaches or Entrances to ſuch Parts of any Highways as are ſubject to deep or dangerous Floods, graduated Stones or Poſts, denoting the Depth of Water in the deepeſt Part of the ſame; and likewiſe ſuch Direction Poſts or Stones as the ſaid Commiſſioners or Truſtees ſhall judge to be neceſſary, for the guiding of Travellers in the beſt and ſafeſt Tract through the ſaid Floods or Waters; and alſo ſhall order the ſaid Surveyor to erect Mile-ſtones upon ſuch Turnpike Road, with proper Inſcriptions and Figures thereupon, denoting the Names and Diſtances from the principal Towns or Places on each reſpective Road; and the ſaid Surveyor or Surveyors ſhall be reimburſed the Expences of providing and erecting the ſame reſpectively, out of the Tolls and Duties granted by ſuch Acts reſpectively: And in caſe any Surveyor or Surveyors ſhall, by the Space of Three Months after ſuch Direction to him or them given, neglect or refuſe to cauſe any ſuch Stone or Poſt to be fixed as aforeſaid; every ſuch Offender ſhall forfeit the Sum of Twenty Shillings.

and where the Highways are ſubject to deep or dangerous Floods;

and for guiding Travellers in the ſafeſt Tract.

Mile-ſtones alſo to be ſet up:

The Expences to be defrayed out of the Tolls.

Surveyors neglecting their Duty herein, forfeit 20*s.*

And whereas in ſome Places it hath been, and may be, found neceſſary to ſecure Horſe and Foot Cauſeways, in Public Highways, by Poſts, Blocks, or great Stones, fixt in the Ground, or by Banks of Earth caſt up, or otherwiſe, from being broken and ſpoiled with Waggons, Wains, Carts, or Carriages: And foraſmuch as ſeveral evil-diſpoſed Perſons may wilfully or maliciouſly pull up, cut down, and remove, the ſaid Poſts, Blocks, and great Stones, ſo fixed as aforeſaid, and alſo dig and caſt down the ſaid Banks, which are the Security and Defence of the ſaid Cauſeways, whereby they are often ruined and deſtroyed; and ſuch evil-diſpoſed Perſons may break, damage, or throw down, the Stones, Bricks, or Wood, fixed upon the Parapets or Battlements of Bridges, and may pull down, deſtroy, obliterate, or deface, any Mile-ſtone or Poſt graduated, or Direction-poſt or Stone, erected, or to be erected, upon any Turnpike Road for the Purpoſes aforeſaid: For Prevention thereof, be it enacted, That every Perſon who ſhall be guilty of any ſuch Offence ſhall, upon Complaint thereof made to any Juſtice of the Peace of the County, Diviſion, or Place, where the ſame ſhall be proved to be done, by the Oath of any One credible Witneſs, or upon View of the Juſtice himſelf, forfeit, for every of the ſaid Offences, any Sum not exceeding

Penalty not exceeding 5*l.* but not leſs than 10*s.* on pulling up or deſtroying Poſts or Banks to be ſet up on the Sides of the Roads, for Security thereof, or the Parapets of Bridges; or defacing Mile-ſtones, or Direction Poſts;

or the Offender may be committed, and kept to hard Labour, and whipt.

ceeding Five Pounds, nor leſs than Ten Shillings; or be committed to the Houſe of Correction of ſuch County, Diviſion, or Place, there to be whipped, and kept to hard Labour for any Time not exceeding One Calendar Month, nor leſs than Seven Days, at the Diſcretion of ſuch Juſtice.

Penalty of deſtroying, &c. any Toll-gate, or Bar,

And, to prevent the malicious deſtroying of any Turnpike-gate or Houſes which have been, or ſhall hereafter be, erected, be it further enacted, That if any Perſon or Perſons whatſoever ſhall, either by Day or Night, wilfully or maliciouſly pull down, pluck up, throw down, level, or otherwiſe deſtroy, any Turnpike-gate, or Turnpike-gates, or any Poſt or Poſts, Rail or Rails, Wall or Walls, or any Chain, Bar, or other Fence or Fences, belonging to any Turnpike-gate or Turnpike-gates, or any other Chain, Bar, or Fence, of any Kind whatſoever, ſet up or erected, or hereafter to be ſet up or erected, to prevent Paſſengers from paſſing by without paying any Toll laid and directed to be paid by any Act or Acts of Parliament already made, or hereafter to be made, for that Purpoſe; or any Houſe or Houſes erected, or to be erected, for the Uſe of any ſuch Turnpike-gate or Turnpike-gates; or any Crane, Machine, or Engine, made or erected, or to be made or erected, on any Turnpike Road, by Authority of Parliament, for weighing Waggons, Carts, or Carriages; or ſhall forcibly reſcue any Perſon or Perſons, being lawfully in Cuſtody of any Officer or other Perſon for any of the Offences before mentioned; that then, and in any of the ſaid Caſes, every Perſon ſo offending, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony without Benefit of Clergy: And any Indictment for ſuch Offences ſhall and may be inquired of, examined, tried, and determined, in any adjacent County within that Part of Great Britain called England, in ſuch Manner and Form as if the Facts had been therein committed.

