


ANNO QUARTO

# GEORGII IV. REGIS.

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of the Tire or Tires of every such Wheel or Wheels should not be so countersunk as not to project above One Quarter of an Inch above the Surface of such Tire or Tires, then and in every such Case the Owner of every such Waggon, Cart, or other such Carriage should, for every such Offence, forfeit and pay the Sum of Five Pounds, and every Driver thereof the Sum of Forty Shillings, shall be and the same is hereby repealed.

Nails of the Tires of Wheels of Waggons, &c. to be so countersunk as not to project beyond ¼ of an Inch above Surface of Tires. Penalty on using them contrary hereto after Jan. 1, 1826.

II. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty-six, the several Nails of the Tire or Tires of the Wheels of every Waggon, Wain, Cart, or other such Carriage used or drawn on any Turnpike Road, shall be so countersunk as not to project beyond One Quarter of an Inch above any Part of the Surface of such Tire or Tires; and if any Waggon, Cart, or other such Carriage shall, from and after the said First Day of *January* One thousand eight hundred and twenty-six, be drawn or used on any Turnpike Road, with any Wheel or Wheels made, constructed, or being otherwise than as herein-before last described, the Owner or Owners thereof shall forfeit any Sum not exceeding Forty Shillings, and every Driver thereof any Sum not exceeding Twenty Shillings, for each and every Time that such Waggon, Cart, or other such Carriage shall be used or drawn on any Turnpike Road.

So much of recited Act as prohibits the use of Carriages with Wheels of less Breadth than Three Inches repealed.

III. And be it further enacted, That so much of the said recited Act as enacts, that from and after the First Day of *January* One thousand eight hundred and twenty-six, no Waggon or other such Carriage should be allowed to travel or be used on any Road with the Fellies of the Wheels thereof of a less Breadth than Three Inches; and from and after the Day and Year last mentioned, if any Waggon or other such Carriage having the Fellies of the Wheels thereof of less Breadth than Three Inches, should be used or drawn on any Turnpike Road, the Owner of every such Waggon or other such Carriage so used should for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every Driver thereof, not being the Owner, any Sum not exceeding Forty Shillings, shall be and the same is hereby repealed.

So much of recited Act as requires that when there is a Scale of Tolls such Scale should be continued, repealed.

IV. And be it further enacted, That so much of the said recited Act as directs, that where any particular Act or Acts of Parliament then in force, for the making, repairing, or maintaining any Turnpike Road, should direct an higher Rate of Toll or Tolls on any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of less Breadth than Six Inches, and such higher Rate is more than the Addition which is therein-before directed to be taken, such higher Rate of Tolls, in and by such Act or Acts imposed, should continue to be levied and collected on the said Road to which the said Act or Acts should relate, in the Proportions there fixed, shall, from and after the First Day of *January* One thousand eight hundred and twenty-four, be and the same is hereby repealed.

Where 13 G. 3. c. 84. in respect of

V. And be it further enacted, That where the Trustees or Commissioners of any Turnpike Road shall not, previously to the passing of

the said recited Act, have taken and collected on the Road under their Care and Management the additional Tolls on Waggons, Wains, Carts, or Carriages having the Wheels thereof of less Breadth or Gauge than Six Inches from Side to Side at the Bottom or Sole thereof, and on the Horses or Beasts of Draught drawing the same, directed to be taken and collected by an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain, amend, and reduce into one Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*, and the particular or local Act or Acts of Parliament in execution whereof the said Trustees or Commissioners shall act, shall not have provided a Scale of Tolls applicable to the Road under their Care and Management, such Trustees or Commissioners shall, from and after the First Day of *January* One thousand eight hundred and twenty-four, continue to take, collect, and receive, for every Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels thereof of less Breadth or Gauge than Four and a Half Inches from Side to Side at the Bottom or Sole thereof, or for the Horses or Beasts of Draught drawing the same, the same Tolls as are in and by such particular or Local Act or Acts payable in respect of such Waggons, Wains, Carts, or other such Carriages; and for every Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels thereof of the Breadth or Gauge of Four and Half Inches, and less than Six Inches at the Bottoms or Soles thereof, or for the Horses or Beasts of Draught drawing the same, One Sixth less than the Tolls which are or shall be payable for the same; and for every Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottoms or Soles thereof, or for the Horse or Horses drawing the same, One Third less than the Tolls or Duties which are or shall be payable for the same by any Act or Acts of Parliament made for making, repairing, or maintaining any Turnpike Road.

Tolls to be taken for Carriages with Wheels of certain Description has not been acted on, the Tolls shall be payable according to the Scale herein specified.

VI. And be it further enacted, That where any particular Act or Acts of Parliament now in force, for the making, repairing, or maintaining any Turnpike Road, shall direct an higher or lower Rate of Toll or Tolls to be collected and taken on any Waggon, Wain, Cart, or other such Carriage, or on the Horse or Horses drawing the same, regulated by or in respect of the greater or lesser Breadth of the Wheels of such Waggon, Wain, Cart, or other such Carriage, and where, in addition to the Tolls received under such particular Act or Acts, the additional Tolls in respect of the Breadth of Wheels authorized to be taken by the said Act passed in the Thirteenth Year of the Reign of His late Majesty shall not have been collected and imposed, it shall and may be lawful for the Trustees or Commissioners acting in execution of any such particular Act or Acts of Parliament, from and after the First Day of *January* One thousand eight hundred and twenty-four, to continue to collect the Tolls directed to be taken under the Powers and Provisions of such Act or Acts of Parliament, in execution whereof they shall act, and they shall not impose the additional Tolls authorized and required to be levied by the said recited Act on Waggons, Wains, Carts, or other such Carriages having the Fellies of the Wheels thereof of less Breadth than Six Inches.

Where there is a Scale of Tolls adapted to the Width of Wheels, and additional Tolls under 13 G. 3. not collected, the Scale of Tolls imposed by the Local Act to continue.

VII. Pro-

In case the Tolls shall not be leased, or if leased by Agreement with the Lessee, they may be reduced before the 1st of January 1824.

