ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xcix.

An Act for continuing and amending Three Acts of His late and preſent Majeſty, for repairing the Roads from *Brown's Lane* in *Great Staughton*, in the County of *Huntingdon*, to the Way Poſt near *Wellingborough Bridge*, in the County of *Northampton*, and from the Pound in the *Kimbolton*, to the Way Poſt near *Brington Bridge*, in the ſaid County of *Northampton*. [14th *June* 1819.]

WHEREAS an Act was paſſed in the Twenty-eighth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for repairing the Road from the North End of* Brown's Lane, *in* Great Staughton, *in the County of* Huntingdon, *through* Kimbolton *and* Higham Ferrers, *to the Way Poſt near* Wellingborough Bridge, *in the County of* Northampton, *and from the Pound in* Kimbolton *to the Way Poſt in* Great Catworth Field, *near* Brington Bridge, *in the ſaid County of* Huntingdon: And whereas another Act was paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, intituled *An Act for continuing the Term and enlarging the Powers granted by an Act paſſed in the Twenty-eighth Year of His late Majeſty's Reign, for repairing the Road from the North End of* Brown's Lane, *in* Great Staughton, *in the County of* Huntingdon, *through* Kimbolton *and* Higham Ferrers, *to the Way Poſt near* Wellingborough Bridge, *in the County of* Northampton, *and from the Pound in* Kimbolton *to the Way Poſt in* Great Catworth Field, *near* Brington Bridge, *in the ſaid County of* Huntingdon, *and for repealing ſo much of an Act*

28 G. 2. c. 33.

14 G. 3. c. 118.

of His present Majesty, as relates to the Road between the North End of Brown's Lane *and the South End thereof:* And whereas another Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, 39 G. 3. c. 30. intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and to enlarge the Powers of Two Acts, passed in the Twenty-eighth Year of the Reign of His late Majesty King* George *the Second, and in the Fourteenth Year of the Reign of His present Majesty, for repairing the Roads from the North End of* Brown's Lane, *in* Great Staughton, *in the County of* Huntingdon, *to the Way Post near* Wellingborough Bridge, *in the County of* Northampton, *and from the Pound in* Kimbolton, *to the Way Post near* Brington Bridge, *in the County of* Huntingdon: And whereas several Sums of Money have been borrowed on the Credit of the said recited Acts and the Tolls thereby granted, which still remain due, and cannot be repaid, nor can the said Roads be kept in good repair, unless the said recited Acts be further continued for a further Term; and it is expedient that the Tolls, and some of the Powers thereby granted, should be altered and enlarged; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Twenty-eighth Year of the Reign of His said late Majesty, and of the Fourteenth and Thirty-ninth Years of the Reign of His present Majesty, and all and every the Powers and Authorities, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein respectively contained, and now in force (except such of them as are varied, altered, or repealed), shall be and continue in full force and effect, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject to the Alterations and Amendments herein contained; and this Act, and the Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed and now remain due and owing on the Credit or Security of the said recited Acts or any of them, and of all Interest due and to grow due thereon respectively.

Act further continued.

New Trustees. II. And be it further enacted, That *Samuel Allen*, the Reverend *William Lake Baker*, *John Day*, *William Drage*, *James Duberly* the younger, *John Fletcher*, *Thomson Hankey*, Sir *Robert Heron* Baronet, the Reverend *Thomas Hurst*, *Peter Augustus Lautour*, *Denzil Onslow* the younger, *Thomas Pashler*, *Samuel Parker* of Great Staughton Highway, *William Peck*, the Reverend *Robert Pointer*, the Reverend *William Charles Ridley*, *Henry Peter Standly*, *Robert Tidswell*, *Charles Vaughan*, the Reverend *Harry Welstead*, *Frederick Welstead*, and all His Majesty's Justices of the Peace acting in and for the Counties of *Huntingdon*, *Bedford*, and *Northampton*, respectively, together with such other Persons, not exceeding the Number of Ten, as the said Trustees shall appoint, shall be and they are hereby added to and joined with the surviving and continuing Trustees, appointed in and by virtue of the said recited Acts or any of them; and the Trustees herein-before named and to be appointed as aforesaid shall have the same Powers and Authorities in the Execution of the said recited Acts and this Act, in all respects whatsoever, as such surviving and continuing Trustees.

III. And

All Acts may be done by Five Truſtees.

III. And be it further enacted, That all Acts, Matters, and Things authorized to be done and executed by the Truſtees nominated and appointed by or by virtue of the ſaid recited Acts and this Act, or any of them, ſhall and may be done and executed by the major Part of the Truſtees who ſhall be preſent at the reſpective Meetings, the whole Number preſent not being leſs than Five; and all Acts, Matters, and Things ſo done and executed by ſuch major Part, ſhall be as good, valid, and ſufficient, as if the ſame had been done by all the ſaid Truſtees.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in any caſe in the Execution of the ſaid recited Acts and this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, being Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of ſome Perſon or Perſons having a Real Eſtate of the clear yearly Value of One hundred and fifty Pounds, or ſhall have and be poſſeſſed of a Perſonal Eſtate of the Value of Four thouſand Pounds, over and above what ſhall be ſufficient to pay all his juſt Debts; and unleſs every ſuch Perſon ſhall take and ſubſcribe the Oath, or being one of the People called Quakers, an Affirmation, in the Preſence of Two or more of the Truſtees for the Time being, who are hereby authorized to adminiſter the ſame in the Form following; (that is to ſay,)

Oath.