Toll-houſe, or Weighing Engine,

or reſcuing Offenders;

is Felony, without Benefit of Clergy.

Inhabitants of the Hundred, wherein any of the ſaid Offences ſhall be committed,

And be it further enacted, That the Inhabitants of every Hundred within that Part of Great Britain called England, within which ſuch Offence or Offences ſhall be committed, by pulling down and deſtroying any ſuch Turnpike-gate or Gates, or any ſuch Poſt or Poſts, Rail or Rails, Wall or Walls, belonging to any Turnpike-gate or Gates; or any ſuch Chain, Bar, or Fences; or any Houſe or Houſes ſet up or erected, or to be ſet up or erected, for the Uſe or Service of collecting the Tolls; or any Crane, Machine, or Engine, made or erected, or to be made or erected, on any Turnpike Road,

Road, by Authority of Parliament, for weighing Waggons, Carts, or Carriages, at any Place appointed by the reſpective Truſtees or Commiſſioners, or any Five or more of them, acting under any Act or Acts of Parliament for amending any Turnpike Road, ſhall make full Satisfaction for the Damages that ſhall be thereby ſuffered; and that the ſaid Damages ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, by and in the Name of the Clerk of the Peace of the County for the time being wherein ſuch Offence or Offences ſhall be committed, without naming the Chriſtian Name or Surname of the Clerk of the Peace; and ſuch Action ſhall not be abated or diſcontinued by the Death or Removal of any ſuch Clerk, but may be ſued and proſecuted by his Succeſſor; and the ſaid Damages ſo to be recovered ſhall be to the only Uſe and Behoof of the Truſtees or Commiſſioners of ſuch Turnpike where the Offence ſhall have been committed, to be by them applied and diſpoſed of to the ſeveral Uſes and Purpoſes, in ſuch Manner as the ſeveral Tolls, Rates, and Duties, by virtue of ſuch Act or Acts of Parliament, ſhall be applied and diſpoſed of: And all and every the Inhabitants of ſuch Hundred ſhall be rateably and proportionably taxed for and toward an equal Contribution for the Relief of ſuch Inhabitant or Inhabitants, againſt whom Execution for ſuch Damages ſhall be had and levied; which Tax ſhall be levied and raiſed by ſuch Means, and in ſuch Manner and Form, as is preſcribed and mentioned for the levying and raiſing the Damages recovered againſt Inhabitants of Hundreds in caſe of Robberies, by any Act or Acts of Parliament: Provided, That upon Conviction of any ſuch Offender, within Twelve Months after the Offence committed, any Hundred, or Inhabitants thereof, liable to make, and having made, ſuch Satisfaction, ſhall be repaid the Sums they have ſo paid, out of the Tolls of the Turnpike where ſuch Offence was committed.

are to make full Satisfaction for the Damages,

to the Uſe of the Truſtees of the Turnpike;

to be applied as the Tolls;

Inhabitants to be rateably taxed thereto;

but upon Conviction of the Offender, the Hundred is to be repaid out of the Tolls.

And whereas great Miſchiefs have ariſen from mean Perſons acting as Truſtees in the Execution of ſuch Acts of Parliament made for repairing Public Roads in that Part of Great Britain called England, as do not direct and require that the Truſtees thereby appointed ſhall be qualified to act as ſuch by the Poſſeſſion of Real or Perſonal Eſtates to a certain Value; be it therefore enacted, That no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of any ſuch Act as aforeſaid, unleſs he ſhall be, in his own Right, or in

General Qualification of Truſtees,

the Right of his Wife, in the actual Poſſeſſion, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or poſſeſſed of, or intitled to, Perſonal Eſtate to the Value of Eight hundred Pounds; or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of Eighty Pounds; and unleſs he hath taken, or ſhall (not being ſuch Heir Apparent as aforeſaid) before he acts as ſuch Truſtee, take and ſubſcribe the Oath following, before any Two or more of the Truſtees appointed, or to be appointed, by or in purſuance of ſuch Act, who are hereby authorized and impowered to adminiſter the ſame, in the Words, or to the Effect, following; that is to ſay,

to be verified upon Oath.

The Oath.

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

So help me GOD.

Penalty on Perſons, not duly qualified, preſuming to act.