VII. Provided always, and be it further enacted, That in every Case where the Tolls authorized and empowered to be taken on any Turnpike Road shall be in the Hands of the Trustees or Commissioners of such Road, and not leased or let to farm, but collected on their Account, the Trustees or Commissioners of such Road shall, in case such Tolls were increased by the Provisions of the said recited Act, within Fourteen Days after the passing of this Act reduce the said Tolls, and fix the Amount thereof according to the Provisions of this Act; and in case the Tolls collected and taken on any Turnpike Road shall be leased and let to farm, it shall and may be lawful for the Trustees or Commissioners of such Road to compound and agree with the Farmer or Lessee of the said Tolls for reducing the same, and fixing the Amount thereof according to the Provisions of this Act; and in each of the said Cases the Provisions of this Act with regard to Tolls herein-before next mentioned shall then commence and take effect at the Time of such Reduction, and shall not be postponed to the said First Day of *January* One thousand eight hundred and twenty-four.

Contractors of Tolls may be released from their Contracts so far as regards Tolls or Penalties for Overweight, on giving Notice to the Treasurer or Clerk of the Trustees by September.

VIII. And whereas many Persons may at the Time of passing of this Act be Farmers or Contractors for the Tolls arising or payable on Turnpike Roads, and for Tolls and Penalties for Overweight, and whose Contracts will not expire until after the First Day of *January* One thousand eight hundred and twenty-four; for Remedy whereof, and for Protection of such Lessees or Contractors, be it further enacted, That in case any Lessee or Lessees, Farmer or Farmers, Contractor or Contractors for any Toll or Tolls arising or payable on any Turnpike Road, or for any Tolls and Penalties for Overweight, payable to any Trustees or Commissioners appointed by virtue of any Act of Parliament for making, repairing, or amending Turnpike Roads, whose Contract will not expire until after the First Day of *January* One thousand eight hundred and twenty-four, shall by reason of this Act be desirous of being discharged from his, her, or their Contract or Contracts, so far as regards such Tolls arising and payable on any Turnpike Road, or any Tolls and Penalties for Overweight, and of such his, her, or their Desire, shall, on or before the First Day of *September* One thousand eight hundred and twenty-three, give Notice in Writing to the Treasurer or Clerk of any such Trustees or Commissioners, then and in every such Case all such Farmers, Lessees, or Contractors shall, from and after the said First Day of *January* One thousand eight hundred and twenty-four, be released and discharged from their respective Contracts, so far as the same relate to such Tolls arising and payable on any Turnpike Road, or to such Tolls or Penalties for Overweight; and all and every such Contracts shall thenceforth cease and be null and void as to the Residue of the Term or Time then to come and unexpired therein, so far as such Contracts relate to such Tolls arising and payable on any Turnpike Road, or to such Tolls and Penalties for Overweight; any thing in such Leases or Agreements to the contrary notwithstanding.

New Contracts may be made with Contractors.

IX. Provided also, and be it enacted, That in case any such Lessee or Lessees, Farmer or Farmers, Contractor or Contractors, shall give

such Notice of determining his, her, or their Contract, as hereinbefore mentioned, then and in every such Case it shall be lawful for such Trustees or Commissioners, if they think fit, to make any new Contract or Contracts with such Lessee or Lessees, Farmer or Farmers, Contractor or Contractors, or to make any Compensation to him, her, or them, in respect of such Tolls payable on any Turnpike Road, or of the said Tolls or Penalties for Overweight, or to cause the said Tolls, and the Tolls or Penalties for Overweight, to be re-let on a Day and at a Place to be by them appointed, of which One Month's Notice at least shall be given, and thereupon to proceed to re-let the same, and to re-let the same for the best Price they may then be enabled to obtain for the same, without being compelled to put up the said Tolls arising and payable on such Road, or the said Tolls or Penalties for Overweight, at the Sum at which they last let, or to have any other Meeting for the letting thereof; any Law or Custom to the contrary notwithstanding.

No Exemption by former Acts to be claimed, unless Carriages with 4½ Inch Fellies are used.

X. And be it further enacted, That no Person shall by virtue of the said recited Act, or this or any other Act or Acts of Parliament, have, claim, or take the Benefit or Advantage of any Exemption from Toll or Part of Tolls, or Penalties for Overweight, or to pay less Toll for or in respect of any Waggon, Wain, Cart, or other Carriage, or the Horses or Beasts 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, in respect of which the Exemption shall be claimed, shall have the Sole of the Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four and Half Inches or upwards (other than and except Carts and Carriages employed in carrying Corn or Grain in the Straw, Hay, Straw, Fodder, Dung, or Lime for the Improvement of Land, or other Manure, or any Plough, Harrow, or Implements of Husbandry only), but that the Tolls imposed by any Act, together with the additional Tolls required to be taken for or in respect of every such Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Four and Half Inches as aforesaid, and for or in respect of Horses or Beasts of Draught drawing the same, and the additional Tolls or Penalties for Overweight (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, and as fully as all other Waggons, Wains, Carts, and Carriages, and Horses drawing the same, ought respectively to pay, which are not entitled 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.

So much of recited Act 3 G. 4. c. 126. for compounding and paying Composition in Advance, repealed.

XI. And be it further enacted, That so much of the said recited Act as enacts, that it shall and may be lawful for the Trustees or Commissioners of any Turnpike Roads from Time to Time, as they shall see convenient, to compound and agree, for any Term not exceeding Three Years at any one Time, with all or any of the Inhabitants of the several Parishes, Hamlets, or Places to or through which such Road may lead or pass, for the passing of their Horses, Cattle,

Cattle, or Carriages through all or any of the Toll Gates to be erected on such Road, or on the Sides thereof; which Composition shall be paid yearly in Advance, and in Default thereof the Composition or Agreement with the Person or Persons making such Default shall be thenceforth void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are directed to be paid and applied: Provided always, that no such Composition shall extend to the additional Tolls for Overweight herein-before directed to be taken, but all such additional Tolls shall be demanded and received notwithstanding any Composition for Tolls; shall be and the same is hereby repealed.

So much of recited Act prohibiting Composition for Overweight repealed.

XII. And be it enacted, That so much of the said recited Act as enacts, that it shall not be lawful for the Trustees or Commissioners of any Turnpike Road, their Lessee or Lessees, Collector or Collectors, or other Officers, to make any Composition for any additional Tolls or Duties for or in respect of the Overweight, or in any other Manner as to the Weight which any Waggon, Wain, Cart, or Carriage shall carry or weigh, any Law to the contrary thereof notwithstanding; but that every Contract and Agreement for such Composition for Overweight shall be null and void to all Intents and Purposes whatsoever; and every Lessee, Collector, or other Officer entering into or agreeing to any such Composition, and every Person or Persons with whom any such Composition or Agreement shall be made or entered into, shall, for every such Composition or Agreement, and for every Abatement of Toll for Overweight in consequence thereof respectively, forfeit and pay the Sum of Fifty Pounds to any Person or Persons suing for the same; shall be and the same is hereby repealed.