'I *A. B.* do ſwear, That I am in my own Right [*or*, in the Right of my Wife] truly and *bonâ fide* ſeiſed of or entitled to, and in the actual Poſſeſſion or Receipt of, the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; [*and in caſe of an Heir Apparent,*] I, *A. B.* do ſwear, that I am Heir apparent of *C. D.* who, to the beſt of my Knowledge and Belief, is truly and *bonâ fide* ſeiſed of or entitled to, and in the actual Poſſeſſion or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes; [*and in caſe of Perſonal Eſtate,*] I *A. B.* do ſwear, that I truly and *bonâ fide* have and am poſſeſſed of Perſonal Eſtate of the Amount or Value of Four thouſand Pounds, over and above what will be ſufficient to pay all my juſt Debts, and that I will truly and faithfully execute the Powers and Truſts repoſed in me by virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act.*] So help me GOD.'

Penalty of acting if not qualified.

And if any Perſon, not being ſo qualified, ſhall preſume to act as ſuch Truſtee, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſue for the ſame, to be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall

pay

pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecution, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Acts of unqualified Truſtees before Conviction valid.

V. Provided always, and be it further enacted, That all Acts done by any Perſon acting as a Truſtee, although he ſhall not be duly qualified to act in the Execution of this Act, ſhall, previous to his being convicted of ſuch Offence, be as valid and effectual as if ſuch Perſon had been duly qualified to act in the Execution of this Act.

Meetings of Truſtees.

VI. And be it further enacted, That the ſaid Truſtees ſhall and may meet at the Houſe called or known by the Name or Sign of *The White Lion Inn* in *Kimbolton* aforeſaid, or ſome other convenient Houſe near to the ſaid Road, on the Second *Friday* next after the paſſing of this Act, or as ſoon afterwards as conveniently may be; and the ſaid Truſtees ſhall meet annually on the Firſt *Monday* in the Month of *July*, at the ſaid Houſe, or ſome other convenient Houſe near to the ſaid Road; and the ſaid Truſtees ſhall, at the ſaid firſt Meeting, or ſuch yearly or other Meetings, from Time to Time adjourn themſelves for the better carrying this Act into Execution, as they ſhall think proper, to any Place upon or near to the ſaid Road; and in caſe a ſufficient Number of the ſaid Truſtees ſhall not attend at the ſaid Firſt, or the ſaid yearly or adjourned Meetings, then it ſhall be lawful for ſuch One or more of the Truſtees as ſhall attend, or the Clerk to the ſaid Truſtees, to adjourn the ſaid Meeting in ſuch and the ſame Manner as the ſaid Truſtees could or might have adjourned the ſame; and the Truſtees at all their Meetings ſhall defray their own Expences.

So much of firſt recited Act as directs Receivers to account on Oath, repealed.

VII. And be it further enacted, That ſo much of the ſaid firſt recited Act as directs or requires any Receivers, Collectors, Surveyors, or other Officers or Perſons to account upon Oath, and ſubjects them to any Penalty for refuſing to verify their Accounts upon Oath, and as authorizes any Perſons to adminiſter any ſuch Oath, ſhall be and the ſame is hereby repealed and made void.

Same Perſon not to be Clerk and Treaſurer.

VIII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the ſame Perſon who has been or may be appointed to act as their Clerk in the Execution of the ſaid recited Acts or any of them, and this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of the ſaid recited Acts and this Act, or to appoint the Perſon who has been or may be appointed ſuch Treaſurer, or any Partner of ſuch Treaſurer, the Clerk to the ſaid Truſtees; and if any Perſon ſhall act in both the ſaid Offices of Clerk and Treaſurer, or being Partner of ſuch Clerk ſhall act as Treaſurer, or being the Partner of ſuch Treaſurer, ſhall act as Clerk in the Execution of the ſaid recited Acts and this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed.

IX. And

Accounts to be open to the Inſpection of Truſtees and Creditors.

IX. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk of the ſaid Truſtees for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the ſaid Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors reſpectively, or any of them, ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any thing for the ſame; and in caſe the Clerk, or any Perſon who ſhall have the Care and Cuſtody of the ſaid Book or Books, ſhall refuſe or neglect, on Demand, to permit ſuch Truſtees or Creditors, or any of them, to inſpect the ſame, or to take ſuch Copies or Extracts as aforeſaid, the Clerk or Perſon offending ſhall forfeit and pay any Sum of Money not exceeding Fifty Pounds.

Not to deviate more than 100 Yards from the preſent Line of Road.