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

Officers to deliver up to Truſtees all Books and Papers in their Cuſtody, &c. relating to the Execution of their Office,

And be it further enacted, That all Clerks, Treaſurers, Surveyors, and other Officers appointed, or to be appointed, by any Act or Acts made or to be made for the Repair of any Turnpike Roads, and their reſpective Executors or Adminiſtrators, ſhall, within Ten Days after Notice, in Writing, to them reſpectively given by the Commiſſioners or Truſtees of ſuch Roads, or any Five or more of them, at a Meeting held purſuant to ſuch Act, produce and deliver up to ſuch Truſtees, all Books, Accounts, Papers, or Writings whatſoever,

ſoever, relative to the Execution of ſuch reſpective Offices, which ſhall be in their Cuſtody or Power; and every ſuch Officer or Perſon as aforeſaid neglecting or refuſing to produce and deliver up ſuch Books, Accounts, Papers, or Writings, after ſuch Notice as aforeſaid, ſhall, for every ſuch Neglect or Refuſal reſpectively, forfeit the Sum of Twenty Pounds. on Forfeiture of 20*l.*

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

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

And whereas fraudulent Contrivances may be practiſed by Offenders, their Friends, and others, to evade the juſt Recovery of Forfeitures and Penalties inflicted by the Laws relating to Turnpike Roads, by ſetting up colourable Proſecutions and Seizures, with Intent to favour Offenders againſt the ſaid Laws, and to diſcourage juſt and real Proſecutions; for Remedy thereof, be it enacted, That it ſhall and may be lawful for all and

Fraudulent and colourable Prosecutions and Seizures, set up to favour Offenders, to be enquired into and set aside.

every Justice and Justices of the Peace before whom there shall be any Information or Proceeding for any Penalty or Forfeiture inflicted by this or any Act or Acts of Parliament made, or to be made, for repairing and amending Turnpike Roads; and they are hereby required, where any prior Seizure, Information, or Conviction, shall be set up or insisted upon, by way of Defence, or to defeat any Information or Proceeding, or any Seizure for any Forfeiture or Penalty inflicted as aforesaid, to examine into the real Merits of such prior Seizure, Information, Proceeding, or Conviction; and if thereupon it shall appear that the same was not done, made, or prosecuted effectually, to recover and apply the Penalty or Forfeiture for the true and real Ends and Purposes for which such Penalties or Forfeitures were enacted, but to favour the Offender, such prior Seizure, Information, or Conviction, shall be deemed to be fraudulent, and null and void, to all Intents and Purposes whatsoever; and every such Justice or Justices of the Peace shall proceed to determine and convict, as if no prior Seizure, Information, or Conviction, had been made, prosecuted, or obtained.

Where a sufficient Number of Trustees to act, shall not meet on the Day appointed for their First, or any subsequent Meeting,

And be it further enacted, That where a sufficient Number of the Trustees appointed, or to be appointed, by any Act or Acts of Parliament made, or to be made, for making, amending, or repairing, any particular Turnpike Roads, shall not meet on the Day appointed, or to be appointed, by any such Act or Acts respectively, for their First Meeting; or shall not meet on the Day appointed, or to be appointed, by Adjournment, for their Meeting, or for want of a proper Adjournment; by which Means, or by some, or One of them, the Intent of the said Act or Acts may be frustrated; in all or either of the said Cases, it shall be lawful for so many of the said Trustees as shall meet, or the major Part of them, or, in case no such Trustee shall be present, for their Clerk or Clerks, to cause Notice in Writing to be affixed on all Turnpikes that shall be then erected on the said respective Roads, or, if no Turnpikes shall be then erected, to cause the like Notice to be affixed in the most conspicuous Place in One of the principal Towns or Places nearest to which the Roads directed to be repaired do lie, at least Ten Days before the intended Meeting; appointing such Trustees to meet at such Place where the preceding Meeting was appointed to have been held, or at the Place directed for the First Meeting of such Trustees, if no such preceding Meeting shall have been held; and the said Trustees, when

or for want of Adjournment;

the Trustees met, or their Clerk,

may appoint another Meeting; giving publick Notice thereof;

met

met in purſuance of ſuch Notice, ſhall and may, and they are hereby required, to proceed and carry ſuch Act or Acts into Execution, in the ſame and as ample and full a Manner, to all Intents and Purpoſes, as they might or could have done if no ſuch Neglect had happened. and the Truſtees met in conſequence thereof, may proceed to carry ſuch Acts into Execution.

Provided nevertheleſs, and be it further enacted, That no Meeting of ſuch Truſtees ſhall at any Time be adjourned for any longer Time than Three Months from the Day on which ſuch Adjournment ſhall be made; and that no Buſineſs ſhall be done or proceeded upon by the Truſtees, at any Meeting to be held under this or any Act or Acts of Parliament, made or to be made, for making or repairing any Turnpike Roads, before the Hour of Ten in the Forenoon; and that no Adjournment ſhall be made to any Hour later than Two in the Afternoon of the Day on which ſuch Meeting ſhall be appointed to be held; and that every Act agreed upon at any Meeting, ſhall be ſigned at the ſaid Meeting by a competent Number of Truſtees, or otherwiſe, every ſuch Meeting, Adjournment, and Act reſpectively, ſhall be void and of none Effect. No Adjournment to be for a longer Time than 3 Months; nor Proceedings to be had before 10 in the Morning; nor Adjournment to be made to a later Hour than 2 in the Afternoon.