Composition may be made for Tolls for One Year.

XIII. And be it further enacted, That the Trustees and Commissioners of every Turnpike Road may and they are hereby empowered from Time to Time, as they shall see convenient, to compound and agree, for any Term not exceeding One Year at any one Time, with any Person or Persons, for the Tolls payable for any Horses, Cattle, or Beasts, or Carriages, passing through any of the Turnpikes or Toll Gates of the Road under their Care and Management, and collected and taken under the Authority of the particular Act or Acts in execution of which the Trustees or Commissioners making such Composition shall act, or of the said recited Act or this Act.

So much of recited Act 3 G. 4. c. 126. as to painting Names on Waggons, &c. repealed.

XIV. And be it further enacted, That so much of the said recited Act of the Third Year aforesaid as enacts, that the Owner or Owners of every Waggon, Wain, or Cart, and also of every Coach, Post Chaise, or other Carriage, let either in the whole or in part to Hire, shall paint or cause to be painted in a straight Line upon some conspicuous Part of his Waggon, Wain, or Cart, or upon the Shafts thereof, and upon the Pannels of the Doors of all such Coaches, Post Chaises, or other Carriages, before the same shall be used upon any Turnpike Road, his, her, or their Christian and Surname, and the Place of his, her, or their Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, in large

legible Letters, not less than Half an Inch in Height, and continue the same thereupon so long as such Waggon, Cart, Coach, Post Chaise, or other Carriage shall be used upon any such Turnpike Road; and the Owner of every Common Stage Waggon or Cart employed in travelling Stages from Town to Town, shall, over and above his or her Christian and Surname, paint or cause to be painted on the Part and in Manner aforesaid the following Words, 'Common Stage Waggon' (or 'Cart,' as the Case may be); and every Owner or Proprietor of any such Waggon, Cart, Wain, Post Chaise, or other Carriage as aforesaid, using or allowing the same to be used upon any Turnpike Road without the Names and Descriptions painted thereon respectively as aforesaid, and who shall paint or cause to be painted any false or fictitious Name or Place of Abode on such Waggon, Wain, Cart, Coach, Post Chaise or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds, shall be and the same is hereby repealed.

For Discovery of Offenders, Names of Owners to be painted on Waggons, &c. in the Manner herein mentioned.

XV. And for the better Discovery of Offenders, be it further enacted, That the Owner or Owners of every Waggon, Wain, or Cart, or other such Carriage, shall, from and after the First Day of *October* One thousand eight hundred and twenty-three, paint or cause to be painted in one or more straight Line or Lines upon some conspicuous Part of the Right or Off Side of his, her, or their Waggon, Wain, or Cart, or other such Carriage, or upon the Off Side Shafts thereof, before the same shall be used on any Turnpike Road, his, her, or their Christian and Surname, and the Place of his, her, or their Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, at full Length, in large legible Letters not less than One Inch in Height, and continue the same thereupon so long as such Waggon, Wain, Cart, or other such Carriage shall be used upon any Turnpike Road; and every Owner and Proprietor of any Waggon, Wain, or Cart, or other Carriage, who shall use or allow the same to be used on any Turnpike Road without the Names and Descriptions painted thereon as aforesaid, or who shall paint or cause to be painted any false or fictitious Name or Place of Abode on such Waggon, Wain, or Cart, or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Penalty 5*l.*

Loaded Carts used on Railways and Tram Roads not to be drawn on Turnpike Roads.

Penalty.

XVI. And be it further enacted, That if any Waggon or Cart, built or constructed to be and usually used on any Railway or Tramroad, shall be drawn or pass loaded on any Turnpike Road, out of and away from such Railway or Tramroad, for the Distance of more than One hundred Yards, the Owner or Proprietor of every such Waggon or Cart shall forfeit and pay the Sum of Forty Shillings, and the Driver thereof, not being the Owner, the Sum of Twenty Shillings for each and every Time such Waggon or Cart shall be so drawn and pass.

Exemptions from Toll not to extend to the Tolls for Overweight,

XVII. And be it further enacted, That in case where any Exemption from Toll shall be claimed or allowed under the Provisions of the said recited Act or this Act, or any other Act or Acts of Parliament for repairing and maintaining any Turnpike Road, such Exemption shall not extend

unless such Tolls are also specially exempted.

extend to or be allowed for the additional Tolls imposed by the said recited Act, and directed to be taken for every Hundred Weight, of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart, or other such Carriage, together with the Loading thereof, shall weigh at any Weighing Engine, over and above the Weights in and by the said recited Act allowed to each of them respectively, unless the Waggon, Wain, Cart, or other such Carriage, in respect of which the Exemption shall be claimed, shall likewise be by the said recited Act or this or some other Act or Acts, specially exempted from such additional Tolls for Overweight; but in all Cases (where not specially exempted) the said additional Tolls shall be paid, and only the original Toll allowed.

Provision in recited Act as to Breadth of Wheels not extending to Coaches, &c. repealed.

XVIII. And whereas it is by the said recited Act enacted, that nothing therein contained relating to the Breadth of the Wheels of Carriages, or to the Tolls payable thereon, should extend or be construed to extend to any Chaise Marine, Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricle, Gig, Chair, or Taxed Cart, Market Cart, or other Cart for the Conveyance of Passengers or light Goods or Articles: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be, and the same is hereby repealed.

Breadth of Wheels, or Regulations as to Weight, &c. not to extend to Coaches, &c.

XIX. And be it further enacted, That nothing in the said recited Act or this Act contained relating to the Breadth of the Wheels of Carriages, or to the Tolls payable in respect of the Wheels, or of the Weight of Carriages, shall extend or be construed to extend to any Chaise Marine, Coach, Landau, Berlin, Barouche, Phaeton, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricle, Gig, Chair, or Taxed Cart, or any Cart not drawn by more than One Horse or Two Oxen.

Trustees or Commissioners within 10 Miles of London may reduce Tolls for Overweight.

XX. And be it further enacted, That the Trustees or Commissioners of the several Turnpike Roads within Ten Miles of the Cities of *London* and *Westminster*, and the Borough of *Southwark*, may and they are hereby empowered, at any Meeting or Meetings to be held for the Purpose (of which Meeting or Meetings, and the Purposes thereof, Fourteen Days Notice shall be given) to lower the several additional Tolls by the said recited Act directed to be taken for Overweight, in such Manner as to them shall seem fit and convenient, and from Time to Time to take such reduced Tolls for Overweight as shall be fixed and agreed on at such Meeting or Meetings.