X. Provided always, and it is hereby enacted, That nothing in the ſaid recited Acts or this Act contained ſhall authorize the ſaid Truſtees, or any of them, to alter the Line or Direction of the Road comprized in the ſaid recited Acts and this Act, ſo as to deviate more than One hundred Yards from the preſent Line or Direction of ſuch Road, without the previous Conſent in Writing of the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, who ſhall for the Time being be ſeiſed or poſſeſſed of the Lands or Tenements through which ſuch Deviation ſhall be made.

Clauſe in former Act repealed.

XI. And be it further enacted, That ſo much of the ſaid Act of the Fourteenth Year of the Reign of His preſent Majeſty as provides and enacts that no Turnpike Gate ſhall thereafter be erected between a certain Side Turnpike Gate then ſtanding at the North Weſt End of the Town of *Higham Ferrers* and *Wellingborough Bridge* ſhall be, and the ſame is hereby repealed and made void.

Truſtees to alter and remove Toll Gates and erect new ones in lieu thereof.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to continue all and every or any of the Turnpikes, Toll Gates, Toll Houſes, Side Gates, or Side Bars, and Weighing Machines, now ſtanding and being in and upon or acroſs the ſaid Road, or to diſcontinue the ſame or any of them, and to remove and alter the Situation of the ſame, or any of them, and to erect, ſet up, and build, or cauſe to be ſet up, erected, and built, upon or acroſs the ſaid Road or any Part thereof, or at the Entrance of any Road or Lane that doth or ſhall lead into or out of the ſaid Road, when and as they ſhall judge neceſſary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Weighing Machine or Weighing Machines, and alſo One or more Toll Houſe or Toll Houſes, with Out-buildings and Conveniences ſuitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and incloſe on the Side of the ſaid Road ſuitable Garden Spots for ſuch Toll Houſe or Toll Houſes as are now erected, not exceeding One-eighth Part of an Acre each,

as they ſhall think neceſſary; and from Time to Time to take down and remove the ſame to any other Place or Places, or to diſcontinue the ſame, or any of them, or to ſell and diſpoſe thereof as they the ſaid Truſtees ſhall think proper.

Truſtees may ſell Ground not wanted for the Purpoſes of this Act.

XIII. Provided always, and be it further enacted, That when any of the ſaid Toll Gates ſhall be diſcontinued, and the Toll Houſes, Buildings, and Grounds occupied therewith ſhall be ſold and diſpoſed of by the ſaid Truſtees, in purſuance of the Powers of this Act, the ſame ſhall be firſt offered at a fair and reaſonable Price to the Perſon or Perſons having Land thereunto adjoining, and in caſe ſuch Perſon or Perſons ſhall not then or thereupon agree, or ſhall refuſe to purchaſe the ſame, an Affidavit to be made and ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace of the County where the ſame ſhall be ſituate, by ſome Perſon or Perſons no way intereſted therein, ſtating that ſuch Offer was made by and on behalf of the ſaid Truſtees, and that ſuch Offer was then and there agreed to, or was refuſed, by the Perſon or Perſons to whom the ſame was offered, ſhall in all Courts whatſoever be ſufficient Proof that ſuch Offer was made, and not agreed to, or was refuſed by the Perſon to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, in ſuch caſe the Price or Prices thereof ſhall be aſcertained by a Jury in manner by the firſt herein-before recited Act directed, with reſpect to the diſputed Value of Lands to be purchaſed by the ſaid Truſtees, in purſuance of the ſaid firſt herein-before recited Act, with reſpect to ſuch Purchaſe by the ſaid Truſtees *mutatis mutandis*.

New Tolls to be taken in lieu of the former.

XIV. And be it further enacted, That after the Firſt Meeting of the Truſtees to be held under or by virtue of this Act, all the Tolls and Duties granted and made payable by the ſaid recited Acts, or any of them, ſhall ceaſe and determine; and from thenceforth, in lieu thereof, the ſeveral Tolls herein-after particularly mentioned ſhall be demanded and taken at each of the reſpective Toll Gates, Turnpikes, and Side Gates, continued or to be erected by virtue of this Act, by ſuch Perſon or Perſons as the ſaid Truſtees, or their Leſſees for the Time being, ſhall from Time to Time appoint for that Purpoſe, before any Horſe, Beaſt, Cattle, or Carriage, upon which any Toll is by this Act impoſed, ſhall be permitted to paſs through the ſame; (that is to ſay),

For every Horſe or other Beaſt of Draught drawing any Coach, Chariot, Landau, Chaiſe, Curricle, Gig, Taxed Cart, or other ſuch Carriage, the Sum of Sixpence:

For every Horſe or other Beaſt of Draught (except Aſſes), drawing any Waggon, Wain, Cart, or other ſuch Carriage, the Sum of Fourpence; and for every Aſs drawing any ſuch Carriage, the Sum of Twopence:

For every Horſe or Mule, laden or not laden, and not drawing, the Sum of One Penny Halfpenny:

For every Aſs, laden or not laden, and not drawing, the Sum of One Penny:

For

For every Score of Oxen, Cows, Calves, or other Neat Cattle, the Sum of Ten-pence, and ſo in proportion for any greater or leſs Number:

For every Score of Sheep, Lambs, or Swine, the Sum of Five-pence, and ſo in proportion for any greater or leſs Number.