And be it enacted, That if the Commiſſioners and Truſtees appointed, or to be appointed, to put any Act of Parliament, made or to be made for the Repair of any Turnpike Road, into Execution, ſhall abuſe or exceed their Power, by erecting or cauſing to be erected, or continuing or cauſing to be continued, any Gate or Gates, Turnpike or Turnpikes, where they have not any Power, by virtue of any Act of Parliament, to erect ſuch Gate or Gates, Turnpike or Turnpikes; it ſhall and may be lawful to and for the Juſtices of the Peace of the County, Riding, Diviſion, or Place, where any ſuch Gate or Gates, Turnpike or Turnpikes, is or ſhall be erected or continued, in their General Quarter Seſſions aſſembled, upon Complaint of ſuch Abuſe or Exceſs of Power in ſuch Commiſſioners and Truſtees, in a ſummary Way to hear and determine the ſame; and thereupon to order the Sheriff of the County, who is hereby authorized and required to execute ſuch Order, to remove any ſuch Gate or Gates, Turnpike or Turnpikes. Truſtees abuſing or exceeding their Power, in any of the Inſtances here mentioned, the General Quarter Seſſions may determine any Complaint made thereof in a ſummary Way; and the Sheriff is to execute their Order.

And be it enacted, That all and every Mortgagee and Mortgagees that hath or have taken or been in Poſſeſſion, or ſhall hereafter take and be in Poſſeſſion, of any Toll-gate or Bar, ſet up or erected on any Turnpike Road, ſhall, within Fourteen Days after he, ſhe, or they, ſhall have received Notice in Writing from the Truſtees, or Mortgagee taking Poſſeſſion of any Toll-gate, to account upon Oath for the Monies received, and expended;

Com-

Commiſſioners of ſuch Turnpike Roads, or any Five of them, render upon Oath, to be adminiſtered and taken by and before One Juſtice of the Peace, or any One Truſtee or Commiſſioner of ſuch Turnpike Road, an exact Account in Writing, to ſuch Truſtees or Commiſſioners, or to any Perſon appointed by them, or any Five of them, to be named in ſuch Notice, of all Monies received by ſuch Mortgagee or Mortgagees, or by any other Perſon or Perſons, for his, her, or their Uſe and Benefit, or by his, her, or their Authority, at ſuch Toll-gate or Bar, and of what he, ſhe, or they, have expended in keeping the ſame; and in caſe he, ſhe, or they, ſhall neglect to render ſuch Account, when required in the Manner herein directed, he, ſhe, or they, ſhall ſeverally forfeit and pay to the ſaid Truſtees or Commiſſioners, for every Refuſal, Neglect, or Omiſſion, to render ſuch Account, the Sum of Ten Pounds; to be recovered by the ſaid Truſtees or Commiſſioners, or any Five or more of them, or by the Treaſurer or Clerk to the ſaid Truſtees or Commiſſioners, in a ſummary Manner, before One Juſtice of the Peace; which, when recovered, ſhall be applied to the Uſe of the reſpective Road or Roads whereon ſuch Toll-gate or Bar ſhall be placed.

on Forfeiture of 10*l.* for every Refuſal, or Neglect;

to be applied to the Uſe of the Road:

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

And keeping Poſſeſſion, or receiving the Tolls, after his Debt, Intereſt, and Coſts are paid,

is to forfeit Double the Sums ſo received,

with Treble Coſts of Suit;

to be applied to the Uſe of the Road.

Provided always, and be it further enacted, That it ſhall and may be lawful for any Two or more Truſtees or Commiſſioners of any Turnpike Road, upon the Death of any Toll-gatherer or Gate-keeper, appointed or

Upon the Death of any Collector, 2 Truſtees may appoint a temporary One,

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

who is to be accountable, till the next Meeting of the Commiſſioners.

Collector diſcharged, refuſing to deliver up Poſſeſſion of the Houſe, &c.

or the Wife or Family of ſuch as ſhall die,

Conſtable, by Warrant of a Juſtice, may enter the Premiſſes, &c.

and put the new appointed Officer in Poſſeſſion.

And be it further enacted, That the Gate-keeper or Toll-gatherer of every ſuch Toll-gate or Bar, and every Surveyor of any Turnpike Road, ſhall, when required, by Notice in Writing from the ſaid Truſtees or Commiſſioners, or any Five or more of them, render upon Oath, to be adminiſtered by, and taken before, any One Juſtice of the Peace, Truſtee, or Commiſſioner of ſuch Turnpike Road, a true and exact Account in Writing, to the ſaid Truſtees or Commiſſioners, or to any Perſon to be named in ſuch Notice appointed by them, or any Five or more of them, of all Monies received by him, her, or them, at ſuch Toll-gate or Bar, or otherwiſe on Account of ſuch Turnpike Road, not before accounted for, under the Penalty of Five Pounds for every ſuch Offence or Neglect; to be recovered in a ſummary Manner before any One Juſtice of the Peace, and applied to the Uſe of the reſpective Road on which ſuch Toll-gate ſhall be placed.

Collectors and Surveyors to account upon Oath, when required;

under Penalty of 5*l.*

No Collector, or Renter of the Tolls, may be removed by virtue of the Poor Laws,

unleſs he become chargeable;

nor ſhall he gain any Settlement by the Tolls;

nor ſhall he, nor the Tolls, be liable to any Parochial Tax.