Regulations of Weight not to extend to One Piece of Metal.

XXI. And be it further enacted, That the Regulations of Weight in the said recited Act or this Act mentioned and provided, shall not extend to any Waggon, Wain, Cart, or other Carriage carrying only One Block, Plate, Roll, or Vessel of Iron or other Metal, or compounded of any Two or more Metals cast, wrought, or united in One Piece.

So much of recited Act 3 G. 4. c. 126.

XXII. And be it further enacted, That so much of the said recited Act as enacts, that nothing therein contained shall extend or be



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construed to extend so as to exempt any Waggon, Cart, or other Carriage laden with Dung, Compost, or Manure for manuring Land, or any Horse or other Beast drawing the same, from any Toll imposed in respect thereof by virtue of any Local Act or Acts now passed, whereby such Toll has been imposed for the Maintenance of the Roads therein respectively mentioned, shall be and the same is hereby repealed.

as exempts Carriages laden with Dung from Toll, repealed.

XXIII. And be it further enacted, That nothing in the said recited Act or this Act contained shall extend or be construed to extend to exempt any Waggon, Wain, Cart, or other Carriage laden with Dung, Compost, or Manure for manuring Land, or any Horse or other Beast drawing the same, from any Toll imposed in respect thereof by any Local Act or Acts for making, repairing, and maintaining any particular Roads, where in such Act or Acts such Dung, Compost, or Manure shall be specially made subject to Toll throughout the whole of such Roads, without any local, parochial, or partial Exemption.

Carriages laden with Dung not to be exempted from Toll when charged by any Local Act.

XXIV. And be it further enacted, That no Toll shall be demanded or taken by virtue of the said recited Act or this Act, or any other Act or Acts for making or maintaining Turnpike Roads, for any Horses or Carriages attending or going to attend, or returning from having attended His Majesty, or any of the Royal Family; any thing in any Act or Acts to the contrary notwithstanding.

Horses and Carriages belonging to the Royal Family exempted from Toll.

XXV. And be it further enacted, That so much of the said recited Act as directs that the Surveyor of any Turnpike Road, when engaged in executing or proceeding to execute, within the Limits of any adjoining Trust, the Powers of the said Act, or any Act for repairing or maintaining any Turnpike Road, shall be exempt from the Payment of Toll, shall be and the same is hereby repealed.

So much of 3 G. 4. c. 126. repealed, as exempts Surveyors of adjoining Roads from Toll.

XXVI. Provided always, and be it enacted, That nothing herein, or in the said recited Act contained, shall extend, or be deemed or construed to extend to repeal or take away any Exemptions from Toll which shall have been granted or allowed by any Act for making or repairing any Turnpike Road.

Recited Act not to take away Exemptions granted by Local Acts.

XXVII. And be it further enacted, That so much of the said recited Act as imposes a Penalty or Forfeiture on any Collector or other Person appointed to collect the Tolls on any Turnpike Road, permitting or suffering any Waggon, Wain, Cart, or other Carriage to be drawn or pass on any Turnpike Road, within the View or with the Knowledge of such Collector or Toll Gatherer, or to pass through any Toll Gate or Bar drawn by a greater Number of Horses than by that Act allowed, shall be and the same is hereby repealed.

So much of recited Act as imposes a Penalty on Collector permitting Carriages to pass with a greater Number of Horses than allowed, repealed.

XXVIII. And be it further enacted, That the Trustees and Commissioners for making or maintaining any Turnpike Road shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every Toll Gate within their respective Districts, a Table, painted in distinct and legible Black Letters, on a Board with a White Ground, containing at the Top thereof the Name of

Trustees to put up a Table of the Tolls, with the Names of the Gates.

the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing severally the Total Amount of Tolls payable under any particular Act or Acts, and this and the said recited Act, and the different Sorts of Carriages for which they are to be paid, where there shall be any Variation therein, and also a List of the several Gates which shall be wholly or partially cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and the said Trustees or Commissioners shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Payment, One of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned as being cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further or additional Toll.

Tickets denoting Payment of Tolls.

Provision in recited Act, as to Toll Collectors putting up their Names, repealed.

XXIX. And whereas it is by the said recited Act enacted, that every Toll Collector on every Turnpike Road should place on some conspicuous Parts of the Fronts of the several Toll Houses at which they should respectively be stationed, so that the same should appear to Public View, their Christian and Surnames, painted in Black on a Board with a White Ground, and each of such Letters of such Name or Names to be at Least Two Inches in Length, and of a Breadth in Proportion, and that such Board should be and remain at such Toll House during the whole of the Time that the Person whose Name should be expressed thereon should be on Duty thereat; and every such Collector should place on the Front of the Toll House or Toll Houses at which such Collector should be stationed the Board therein-before directed to be provided, containing the usual Name of the Turnpike Gate where the Board should be affixed, and also the List of the Tolls payable at such Gate, and of the several Gates cleared by the Payment of Toll at the Gate where such Collector or Collectors should be stationed; and if any Collector should not place such Boards respectively, and keep the same there during the Time he should be such Collector as aforesaid, or should demand and take a greater or less Toll from any Person than he should be authorized to do by virtue of the Powers of any Act, or of the Orders and Resolutions of the Trustees or Commissioners made in pursuance thereof, or should demand and take a Toll from any Person or Persons exempt from the Payment thereof, and who should claim such Exemption, or should refuse to permit or suffer any Person or Persons to read, or should in anywise hinder any Person or Persons from reading the Inscriptions on such Boards, or should refuse to tell his Christian and Surname to any Person or Persons on being paid the said Tolls, or should in answer to such Demand give a false Name or Names, or should refuse or omit to give to the Person paying the Toll a Ticket denoting the Payment of the Tolls, and naming the Toll Gate at which such Ticket was delivered, and the Toll Gate or Toll Gates (if any) freed by such Payment, or upon the legal Toll being paid or tendered, should unnecessarily detain or

 wilfully

wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or should make use of any scurrilous or abusive Language to any Trustee or Commissioner, Traveller or Passenger, then every such Toll Collector should forfeit and pay any Sum not exceeding Five Pounds for every such Offence: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Toll Collectors to put up their Names;

XXX. And be it further enacted, That every Toll Collector on every Turnpike Road shall place or cause to be placed on some conspicuous Parts of the Fronts of the several Toll Houses at which they shall be respectively stationed, and so that the same shall appear to Public View, their Christian and Surnames, painted in Black on a Board with a White Ground, each of such Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and that such Board shall be and remain at such Toll House during the whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and if any Collector of the said Tolls shall not place such Board and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of any Act, or of the Orders and Resolutions of the Trustees or Commissioners made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading the Inscriptions on such Board, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on being 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 omit to give to the Person paying the Toll a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate at which such Ticket has been delivered, and the Toll Gate or Toll Gates (if any) freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee or Commissioner, Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

taking greater or less Toll, &c.;

obstructing Passengers;

Penalty 5*l.*

Toll Collectors, &c. residing in any House erected by the Trustees not to gain a Settlement.