And the ſaid Tolls and Duties by this Act granted and made payable as aforeſaid, ſhall be and are hereby veſted in the ſaid Truſtees for the Time being for carrying the ſaid recited Acts and this Act into Execution; and ſhall and may be demanded, received, and taken, at all and every Toll Gates, Turnpikes, or Side Gates, continued or to be erected by virtue of this Act, and ſhall be paid, leaſed, mortgaged, altered, applied, diſpoſed of, and aſſigned, in ſuch manner, and with and under ſuch Limitations and Reſtrictions as the Tolls and Duties granted by the ſaid recited Acts or any of them are thereby authorized and directed to be received, paid, leaſed, mortgaged, altered, applied, diſpoſed of, and aſſigned, except as by this Act is otherwiſe particularly directed.

Power of Diſtreſs to recover Tolls.

XV. And be it further enacted, That if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, or any of them, ſhall, after Demand thereof made by any Collector or Collectors appointed to receive the ſame, neglect or refuſe to pay the ſaid Tolls or any of them, or any Part or Parts thereof, it ſhall be lawful for the ſaid Collectors, or any of them reſpectively, or any other Perſon or Perſons whom they ſhall reſpectively take to their Aſſiſtance therein, to diſtrain any Horſe or Beaſt, for or upon which any of the ſaid Tolls are by this Act impoſed, or any of the Harneſs or Accoutrements thereof reſpectively (but not the Bridle or Halter without the Horſe or other Beaſt) of ſuch Perſon or Perſons neglecting or refuſing to pay the ſame; and if ſuch Tolls, with the reaſonable Charges of ſuch Diſtreſs, and of keeping the ſame, ſhall not be paid within the Space of Four Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may at any Time or Times thereafter ſell the Horſe, Beaſt, Harneſs, or Accoutrements, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any), upon Demand, to the Owner or Owners thereof.

Exemptions by 55 G. 3. not to be affected.

XVI. Provided always, and be it further enacted, That all Waggons, Carts, and other ſuch Carriages, having the Wheels formed and of the Width, and Axletrees fixed, as directed by an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Caſes*, and the Horſes or other Cattle drawing the ſame, ſhall have and enjoy the Privileges and Exemptions granted thereby.

Regulation as to Stage Coaches, &c. paying Toll again.

XVII. Provided always, and be it further enacted, That the Tolls hereby granted ſhall be paid for and in reſpect of all Horſes or Mules drawing any Stage Coach, every Time they ſhall paſs through any Toll Gate to be continued or erected by virtue of this Act; and for or in reſpect of all Poſt Horſes or Mules drawing any Poſt Chaiſe or other Carriage, every Time they ſhall paſs through any ſuch Toll Gate; and a Ticket ſhall be produced

produced denoting a freſh Hiring; any thing in the ſaid recited Acts and this Act contained to the contrary notwithſtanding.

Not more than Two-third Parts of a Toll to be taken from Inhabitants of Kimbolton.

XVIII. Provided alſo, and be it further enacted, That no more than Two-third Parts of the Tolls hereby granted or made payable, ſhall be demanded or taken by virtue of this Act for or in reſpect of any Horſe, Beaſt, Cattle, or Carriage belonging to any Inhabitant of *Kimbolton* aforeſaid, which ſhall paſs through any Toll Gate erected or to be erected in that Pariſh, or within the Diſtance of Two hundred Yards therefrom: Provided nevertheleſs, that nothing herein contained ſhall extend or be conſtrued to extend, to exempt any Horſe, Beaſt, Cattle, or Carriage let to Hire to any Perſon or Perſons, not being an Inhabitant of *Kimbolton* aforeſaid, from the Payment of the full Toll hereby granted or made payable.

Number of Tolls to be taken.

XIX. Provided always, and be it further enacted, That no more than Three Tolls ſhall be demanded or taken from any Perſon or Perſons, for paſſing and repaſſing the ſame Day with the ſame Horſe or Horſes, Cattle, Beaſt or Beaſts, or Carriage or Carriages, through all the Toll Gates or Turnpikes erected or to be erected upon or on the Sides of the ſaid Road.