And be it further enacted, That no Gate-keeper of any Turnpike Road, or Perſon renting the Tolls thereof, and reſiding in any Toll-houſe belonging to the ſaid Truſt, ſhall be removable from ſuch Toll-houſe, by the Order of any Juſtices of the Peace, in purſuance of any Laws now in being for the Relief or Regulation of the Poor, unleſs he ſhall become actually chargeable to ſome Pariſh or Place; and that no ſuch Gate-keeper or Perſon renting ſuch Tolls, and reſiding in ſuch Toll-houſe as aforeſaid, ſhall thereby gain a Settlement in any Pariſh or Place whatſoever; and that no Tolls to be taken at any Gate erected, or to be erected, by the Truſtees of any Turnpike Road, nor any Toll-houſe erected, or to be erected, for the Purpoſe of collecting the ſame; nor any Perſon, in reſpect of ſuch Tolls or Toll-houſe, ſhall be rated or aſſeſſed towards the Payment of any Poors Rate, or any other Publick or Parochial Levy whatſoever.

Conſtables making Default in their Duty in executing this Act, &c.

and Surveyors, Collectors, &c.

neglecting to ſeize ſupernumerary Horſes drawing in Waggons,

or to give due Information of the Offence,

forfeit 10 *l.*

And, to enforce further a due Obſervance of this Act, be it enacted, That every Conſtable, Headborough, or Tythingman, refuſing or neglecting to put this Act into Execution, or to account for and deliver any Forfeiture or Penalty according to the Directions of this Act; and every Surveyor of any Turnpike Road, and every Toll-gatherer, and all Perſons employed, or to be employed, by Commiſſioners or Truſtees, appointed or to be appointed for the repairing Roads, as do or ſhall receive Salaries or Rewards, who ſhall wilfully neglect, for the Space of One Week after the Offence committed, to ſeize any ſupernumerary Horſe or Horſes drawing within their View or Knowledge in any Waggon, Wain, or Cart, contrary to the true Intent and Meaning of this Act; or ſhall wilfully neglect for the ſame Time to lay ſuch Information, upon Oath, before One or more of His Majeſty's Juſtices of the Peace for the County, Riding, Diviſion, or Place, wherein ſuch Offence was committed, or before the Commiſſioners or Truſtees at their reſpective Meetings, as by this Act is directed; ſhall, upon due Information made, upon Oath, before One or more of His Majeſty's Juſtices of the Peace for the ſaid County, Riding, Diviſion, or Place, forfeit, for every ſuch Neglect, the Sum of Ten Pounds.

Any Seizure or Diſtreſs made for any Forfeiture incurred,

unleſs by Warrant,

Provided always, and it is hereby enacted and declared, That whatever Perſon or Perſons ſhall make any Seizure or Diſtreſs of any Horſe, Beaſt, Gears, or other Things, for any of the Forfeitures hereby incurred, unleſs by Warrant from a Juſtice or Juſtices of the Peace, or Commiſſioners of any Turnpike, purſuant

ſuant to the Authority hereby given; ſuch Perſon or Perſons ſhall deliver the ſame into the Cuſtody of the Conſtable, or ſome other Pariſh Officer of the ſame, next, or adjacent, Town or Pariſh, where ſuch Seizure or Diſtreſs is made, who are hereby required to receive into their Cuſtody, and ſafely to keep the ſame, till the Perſon or Perſons who made ſuch Diſtreſs or Seizure ſhall make Proof, upon Oath, before ſome Juſtice of the Peace, of the Offence committed; but if ſuch Proof ſhall not be made within Six Days after ſuch Delivery, then ſuch Horſe, Beaſt, Gears, or other Things, ſhall be reſtored to the Owner; and the Perſon making ſuch Seizure ſhall pay ſuch reaſonable Charges to the Conſtable or other Officer for the keeping and ſecuring thereof, as the ſaid Juſtice or Juſtices ſhall allow and direct; and the ſaid Juſtice or Juſtices, before whom ſuch Proof is made, are hereby required, after Conviction, to iſſue their Precept to ſuch Conſtable or Pariſh Officer, immediately to deliver the Horſe, Beaſt, Gears, or other Things, ſo forfeited, to the Party or Parties who ſeized or diſtrained the ſame, to and for their ſole Uſe and Benefit; paying ſuch reaſonable Charges for keeping and ſecuring ſuch Horſe or Horſes, Beaſts, or other Things, as the ſaid Juſtice or Juſtices ſhall allow and direct: And every Perſon making Seizure of any ſuch Horſe, Beaſt, Gears, or other Things, and not proſecuting ſuch Seizure within the Time and in Manner aforeſaid, ſhall forfeit to the Owner of ſuch Horſe, Beaſt, Gears, or other Things, the Sum of Forty Shillings for every ſuch Seizure.