XXXI. And be it further enacted, That no Collector or Receiver of any Tolls or Penalties for Overweight, residing in any House or Building erected or used by the Trustees of any Turnpike Road for the Residence or Accommodation of Persons appointed for weighing any Waggons or other Carriages, and no Apprentice or Servant of any such Collector or Receiver, shall thereby gain a Settlement in any Parish or Place; and that no Tolls or Penalties for Overweight to be taken at any House or Weighing Machine erected or to be erected or adjoining to any Turnpike Road, nor any Person whatsoever in respect

spect of such Tolls or Penalties, or any House or Building as aforesaid, shall be rated or assessed towards the Payment of any Poor's Rates, or any other public or parochial Rate or Levy whatsoever.

Trustees to be sworn.

XXXII. And be it further enacted, That no Person who shall after the passing of this Act be chosen or appointed a Trustee or a Commissioner by or under any Act or Acts for making or maintaining any Turnpike Road, shall act as such Trustee or Commissioner, unless he shall, before he shall act as such (except in administering the Oath or Affirmation hereinafter mentioned), take and subscribe before one or more of the said Trustees or Commissioners (who is and are hereby empowered to administer the same) the Oath or Affirmation following; that is to say,

Oath.

'I *A. B.* do swear, [*or*, being One of the People called *Quakers*, do solemnly affirm,] That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee [*or* Commissioner] by virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England; and also an Act passed in the Fourth Year of the Reign of His said Majesty, intituled [*here set forth the Title of this Act;*] and also an Act passed in the Year of the Reign of His Majesty intituled [*here set forth the Title of the Act under which such Trustee or Commissioner shall claim to act.*] So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me GOD.']

Penalty 50*l.*

And if any such Person shall act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed: Provided always, that no Act or Proceeding touching the Execution of the said Act of the Third Year of the Reign of His present Majesty, or this Act, or any Act for making or maintaining any Turnpike Road, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath or Affirmation by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath or Affirmation previously to his having acted as such Trustee or Commissioner as aforesaid.

Proceedings valid, though Oath omitted to be taken under recited Act.

Quakers making Affirmation may act as Trustees.

XXXIII. And be it further enacted, That if any Person being a Quaker shall have been or shall hereafter be appointed or elected, by or under any Act or Acts of Parliament for making, repairing, or maintaining any Turnpike Road, a Trustee or Commissioner of such Road, and shall be in other respects qualified according to the Provisions of the said recited Act, it shall and may be lawful for such Person, on taking and subscribing the Affirmations in the said recited Act and this Act contained,

contained, to act as a Trustee or Commissioner in execution of the Act or Acts by or under which such Person shall be appointed or elected, without being subject or liable to any Penalty or Forfeiture by such Act or Acts imposed for acting as a Trustee or Commissioner, not having taken and subscribed the Oaths therein contained.

Not to extend to Magistrates taking Oath of Qualification as Trustees.

XXXIV. Provided always, and be it enacted, That nothing in the said recited Act made in the Third Year of the Reign of His present Majesty, or in this or any other Act contained, shall extend or be construed to extend so as to require any Justice of the Peace acting for any County to take or subscribe any Oath of Qualification before he shall act as Trustee in the Execution of any Act or Acts for making, repairing, or maintaining any Turnpike Road.

Explaining Trustees Qualification.

XXXV. And be it further declared and enacted, That where any Person shall, previously to the First Day of *January* One thousand eight hundred and twenty-three, have been duly qualified according to the Provisions of, and taken the Oath prescribed in that Behalf by an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain, amend, and reduce into one Act of Parliament the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, *or for other Purposes;* or have been duly qualified according to the Provisions of, and taken the Oath prescribed by any other Act or Acts of Parliament for making, maintaining, or repairing any particular Turnpike Road, previously to the said First Day of *January*, and shall have been then acting as a Trustee or Commissioner in the Execution of such Act or Acts, it shall and may be lawful for such Person to continue to act as a Trustee or Commissioner under such Act or Acts, without requalifying, or taking the Oath prescribed in and by the said recited Act of the Third Year of His present Majesty's Reign, and although such Person may not be possessed of Freehold or Copyhold Lands, Tenements, or Hereditaments, or be Heir Apparent to any Person possessing the same, to the Amount required by the said recited Act. 13 G. 3. c. 84.

Trustee losing his Qualification to become incapable of acting.

XXXVI. Provided always, and be it enacted, That if any Trustee or Commissioner who shall have been acting as such previously to the said First Day of *January* One thousand eight hundred and twenty-three, shall have lost or parted with subsequently thereto, or shall hereafter lose or part with, by Sale, Assignment, Bankruptcy, Insolvency or otherwise, the Qualification in respect of which he acted as a Trustee or Commissioner, and shall not be possessed of the Qualification required by the said Act of the Thirteenth Year of the Reign of His late Majesty, or by the Act or Acts in the Execution of which such Trustee or Commissioner shall have acted, every such Trustee or Commissioner shall therefrom become disqualified and be incapable of any longer acting as a Trustee or Commissioner; and if any such Trustee or Commissioner so becoming disqualified shall presume to act in execution of the Act or Acts under which he previously acted, he shall for every such Offence incur and be liable to the Penalties and Forfeitures imposed by the said recited Act of the Third Year aforesaid, on Persons acting as Trustees or

Commissioners not being duly qualified, to be sued for and recovered under the Powers and Provisions of the said Act.

Trustees having Shares in Canal Companies, &c. which shall contract for Conveyance of Materials on Roads not liable to Penalty on Account of such Contract.