Truſtees may reduce the Tolls.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, when and as often as they ſhall think proper, to leſſen or reduce the Tolls by this Act granted or made payable, at all or any of the Turnpike Gates or Toll Bars to be continued or erected by virtue of this Act, and to raiſe the ſame again, ſo as they do not at any Time exceed the Tolls by this Act granted and made payable; and ſo as every Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being entitled to Five-ſixth Parts of the Money then due on the Security of the Tolls, and be ſignified in Perſon or by Writing under his, her, or their Hand or Hands; but no ſuch Reduction ſhall be made, unleſs Twenty-one Days previous Notice thereof ſhall be affixed in Writing upon all the Turnpike or Toll Gates then erected acroſs the ſaid Road, and ſhall be alſo inſerted in One or more of the Newſpapers publiſhed or generally circulated in the Counties through which the ſaid Road paſſes: Provided always, that it ſhall be lawful for the ſaid Truſtees, at the Firſt Meeting appointed to be held after the paſſing of this Act, to fix and determine the Amount of the Tolls to be taken by virtue of this Act, without any ſuch Notice or Conſent as aforeſaid.

Tolls to be paid but Once a-day.

XXI. Provided always, and be it further enacted, That nothing in the ſaid recited Acts or this Act contained ſhall extend or be conſtrued to extend, to empower the ſaid Truſtees, or any of them, to cauſe the ſaid Tolls to be taken more than Once in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next Night), for the ſame Horſe, Carriage, or Cattle paſſing through the ſame Toll Gate or Turnpike, except only in ſuch Caſes as are herein otherwiſe provided for; but all and every Perſon and Perſons, after having paid ſuch Toll as laſt-mentioned, and producing a Ticket denoting Payment thereof on that Day, ſhall be permitted to paſs and repaſs with the ſame Horſe, the ſame Carriage, and the ſame Cattle, Toll-free during the ſame Day, through the ſame Toll Gate or Turnpike where ſuch Toll ſhall have been paid

XXII. And

For ſettling Diſputes concerning Tolls.

XXII. And be it further enacted, That if any Diſpute ſhall happen concerning the Amount of the Tolls due, or the Charges occaſioned by any Diſtreſs, it ſhall be lawful for the Collector or Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls, or the Charges of the Diſtreſs (as the Caſe may happen), until the Amount of the Toll due, and the Charges of ſeizing, diſtraining, keeping, or ſelling ſuch Diſtreſs (as the Caſe may happen), ſhall be aſcertained by ſome Juſtice of the Peace for the County wherein the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes, and ſhall determine the Quantity of the Tolls due; and it ſhall be lawful for ſuch Juſtice to aſſeſs and award ſuch Coſts, to be paid by either of the Parties to the other of them, as he ſhall think juſt and reaſonable; and in caſe of Non-payment thereof, on Demand, ſuch Coſts ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Party liable to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice.

Collectors may be Witneſſes.

XXIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed by the ſaid Truſtees to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being appointed to collect ſuch Tolls, or acting under the Authority of the ſaid Truſtees.

Collectors to deliver Tickets to Perſons paying Toll.

XXIV. And be it further enacted, That the ſeveral Collectors of the Tolls granted by this Act ſhall, on Receipt of ſuch Tolls, deliver to the Perſon or Perſons paying the ſame, a Ticket or Tickets denoting ſuch Payment, and ſpecifying and naming therein the Gate or Gates to be freed from Toll by ſuch Payment.

Regulation as to Toll Collectors.

XXV. And be it further enacted, That every Toll Collector, being a Leſſee of the ſaid Tolls, or being appointed either by the ſaid Truſtees or by any Leſſee or Leſſees, to collect the Tolls payable at any Turnpike Gate to be continued or erected by virtue of this Act, ſhall, and he or ſhe is hereby required to place his or her Chriſtian and Surname, painted on a Board in legible Characters, in the Front or in ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately on his or her beginning to collect ſuch Toll or coming on Duty; each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length, and of a Breadth in proportion, and painted in Black Letters on a White Ground, and ſhall continue the ſame ſo placed, during the whole Time he or ſhe ſhall collect ſuch Toll or be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof and claim ſuch Exemption, or ſhall refuſe, or permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall, in anſwer to ſuch Demand, give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Tolls, and naming and ſpecifying the Toll Gate or Toll Gates freed by ſuch Payment; or ſhall unneceſſarily

neceſſarily detain any Paſſenger or Paſſengers, Traveller or Travellers; or ſhall make uſe of any ſcurrilous or abuſive Language to any Paſſenger or Traveller; then and in every ſuch Caſe, every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge.

Exemptions from Tolls.