Is to be delivered over to the Conſtable

'til Proof made of the Offence;

and if not made with in 6 Days, the Diſtreſs to be returned to the Owner;

and the Seizer to pay Expences of keeping;

but upon Conviction, an Order to be made for delivering the Diſtreſs to the Party.

Party not duly proſecuting ſuch Seizure, forfeits 40s.

Provided always, and be it further enacted, That no Conviction ſhall be had or made by virtue of this Act, unleſs upon Confeſſion of the Party accuſed, or upon the Oath of One or more credible Witneſs or Witneſſes; and that any Inhabitant of any Pariſh, Townſhip, or Place, in which any Offence ſhall be committed contrary to this Act, ſhall be deemed a competent Witneſs, notwithſtanding his or her being an Inhabitant of ſuch Pariſh, Townſhip, or Place; and that any Juſtice of the Peace may act in the Execution of this Act, notwithſtanding he may be a Truſtee for repairing and amending the Roads on which any Offence, contrary to this Act, ſhall be committed.

All Convictions to be upon Confeſſion of the Party accuſed, or Oath of One or more Witneſſes;

Inhabitants deemed competent Witneſſes;

and any Juſtice, tho' a Truſtee, may act therein.

And be it further enacted, That in caſe any Perſon or Perſons ſhall reſiſt, or make forcible Oppoſition againſt, any Perſon or Perſons employed in the due Execution of this Act; or ſhall aſſault any Collector or Collectors of the Tolls in the Execution of his or their Office or Offices;

Penalty of obſtructing the Execution of this Act in any of the Inſtances here mentioned,

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

in any Sum not exceeding 10*l.* nor leſs than 40*s.* to be paid to the Turnpike Surveyor;

and if not forthwith paid, or Security given,

the Offender to be committed.

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

Penalties, Forfeitures, and Charges, not otherwiſe directed, to be levied by Diſtreſs and Sale.

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

Application thereof.

For want of Diſtreſs, &c.

Offender to be committed.

Warrant may be backed by any neighbouring Juſtice,

and Diſtreſs and Sale made accordingly;

and for want of Diſtreſs, Offender to be committed.

Provided always, and be it enacted, That whatever Penalty or Forfeiture ſhall be levied or recovered on the Information of the Surveyor of any Turnpike Road, or of any Toll-gatherer, or other Perſon employed by the Commiſſioners or Truſtees appointed for repairing the Roads, and receiving Salaries or Rewards for their

Penalties or Forfeitures recovered on Information of a Surveyor or Collector, &c.

to be applied to the Repair of the Roads.

Services, ſhall go and be applied to the amending of the ſaid Turnpike Roads reſpectively, and to no other Uſe or Purpoſe whatever; any thing in this or any other Act to the contrary notwithſtanding.

Proſecutors or Informers at liberty to ſue, either as the reſpective Turnpike Acts direct;

And be it enacted, That every Proſecutor or Informer may, at his Election, ſue for and recover any Forfeiture or Penalty impoſed by this or any other Act or Acts of Parliament made, or to be made, for erecting Turnpikes, or for repairing and amending Turnpike Roads, in the ſame Manner as ſuch Forfeitures and Penalties are ſeverally and reſpectively directed to be ſued for and

or, in the Courts of Record, by Action of Debt,

recovered, or by Action at Law, to be brought by ſuch Informer or Proſecutor in any of His Majeſty's Courts of Record in Manner following (that is to ſay) Where any Perſon ſhall be liable to ſuch pecuniary Penalty, it ſhall and may be lawful to ſue for and recover the ſame by Action of Debt; in which it ſhall be ſufficient to declare, that the Defendant is indebted to the Plaintiff in the Sum of being forfeited by an Act paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purpoſes therein mentioned; and

or of Trover;

where the Penalty or Forfeiture is or ſhall be of any Horſe or Beaſt of Draught, or other Goods, by an Action of Trover againſt the Perſon liable to ſuch Penalty or Forfeiture, in which the ſaid Forfeiture ſhall be ſufficient Evidence of Property to the Plaintiff; and in which the Value of ſuch Horſe, Beaſt of Draught, or other Goods, as is or are liable to the Forfeiture, ſhall be given in Damages, without any Proof of Seizure or Demand; and the Plaintiff, if he recover in any ſuch Action, ſhall have Full Coſts: Provided that there ſhall not be more than One Recovery for the ſame Offence; and that Ten Days Notice, in Writing, be given to the Party offending, previous to the Commencement of ſuch Action; and that the ſame be brought and commenced within One Calendar Month after the Offence, for which ſuch Action is brought, ſhall have been committed.

and recovering, are intitled to Full Coſts.

No more than One Recovery for the ſame Offence; and Notice alſo to be given to the Party; and Action brought within a certain Time.

Diſtreſs for Money not deemed unlawful, &c. for Default of Form in the Proceedings;

And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties

ties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab anitio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, may recover full Satisfaction for the Special Damage in an Action on the Caſe.

nor the Party making it, a Treſpaſſer, *ab initio*, on account of any ſubſequent Irregularity.

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought: And in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings, or Orders and Judgements, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff in any Action for Irregularity, &c. not to recover, where Tender of Amends has been made before Action brought.