XXXVII. And whereas in and by the said recited Act it is amongst other Things provided, that no Trustee or Commissioner shall have any Share or Interest in, or be in any Manner directly or indirectly concerned in any Contract or Bargain for making or repairing, or in any way relating to the Road for which he shall act, or for building or repairing any Toll House or Toll Gate, or Weighing Engine thereon, or for supplying any Materials for the Use thereof, nor shall let out for Hire any Waggon, Wain, Cart, or other Carriage, or any Horse, Cattle, or Team, for the Use of any Turnpike Road for which he shall act as Trustee or Commissioner, nor by himself, or by any other Person for or on his Account, directly or indirectly, receive any Sum or Sums of Money to his Use or Benefit, out of the Tolls collected on the Road for which he shall act during the Time he shall be acting as a Trustee or Commissioner of such Road; and in and by the said recited Act any Trustee or Commissioner offending in any of the Cases aforesaid is thereby made liable to pay the Penalty of One hundred Pounds; be it further enacted and declared, That no Person or Persons being a Trustee or Commissioner, or Trustees or Commissioners of any Turnpike Road, shall be liable to and forfeit the said Penalty of One hundred Pounds, or any other Penalty or Forfeiture, for or by reason of his or their being only a Proprietor or Proprietors, or Holder or Holders of any Share or Shares in any Canal or Railway Company which shall contract with the Trustees or Commissioners of the Road for which such Person or Persons shall act as a Trustee or Commissioner, or Trustees or Commissioners, for the Carriage or Conveyance of any Materials for the Repair of such Road.

Clause of recited Act 3 G. 4. c. 126. as to Meetings of Trustees repealed.

XXXVIII. And whereas it was by the said Act enacted, that the Trustees or Commissioners for executing any Act for repairing Turnpike Roads should from Time to Time meet at such Time and Place as to them should seem convenient, and adjourn themselves to meet at any Place and at such Time as the said Trustees or Commissioners should appoint; and at all their Meetings the Trustees or Commissioners should pay and defray their own Expences, except any Sum not exceeding Ten Shillings *per Diem* for the Use of the Room wherein they should meet; and all Orders and Determinations of the Trustees or Commissioners in the Execution of any such Act should be made at Meetings to be held in pursuance thereof, and not otherwise; and that no Order or Determination should be made, unless the major Part of the Trustees or Commissioners present should concur therein; and that all the Powers and Authorities thereby in them vested should be done and exercised by the major Part of the Trustees or Commissioners who should be present at Meetings to be held by virtue of any such Act; and that a Chairman should in the first Place be appointed at every Meeting, who should have the decisive or casting Vote; and that no Order or Determination at any Meeting of the said Trustees or Commissioners should be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration should have been given at a previous Meeting, by Notice on all the Turnpike Gates then erected upon

upon such Road, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration should be agreed to be made by Seven Trustees or Commissioners at the least: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Regulations as to Meetings of Trustees.

XXXIX. And be it further enacted, That the Trustees or Commissioners for executing any Act for making or maintaining any Turnpike Roads shall and may from Time to Time meet at such Time and Place on or near their respective Roads as to them shall seem convenient, and may adjourn themselves to meet at any Place or Places, and at such Time or Times, as the said Trustees or Commissioners or the major Part of them present at any Meeting shall appoint; and at all their several Meetings the Trustees or Commissioners shall pay and defray their own Expences, except any Sum not exceeding Ten Shillings *per Diem* for the Use of the Room wherein they shall meet; and all Orders and Determinations of the Trustees or Commissioners in the Execution of any such Act shall be made at Meetings to be held in pursuance thereof, or of the said recited Act and this Act, and not otherwise (except in the Cases otherwise particularly provided for by the said recited Act or any such Act for making or repairing Turnpike Roads); and that no Order or Determination shall be made unless the major Part of the Trustees or Commissioners present shall concur therein; and that all Acts, Orders, and Proceedings relating to any such Act, or the said recited Act and this Act, which are directed to be had, made, done, or exercised by or before the said Trustees or Commissioners, and all the Powers and Authorities vested in them generally, shall and may be had, made, done, and exercised by the major Part of the Trustees or Commissioners who shall be present at the respective Meetings to be held by virtue of any such Act or this Act, the whole Number present not being less than Three (except in such Cases where any other Number is by any Local Act, or the said recited Act or this Act, named for any particular or special Purpose); and that all Acts, Orders, or Proceedings had, made, or done by or before such Three Trustees or Commissioners, shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees or Commissioners; and that a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of any such Local Act, or the said recited Act and this Act, who in case of an equal Number of Votes (including the Chairman's Vote) shall have the casting or decisive Vote; and that no Order or Determination at any Meeting of the said Trustees or Commissioners, once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given by Three or more Trustees or Commissioners, by Writing under their Hands, to the Clerk to the said Trustees or Commissioners, at a previous Meeting holden for the same Road, and entered in the Book of Proceedings of such Meeting, and unless Notice signed by any Two

or

or more Trustees or Commissioners shall have been affixed on all the Turnpike Gates then erected upon such Road, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by a greater Number of Trustees or Commissioners than concurred in the making of any such Order or Determination: Provided always, that nothing herein contained, prohibiting or restraining Trustees from expending more than Ten Shillings *per Diem* for the Use of the Room wherein they shall meet, shall extend to the Trustees or Commissioners of any Road within Five Miles of the *Royal Exchange* in *London*; but such last-mentioned Trustees or Commissioners may expend any Sum not exceeding Twenty Shillings for the Use of such Room.

Clause in recited Act as to Meetings of Trustees to be held on Emergencies, repealed

XL. And whereas it is by the said Act enacted, that if at any Time it should be thought necessary that the Trustees or Commissioners of such Road should meet before the Time to which any Meeting may be adjourned, it should be lawful for any Two or more of such Trustees or Commissioners (or for the Clerk to the said Trustees or Commissioners, by an Order in Writing, signed by any Two or more of them) to give Notice of such earlier Meeting in the Manner before directed; and all the Orders and Determinations of the Trustees or Commissioners at all such Meetings should be as valid as if the same had been done at any other Meeting of Trustees or Commissioners: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

How Meetings on Emergencies shall be held.