XXVI. And be it further enacted, That all and every Exemption or Exemptions from the ſeveral Tolls and Duties granted and made by the ſaid Acts, or any of them, ſhall ceaſe, and that in lieu thereof the ſeveral Exemptions from Tolls herein-after mentioned ſhall be allowed; that is to ſay, that no Toll ſhall be demanded or taken for any Horſe or Carriage belonging to or attending His Majeſty, or any of the Royal Family, nor for any Horſe or Carriage paſſing through any of the Turnpikes or Toll Gates erected or to be erected upon or on the Sides of the ſaid Road, when employed in carrying or conveying Stone, Bricks, Timber, Wood, Heath, Gravel, or other Materials to be uſed in or about the ſaid Road, or any of the Highways in the Pariſhes, Townſhips, Diſtricts, or Places which are liable to perform Statute Duty upon the ſaid Road, or returning empty when ſo employed; or when employed in carrying or conveying Hay, Corn in the Straw, or other Produce of Lands not ſold or diſpoſed of, nor going to be ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Barns, Yards, or Lands of the Owners thereof; or any Ploughs, Harrows, or other Implements of Huſbandry to be uſed in the Cultivation of Lands; or any Dung, Compoſt, or Manure (except Lime or Limeſtone) to be uſed or laid upon Lands, or returning empty when ſo employed; nor for any Horſes, Mules, Aſſes, or Cattle going to or returning from Work in cultivating the Lands within the ſame Pariſhes, Townſhips, Diſtricts, or Places, or any of them; nor for any Horſes, Mules, Aſſes, Cattle, Sheep, Lambs, or Hogs going to or returning from Paſture on the Commons or other Grazing Grounds, or Watering Place, or Blackſmiths Shops to be ſhoed or farried, or having been ſhoed or farried; nor for any Horſe or other Beaſt of Draught or Carriage employed in carrying or conveying any Furze, Peats, Turf, or Heath for Fuel, or returning empty having been ſo employed; nor ſhall any Toll be paid by any Clergyman or Miniſter going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worſhip, or when viſiting his ſick Pariſhioners, or upon any other Parochial or Miniſterial Duty, or by any other Perſon or Perſons reſiding in the ſaid Pariſhes, Townſhips, Diſtricts, or Places, who ſhall paſs through the ſaid Turnpikes or Toll Gates, going to or returning from his, her, or their Parochial Church or Chapel, or from any Perſon going to or returning from his or her uſual Place of Religious Worſhip tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or when attending or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes, Townſhips, Diſtricts, or Places; nor for any Horſes or Carriages of whatſoever Deſcription employed, or to be employed, in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding the ſame, or on returning from conveying the ſame, or for the Horſes of Soldiers on the March or on Duty, or Carriages or Horſes, or other Beaſts employed in carrying the Arms or Baggage of any ſuch Soldiers, or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any

Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulation appointed for such Corps respectively, at the Time of claiming such Exemption; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; nor for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying any Elector or Electors to or returning from voting at any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Huntingdon*, *Bedford*, and *Northampton*, or either of them, on the Day or Days of any such Election, or on the Day before or Day after any such Election shall begin and be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

Carriages employed on His Majesty's Service not to be subject to Regulation for Overweight.

XXVII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Power to declare Leases, &c. of Tolls void, on Non-payment of Rent.

XXVIII. And be it further enacted, That if upon or after any Letting or Agreement for letting the said Tolls, or any Part thereof, any Default shall be made in Payment of the Rent or Rents agreed to be paid for the same, or any Part thereof; then and in such case the said Trustees shall and may, and they are hereby empowered at any Meeting, after Notice of the holding such Meeting shall have been given to the Lessee or Lessees, or affixed on all the Turnpike Gates or Gate Posts then erected or standing upon or across the said Road, Twenty-one Days at least previous to holding such Meeting, to declare any Lease of the said Tolls, or any Contract or Agreement for letting the same, to be void; and such Lease, Contract, or Agreement, shall be thereupon void, to all Intents and Purposes, from the Time of such Declaration; but the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences which the said Trustees or their Treasurer or Clerk for the Time being, shall

shall or may pay, sustain, or be put unto by reason of the Nonperformance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement on the Part of such Lessee or Lessees.

For obtaining Possession of Toll Houses.

XXIX. And be it further enacted, That if the Lessee or Lessees of any of the Tolls hereby granted, or any Person or Persons claiming under him or them, shall at any Time after the Expiration of the Term for which such Toll shall be leased, or for the Space of Fourteen Days after the Leases of such Tolls having expired or become void, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings, and Premises which shall have been demised to him or them, with the Tolls so leased, it shall be lawful for any Justice of the Peace for the County or Place where such Toll House or Toll Houses, Buildings, and Premises shall be situate respectively, by Warrant under his Hand and Seal, to order the Constables or other Peace Officers of the Parish or Place where such Toll House or Toll Houses shall be situate, or any other Person or Persons to whom such Warrants shall be specially directed, with proper Assistants, to enter such Toll House or Toll Houses, Buildings, and Premises respectively, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels, out of such Toll House or Toll Houses, Buildings, and Premises, and to put any Person or Persons, whom the said Trustees shall think fit, in Possession of the said Toll House or Toll Houses, Buildings and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees.

Regulations as to Mortgagees in Possession.

XXX. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Tolls, Toll Gates, Bars, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of such Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be recovered by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application of Compensation when amounting to 200l.

XXXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or to any Tenant for Life or Lives, or for any other particular Estate, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the said Trustees for executing this Act, to the

Intent

Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction or Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such or the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect, and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments to be purchased by virtue of the said recited Acts or this Act, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* and exceeds 20*l.*

XXXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments taken, purchased, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity, or seised of such particular Estate as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be applied at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by any Five or more of the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in any Manner herein-before directed, so far as the same may

be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Where Compensation under 20l.

XXXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XXXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts and this Act, or any of them, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments, [describing them], subject to the Order, Controul, or Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interests, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem meet and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

XXXV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Chancery, in pursuance of the said recited Acts and this Act, for the Purchase of Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments,

at

at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

XXXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

Surveyor to get Materials for the Road;

XXXVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road for the Time being, and such other Person or Persons as shall be employed by such Surveyor or Surveyors to gather, dig, take, and carry away any Stones, Gravel, Sand, or other Materials proper for repairing the said Road, out of and from any Commons and Waste Grounds, common Rivers and Brooks, in any Parish, Township, or Place, in or through which the said Road lies or passes, or any adjoining Parish, Township, or Place, without paying any thing for the same; such Surveyor or other Person or Persons levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off the Pits, so that the same may not be dangerous to Passengers or Cattle; and in case no such Materials can be conveniently had in such Commons or Waste Grounds, common Rivers or Brooks, within convenient Distances, then to dig, gather, take, and carry away such Materials as aforesaid, in, upon, out of, or from and over any other Lands or Grounds in any Parish, Township, or Place, in or through which the said Road lies or passes, not being a Garden, Yard, Orchard, Paddock, or Plantation, or any Nursery for Trees, making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds from whence the same shall be dug, gathered, taken, and carried away, or over which the same, or any other Materials gotten in any Waste Grounds, Commons, Rivers, or Brooks, or private Grounds, shall be conveyed, as any Two Justices of the Peace, within their respective Jurisdictions, shall, in case of any Difference between such Owners or Occupiers and the said Trustees, judge reasonable.

XXXVIII. Pro-

but not from private Grounds without Notice.

XXXVIII. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons, under Authority of the ſaid recited Acts and this Act, or any of them, to dig, gather, take, and carry away any Materials for repairing and amending the ſaid Road, in or from any incloſed or private Grounds or Quarries, without the Conſent of the Owners of ſuch Grounds or Quarries, until after Ten Days previous Notice in Writing, ſigned by the Surveyor or ſome other Officer of the ſaid Truſtees, ſhall have been given to the reſpective Owners or Occupiers of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at the uſual Place of Reſidence of ſuch Owners or Occupiers reſpectively, requiring them to appear before Two or more Juſtices of the Peace acting for the County or Diſtrict wherein ſuch Lands are ſituate, at a certain Time and Place to be ſpecified in ſuch Notice, to ſhew Cauſe why ſuch Materials ſhould not be taken away; and ſuch Juſtices, after hearing the Parties concerned, ſhall, if they think proper, authorize ſuch Surveyor or other Officer to dig, gather, take, and carry away any ſuch Materials, at ſuch Time or Times, and in ſuch Manner, as to ſuch Juſtices ſhall ſeem proper; or if ſuch reſpective Owners or Occupiers ſhall not by themſelves or reſpective Agents, attend purſuant to ſuch Notice, ſuch Juſtices may make ſuch Order therein as they ſhall think fit, in the ſame Manner as if ſuch reſpective Owners or Occupiers had attended purſuant to ſuch Notice.

For preventing Nuiſances.

XXXIX. And be it further enacted, That if any Perſon or Perſons ſhall drive any Horſe or other Cattle, or any Cart or other Carriage, or hale, draw, carry, paſs, or wheel any Hurry, Truck, or Wheelbarrow, on any Footway or Cauſeway adjoining to the ſaid Roads, or ſhall cauſe any Damage to be done to the Footway or Cauſeway adjoining to the ſaid Road, or ſhall cauſe any Damage to be done to the Hedges, Fences, Breaſt-walls, Poſts, Rails, or Paling ſet up along the Side of or upon ſuch Footway, or ſhall in or upon any Part of the ſame Roads, or by the Side or Sides thereof, kill, ſlaughter, ſinge, ſcald, dreſs, or cut up any Beaſt, Swine, Calf, Lamb, or other Cattle, or cauſe or permit any Blood to run from any Slaughter-houſe, Houſe, Building, Butcher's Shop, or Shambles, into the ſaid Roads, or burn, dreſs, or ſweep any Piece or Pieces of Cork, or hoop, fire, cleanſe, waſh, or ſcald any Caſk or Caſks in any Part or Parts of the ſaid Roads, or in any expoſed Situations near thereto, or ſhall hew, ſaw, or cut, or cauſe to be hewn, ſawn, or cut, any Stone, Wood, or Timber, or ſhall ſhoe, farry, or bleed any Horſe, Mule, or Aſs, except in the Caſe of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage uſed for the carrying of Goods and Merchandize, ſhall ride on the Shafts or on any other Part of ſuch Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horſes drawing the ſame upon any Part of the ſaid Roads, or if any Perſon ſhall hale or draw or cauſe to be haled or drawn upon any Part of the ſaid Roads any Tree or Piece of Timber, or any Stone, otherwiſe than wholly upon wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon wheeled Carriages, to drag on any Part of the ſaid Roads, to the Prejudice thereof reſpectively; or if any Perſon driving any Pigs or Swine upon the ſaid Roads ſhall ſuffer the ſame to root up and damage the ſame or any Part thereof, or the Fences, Hedges, Banks, or Copſe on either Side thereof; or if any Perſon ſhall turn or ſuffer any Horſe, Aſs, Beaſt, or Swine to be turned or to be or remain upon the ſaid Roads to graze or depaſture on the