Defendant allowed to pay Money into Court before Iſſue joined.

Provided alſo, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any thing done by any Juſtice or Juſtices of the Peace, Commiſſioners, or Truſtees, in purſuance of this Act, and for which no particular Method of Relief hath been already appointed; ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County, Riding, Diviſion, or Place, wherein the Cauſe of ſuch Complaint ſhall ariſe, within Six Months after the Cauſe of ſuch Complaint ſhall have ariſen; ſuch Appellant firſt giving, or cauſing to be given, to ſuch Juſtice, Commiſſioners, or Truſtees, by whoſe Act or Acts ſuch Perſon ſhall think himſelf or herſelf aggrieved, Eight Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof; and within Four Days after ſuch Notice, entering into Recognizance before ſome Juſtice of the Peace for the ſaid County, Riding, Diviſion, or Place, with One ſufficient Surety, conditioned to try ſuch Appeal at, and abide the Order of, and pay ſuch Coſts as ſhall be awarded by, the Juſtices of ſuch Quarter Seſſion; and every Juſtice of the Peace, and the Commiſſioners or Truſtees, having received Notice of ſuch Appeal as aforeſaid, ſhall return all Proceedings whatever had before them reſpectively, touching the Matter of ſuch Appeal, to the ſaid Juſtices at

Perſons aggrieved by the Order of any Juſtices or Truſtees, may appeal (where not otherwiſe directed) to the General Quarter Seſſions.

Due Notice to be given of Intention to appeal;

and Recognizance to be entered into.

Proceedings had in the Caſe, to be returned into the Court, on Forfeiture of 5*l.*

at their General Quarter Seſſions aforeſaid, on Pain of forfeiting Five Pounds for every ſuch Neglect; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they, the ſaid Juſtices, ſhall think proper; to be levied and recovered as herein before directed; and the Determination of ſuch Quarter Seſſions ſhall be final and concluſive to all Intents and Purpoſes; and that no Proceeding to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the contrary notwithſtanding.

Court to determine the Matter in a ſummary Way, and award proper Coſts:

Their Determination to be final.

Proceeding not removeable by *Certiorari*, &c.

Where Appeal is made againſt the Conviction for the Forfeiture of any Horſe, &c.

Notice of Appeal is to be given at the Time of Conviction, and Recognizance, with Sureties, entered into; and Horſe to be thereupon returned.

Provided, That no ſuch Appeal ſhall be made againſt any Conviction, for the Forfeiture of any Horſe or other Beaſt by virtue of this Act, unleſs the Perſon convicted ſhall, at the Time of ſuch Conviction, give Notice of his or her Intention to appeal; and at the ſame Time enter into Recognizance, with ſufficient Sureties, to pay the Value of ſuch Horſe or other Beaſt, in caſe ſuch Conviction ſhall be affirmed upon ſuch Appeal; and upon his or her giving ſuch Security, ſuch Horſe or other Beaſt ſhall be forthwith delivered to ſuch Perſon.

Oaths to be adminiſtered by Juſtices, or Truſtees.

And be it enacted, That where any Oath is hereby required and directed to be made or taken, the Juſtices of the Peace of any County, Riding, Diviſion, or Place, or the Truſtees or Commiſſioners of any Turnpike Road, as the Caſe may be, and according to the ſeveral Juriſdictions herein given to them reſpectively as aforeſaid, ſhall, and they are hereby reſpectively impowered to adminiſter the ſame.

Commencement of this Act.

And be it further enacted, That this Act, and the ſeveral Powers, Proviſions, Regulations, Clauſes, and Matters therein contained, ſhall commence and take Effect on the Twenty ninth Day of September next enſuing.

Limitation of Actions.

And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any thing done or acted in purſuance of this Act, then, and in every ſuch Caſe, ſuch Action or Suit ſhall be commenced or proſecuted within Three Calendar Months after the Fact committed, and not afterwards; and the ſame, and every ſuch Action or Suit, ſhall be brought in the County, Riding, Diviſion, or Place, where the

Perſon against whom ſuch Action or Suit ſhall be commenced doth ordinarily inhabit and reſide, or in the County, Riding, Diviſion, or Place, where the Fact was committed, and not elſewhere; and the Defendant or Defendants, in every ſuch Action or Suit, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time limited for bringing the ſame, or be brought and laid in any other County, Riding, Diviſion, or Place, than as aforeſaid mentioned, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any other Caſes by Law. General Iſſue. Treble Coſts.