XLI. And be it further enacted, That if at any Time it shall be thought necessary, for the better Execution of any Act of Parliament for making or maintaining any Turnpike Road, that the Trustees or Commissioners of such Road should meet before the Time to which any Meeting may be adjourned, it shall and may be lawful for any Two or more of such Trustees or Commissioners (or for the Clerk to the said Trustees or Commissioners, by an Order in Writing, signed by any Two or more of them) to give Notice of such earlier Meeting by Advertisement in some Newspaper circulated in the Neighbourhood of such Road, and affixed on all the Turnpike Gates then standing on such Road, in which Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting (such Time not being less than Fourteen Days after Publication of the said Notice); and all the Orders and Determinations of the Trustees or Commissioners at all such Meetings shall be as valid as if the same had been done at any other Meeting of Trustees or Commissioners held by virtue of the said recited Act or this Act, or the Act under and by virtue of which they shall act as Trustees or Commissioners: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Where a Local Act has fixed a different Time for the annual Meet-

XLII. And whereas in and by the said recited Act, all Trustees and Commissioners of every Turnpike Road or Roads are required to hold a General Meeting of the Trust for which they shall respectively act, on a Day to be by them, or any Three or more of them, appointed in the Months of *April*, *September*, and *October*; be it fur-

ther enacted, That where in and by any Act of Parliament a General Annual Meeting of the Trustees acting in execution of such Act shall be appointed to be held at any other Time of the Year than in the said Months of *April*, *September*, or *October*, and the said Trustees shall have held such Meetings under the Authority of such Act, it shall and may be lawful for such Trustees to continue to hold the said General Annual Meetings at the Time mentioned and directed in the Act, under and by virtue of which they shall be appointed, instead of in the said Months of *April*, *September*, or *October*; any thing in the said recited Act contained to the contrary notwithstanding.

ing than that mentioned in recited Act, it may be held on that Day.

XLIII. And be it further enacted, That the Trustees or Commissioners for making or maintaining any Turnpike Road may and they are hereby empowered, by Writing under their Hands, to appoint such Collector or Collectors of the Tolls arising on such Road, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees or Commissioners shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising on such Turnpike Road, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them, in or about the Execution of the Act for making or maintaining such Road, and the said recited Act and this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as such Trustees or Commissioners shall deem reasonable.

Appointing Officers, Salaries, &c.

XLIV. Provided always, and be it further enacted, That it shall not be lawful for the Trustees or Commissioners acting under any Act for making or maintaining any Turnpike Road to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of such Act, or the Partner of any such Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Surveyor or Surveyors for the Purposes of such Act; or to continue or appoint any Person or Persons who has been or may be appointed Surveyor or Surveyors, or the Partner or Partners of any such Surveyor or Surveyors, the Clerk or Clerks to the said Trustees or Commissioners; and if any Person shall accept both the Offices of Clerk and Surveyor for the Purposes of such Act, or if any Person, being the Partner of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Surveyor, or being the Partner of any such Surveyor or Surveyors, shall accept the Office of Clerk in the Execution of such Act, and if any such Surveyor shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Surveyor, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who

Surveyor and Clerk not to be the same Person.

shall 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Surveyor not to be concerned in Contracts, or sell Materials.

XLV. And be it further enacted, That if the Surveyor of any Turnpike Road shall have any Part, Share, or Interest in any Contract or Bargain for Work, Materials, Tools, or other Things, to be done or provided upon, for, or on account of any Road or Bridge, or any Part thereof, under his Care and Management, or shall upon his own Account, directly or indirectly, let to hire any Team, or sell or dispose of any Timber, Stone, or other Materials, to be used or employed in making or repairing any such Road or Bridge, he shall forfeit for every such Offence the Sum of Fifty Pounds.

Repeal of Clause in recited Act as to Officers accounting.

XLVI. And whereas it was by the said Act enacted, that all such Officers as should be appointed by any Trustees or Commissioners of any Turnpike Road should, as often as required by the Trustees or Commissioners, render a true, exact, and perfect Account in Writing of all Monies which they should respectively have received and disbursed by reason of their respective Offices; and in case any Money so received by any such Officer should remain in his Hands, the same should be paid to the Trustees or Commissioners; and if any such Officer should refuse or neglect to render such Account, or to produce the Vouchers, or should refuse or neglect to render and give up all Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power relating to the Road for which he should act, it should be lawful for any Justice of the Peace, upon Application made to him for that Purpose, to make Inquiry concerning any such Default as aforesaid in a summary Way, and by Warrant under his Hand and Seal to cause such Money as should appear to him to be due, to be levied by Distress and Sale of the Goods and Chattels of such Officer; or if sufficient Distress could not be found, or if it should appear to any such Justice that such Officer should have refused or neglected to give such Account, or to deliver up all Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power relating to the Execution of his Office, such Justice should commit him to the House of Correction or Common Gaol, there to remain without Bail or Mainprize until he should make and give a true and perfect Account, and should have paid the Money (if any) remaining in his Hands, according to the Direction of the Trustees or Commissioners, or should have compounded with the said Trustees or Commissioners for such Money, or until he should deliver up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or have given Satisfaction to the Trustees or Commissioners concerning the same: And whereas the said Provision has been found inconvenient; be it enacted, That the said Provision shall be and the same is hereby repealed.

Officers of Turnpike Roads to account

XLVII. And be it further enacted, That all such Officers as shall have been or shall be appointed by any Trustees or Commissioners of any Turnpike Road, shall from Time to Time, when thereunto required

quired by the Trustees or Commissioners, deliver to such Trustees or Commissioners, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing, under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time, by virtue of any Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees or Commissioners, or to such Person or Persons as they shall appoint to receive the same, and not otherwise, within such Time as such Trustees or Commissioners shall limit or appoint; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account within the Time or in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees or Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees or Commissioners, all the Books, Papers, or Writings in his Custody or Power relating to the Execution of any such Act, then and in every or any of the said Cases it shall be lawful for any One Justice of the Peace for the County, Division, or Riding in which such Road or any Part thereof shall be situate, upon Complaint made to him by or on behalf of the said Trustees or Commissioners, and such Justice is hereby required, by Warrant under his Hand and Seal, to summon such Officer or Officers, Person or Persons, to appear before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer, without Fee or Reward); or upon Inspection of the said Accounts, if produced, it shall appear to such Justice that any of the Money which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, on Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, unless for some sufficient Reason, or if appearing, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of any Act for making or repairing Turnpike Roads, or the said recited Act or this Act; then and in either of the Cases aforesaid,

when required by Trustees.

Proceedings on Neglect of Officers to account.

aforesaid, such Justice may and he is hereby authorized and required, by a Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons, to the Common Gaol or House of Correction of the County in which such Road shall be situate, there to remain without Bail or Mainprize, in case he or they shall be committed for Non-payment of any Money received by him or them, or in his or their Hands, until he shall have accounted for and paid the full Amount thereof, or compounded with the Trustees or Commissioners, and paid such Composition in such Manner as the said Trustees or Commissioners shall appoint (which Composition the said Trustees or Commissioners are hereby empowered to make); or in case he or they shall be committed for not delivering any Account Books, Papers, or Writings as aforesaid, until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees or Commissioners; provided that no Person who shall be so committed for want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Repeal of Clause in recited Act as to temporary Collectors.