Sides thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon the ſaid Roads, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the Left or Near Side of the Road; or if any Perſon ſhall in any manner wilfully prevent any other Perſon or Perſons from paſſing him or them upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart, or other ſuch Carriage under his or their Care; or if any Perſon ſhall make or aſſiſt to make any Fire or Fires commonly called Bonfires, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, or play at Football or any other Game or Games on any Part or Parts of the ſaid Roads, to the Annoyance of any Paſſenger or Paſſengers; or if any Perſon or Perſons ſhall after having blocked or ſtopped any Carriage whatſoever in going up a Hill or any other riſing Ground, ſhall leave or permit or ſuffer to be or remain on the ſaid Road or on any Part thereof, the Stone or other thing made uſe of in blocking or ſtopping ſuch Carriage; or if any Perſon ſhall leave any Waggon, Wain, Cart, or other ſuch like Carriage, in, upon, or on the Side of any Part of the ſaid Roads longer than may be neceſſary for loading or unloading the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or in caſe the ſame ſhall not during ſuch Time be drawn up or placed as near to the Side of the Road as conveniently may be, or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Aſhes, Filth, Rubbiſh, or other Matter or Thing whatſoever on any Part of the ſaid Roads, or on the Side or Sides thereof, or upon the Footpaths or Cauſeways adjoining to ſuch Roads, to the Prejudice, Annoyance, or Interruption of Perſons travelling and paſſing thereon, every Perſon ſo offending ſhall, for each and every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and ſuch Penalty ſhall be recovered, levied, apportioned, and applied in manner by the ſaid recited Acts or any of them provided for the Recovery and Application of Penalties.

Regulations as to Performance of Statute Duty.

XL. And be it further enacted, That ſo much of the ſaid recited Acts as relate to the Performance of Statute Duty or Labour on the ſaid Roads, ſhall be and the ſame is hereby repealed; and that all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto; and it ſhall be lawful for any Two or more Juſtices of the Peace, within their reſpective Juriſdictions, and they are hereby required, upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants and Occupiers of Lands, Tenements, Woods, Tithes, or Hereditaments, within the reſpective Pariſhes, Townſhips, or Places in which the ſaid Roads lie; and alſo what proportion of Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, in lieu of or as a Compoſition of ſuch Statute Work as aforeſaid, ſhall by him, her, or them be paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; and in order thereunto, it ſhall be lawful for ſuch Juſtices, from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, within Fourteen Days after the ſerving of ſuch Summons, of the Names of the ſeveral

Perſons who within ſuch Pariſh, Townſhip, or Place are by Law ſubject and liable to do Statute Duty for that Year, or to the Payment of any Money, in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is or may be directed by any Law or Statute now in force for the Repairs of the public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall or may allot, appoint, and order, ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads, as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and upon ſuch Parts of the ſaid Roads as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the Surveyor or Surveyors of every ſuch Pariſh or Place, to be by him or them paid over to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts, or any of them, authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them at his, her, or their uſual Place or Places of Abode, for that Purpoſe, by any Surveyor or Clerk to the ſaid Truſtees, ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to, by any Law or Statute in force for the Repair of the public Highways; and if any Perſon who ſhall come or be ſent to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid; and in that caſe, every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, or ſhall refuſe or neglect to collect or pay over ſuch Compoſition Money, or any Part thereof, in manner aforeſaid, every ſuch Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exeeding Ten Pounds.

Gates not to swing into the Road.

XLI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Road, shall be made and hung to open and swing inward towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees to order all such Gates as are now erected, or may be hereafter erected, and open and swing outward towards the said Road, to be altered and made to open and swing inward, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which the Gate or Gates is or are or shall be constructed, so as to open and swing outward towards the said Road, shall (after Twenty-one Days Notice from the Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inward) refuse or neglect to make such Alterations, every such Owner or Owners, Occupier or Occupiers, shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

For securing transient Offenders.

XLII. And whereas Offences may be committed against the said recited Acts and this Act, or some of them, by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they, any, or either of them, shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain such unknown Person and Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County where such Offence or Offences shall be committed.

Expences of this Act.

XLIII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, with lawful Interest upon any Sum or Sums of Money which shall be advanced for the Payment thereof, shall be paid out of the Money already collected or received, or out of the First Monies to be collected or received by virtue of the said recited Acts and this Act upon the said Road, in Preference to all other Payments whatsoever.

Commencement and Continuance of this Act.

XLIV. And be it further enacted, That this Act shall commence and take effect upon the Day the same shall receive the Royal Assent, and shall be and continue in force from thenceforth for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Public Act.

XLV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

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