And be it further enacted, That from and after the Twenty eighth Day of September next, ſo much of an Act made in the Firſt Year of the Reign of his late Majeſty King George the Second (intituled, An Act for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes for repairing Highways; or Locks, or other Works erected by Authority of Parliament, for making Rivers navigable) as relates to Turnpikes; as alſo ſo much of an Act paſſed in the Fifth Year of his late Majeſty King George the Second (intituled, An Act to explain, amend, and render more effectual, an Act paſſed in the Firſt Year of His preſent Majeſty's Reign, intituled, *An Act for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes for repairing Highways; or Locks, or other Works erected by Authority of Parliament, for making Rivers navigable)* as relates to Turnpikes; as alſo ſo much of an Act paſſed in the Eighth Year of his late Majeſty King George the Second (intituled, An Act for rendering the Laws more effectual for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes for repairing Highways; or Locks, or other Works erected by Act of Parliament, for making Rivers navigable; and for other Purpoſes therein mentioned) as relates to Turnpikes; as alſo ſo much of an Act paſſed in the Fourteenth Year of his late Majeſty Repeal of ſo much of the ſeveral Acts following, as relate to Turnpikes; *viz.* Act 1 *Geo.* II; 5 *Geo.* II; 8 *Geo.* II;

14 *Geo.* II; King George the Second (intituled, An Act for the Preſervation of the Publick Roads in that Part of *Great Britain* called *England*, as relates to the Turnpike Roads of this Kingdom; as alſo an Act paſſed in the Twenty firſt Year of His late Majeſty King George the Second

21 *Geo.* II; (intituled, An Act to explain and amend an Act paſſed in the Fourteenth Year of His Majeſty's Reign, intituled, *An Act for the Preſervation of the Publick Roads in that Part of* Great Britain *called* England); and ſo much of an Act paſſed in the Third Year of the Reign of King William

3 *Will. & Mary*, except what relates to the Rate for Carriage of Goods; and Queen Mary (intituled, An Act for the better repairing and amending the Highways, and for ſettling the Rates of the Carriage of Goods, as relates to the ſettling the Rates of the Carriage of Goods) except ſo much thereof as relates to the Rate or Price for Carriage of Goods; as alſo an Act paſſed in the Twenty fourth Year of His late Majeſty King George the

24 *Geo.* II, except what relates to the preventing Miſchief occaſioned by Drivers riding upon Carts, &c. in *London*; Second (intituled, An Act for the more effectual Preſervation of the Turnpike Roads in that Part of *Great Britain* called *England*; and for the Diſpoſition of Penalties given by Acts of Parliament relating to the Highways in that Part of *Great Britain* called *England*, and for enforcing the Recovery thereof; and for the more effectual preventing of Miſchief occaſioned by the Drivers riding upon Carts, Drays, Carrs, and Waggons, in the City of *London*, and within Ten Miles thereof) except ſo much thereof as relates to the preventing Miſchief occaſioned by the Drivers riding upon Carts, Drays, Carrs, and Waggons, in the City of London; as alſo another Act paſſed in the Twenty ſixth Year of the Reign of His

26 *Geo.* II; late Majeſty King George the Second (intituled, An Act for the Amendment and Preſervation of the public Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto) as alſo an Act paſſed in the Twenty eighth Year of His late

28 *Geo.* II, except ſo much thereof as continues the Turnpike Acts, &c. Majeſty King George the Second (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 of this Kingdom, and for the more effectual Execution of the Laws relating thereto*) except ſo much thereof as continues the Acts then made for repairing and amending Turnpike Roads, ſubject to the Tolls and Duties by ſuch Acts reſpectively granted; as alſo an Act paſſed in the Thirtieth Year of His late

30 *Geo.* II; Majeſty King George the Second (intituled, An Act for enlarging the Times for the Firſt Meetings of Commiſſioners or Truſtees, for putting in Execution certain Acts of

of this Seſſion of Parliament) **and alſo another Act paſſed in the Thirtieth Year of His ſaid late Majeſty King** George **the Second (intituled,** An Act to render more effectual the ſeveral Laws now in being, for the Amendment and Preſervation of the public Highways and Turnpike Roads of this Kingdom) **as alſo an Act paſſed in the Thirty firſt Year of His late Majeſty King** George **the Second, (intituled,** An Act for enlarging the Times for the Firſt Meetings of Commiſſioners or Truſtees, for putting in Execution certain Acts of this Seſſions of Parliament, and for other Purpoſes therein mentioned) **as alſo an Act paſſed in the Fifth Year of the Reign of His preſent Majeſty (intituled,** An Act to continue Part of an Act made in the Thirtieth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to render more effectual the ſeveral Laws now in being, for the Amendment and Preſervation of the public Highways and Turnpike Roads of this Kingdom, and for making further Proviſions for the Preſervation of the ſaid Roads*) **as alſo an Act paſſed in the Sixth Year of His preſent Majeſty (intituled,** An Act for explaining, amending, and further enforcing, the Execution of Two ſeveral Acts, One made in the Twenty ſixth Year of His late Majeſty, and the other in the Fifth Year of His preſent Majeſty's Reign, for the Amendment and Preſervation of the public Highways and Turnpike Roads of this Kingdom; and for obliging Mortgagees taking Poſſeſſion of Toll-gates on Turnpike Roads, and Toll-gatherers appointed by them, to account) **ſhall be, and the ſame are hereby repealed.**

30 *Geo.* II;

31 *Geo.* II;

5 *Geo.* III;

and 6 *Geo.* III.

FINIS.