XLVIII. And whereas it was by the said Act enacted, that it should be lawful for any Two or more Trustees or Commissioners of any Turnpike Road, upon the Death of any Collector, to nominate and appoint some other fit Person until the next Meeting of the Trustees or Commissioners of such Road; and that if any Toll Collector who should be discharged from his Office should refuse to deliver up the Possession of the House and Appurtenances which he enjoyed in Right of his Appointment, or if the Wife or Family of any such Toll Collector or Deputy, who shall die as aforesaid, should refuse to deliver up the Possession of such Building and Appurtenances, it should be lawful for any Justice of the Peace, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer to enter such House and Premises in the Daytime, and to remove the Persons found therein, together with their Goods, out of such House, and to put the new appointed Officer into the Possession thereof: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Trustees may appoint temporary Collectors, &c. in certain Cases.

XLIX. And be it further enacted, That upon the Death, Incapacity, Refusal, Neglect, or Absconding of any Collector or Receiver of Tolls at any Turnpike or Weighing Machine upon any Turnpike Road, any Two or more Trustees or Commissioners, though not assembled at any Meeting, by Writing under their respective Hands, shall and may nominate and appoint a proper Person in his Place, to continue until the then next Meeting of the Trustees or Commissioners of such Road, in the Stead of such Collector or Receiver as shall so die, become incapable, refuse, neglect, or abscond; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as the Person who shall die, become incapable, refuse, neglect, or abscond, would have had or been subject to if living; and if any Collector or Receiver of Tolls as aforesaid, who shall be discharged from his Office by the said Trustees or Commissioners, or the

the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, refuse, or neglect to perform his Duty, or be discharged, or any other Person having the Possession of any Toll House or Buildings or Weighing Machine erected by virtue of any Act for repairing Turnpike Roads, or the said recited Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Two or more of such Trustees or Commissioners, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice of the Peace for the County or Place where such Toll House or Building or Weighing Machine shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building or Weighing Machine in the Day-time, and to remove the Person who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees or Commissioners, or any of their Officers, in the Possession thereof.

Toll Collectors taking more Toll than allowed, to be proceeded against before a Justice, and not by Indictment.

L. Provided always, and be it further enacted, That from and after the passing of this Act, no Person or Persons who shall ask and take more Toll than he is authorized to take by this Act, or any Act now in force, or by any Act hereafter to be made and passed, shall be prosecuted by Indictment for Extortion, or otherwise, nor shall any other Proceeding be adopted against such Person or Persons for the Offence aforesaid, other than by prosecuting for the Forfeiture and Penalty before a Justice of the Peace, as is herein or by the said recited Act directed.

Provision in recited Act for letting Tolls repealed.

LI. And whereas it was by the said Act enacted, that on every Letting of any Tolls, the Trustees or Commissioners should take of the Renter thereof One, Two, or more Months Rent in Advance; and that in every Agreement to be entered into for the letting of any Tolls, the Rent payable for such Tolls should be reserved and made payable Monthly or otherwise, and the Renter should produce Two sufficient Sureties for the punctual Payment of the Rent; and in every Case where the Terms of such Agreement should not be fulfilled, and the Rent not be paid when due, but should remain unpaid for Three Days after becoming due, then the Trustees or Commissioners making any such Agreement should, if they thought fit, declare the Agreement void, and re-enter and take Possession of any Toll Gate or Toll House, and the Tolls there collected, and re-let the same, or appoint a Collector to collect and receive the same, and to put out and remove the Person or Persons so failing in their Agreement: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Tolls may be let in Lots.

LII. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Road, under and subject to the Directions and Provisions of the said recited Act and this Act, to let to farm, or agree to let to farm, all or any Part of

the Tolls of the several Gates erected upon their respective Roads, and all or any of the said Gates, either together and in One Lot, or by Parcels and in several Lots; and that in case the said Trustees or Commissioners shall at any Time let to farm the said Tolls in Parcels or Lots, it shall be lawful for the said Trustees or Commissioners to put up each such Parcel or Lot at such Sum as they shall think fit.

Trustees may appoint some Person to bid at letting of Tolls.

LIII. And be it further enacted, That when the Trustees or Commissioners of any Turnpike Road shall put up the Tolls to let to farm, the said Trustees or Commissioners may, if they think fit, appoint some Person to bid for the same on their Account, to the Intent that such Tolls may not be let for less than an adequate Value.

Tolls of another Trust adjoining may be farmed.

LIV. And whereas in some Situations a Toll Gate or Bar, belonging to Trustees or Commissioners of One Road, is placed so near to the Gate or Bar of the Trustees or Commissioners of another Road, as to be inconvenient to the respective Trusts, and to the Public; be it therefore enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Road, if they shall agree thereto, at any public Meeting to be holden for that Purpose, to take to farm the Tolls payable at any Toll Gate or Bar of any other Road adjoining or near to the Road under their Care and Management; and the Trustees or Commissioners so farming the Tolls may collect and receive the same, or may reduce the said Tolls so farmed, or may discontinue the same, as they shall see fit.

Trustees to pay Expence of Sales of Land, &c.

LV. And be it further enacted, That all Sales and Conveyances of any Lands, Tenements, or Hereditaments, to be sold by the Trustees or Commissioners of any Turnpike Roads, shall be made at the Expence of such Trustees or Commissioners, and shall be expressed in the following or some similar Form of Words, as the Circumstances of the Case may require; *videlicet*,

Form of Conveyances.

'WE, of the Trustees or Commissioners acting in Execution of an Act passed [*here insert the Title of the Act appointing them*] in Consideration of the Sum of to us paid by [*Name of the Purchaser*] do hereby grant and release to the said [*Name of the Purchaser*], all [*describing the Premises to be conveyed*], and all our Right, Title, and Interest to and in the same, and every Part thereof, to hold to the said [*Name of the Purchaser*], his Heirs, Executors, Administrators, and Assigns, for ever, by virtue and according to the true Intent and Meaning of an Act, passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*]. In Witness whereof we have hereunto set our Hands and Seals, this Day of .'

Ground may be purchased for Repository of Materials within a certain Limit.

LVI. Provided always, and be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Road, and they are hereby empowered, to purchase or rent, with the Consent of the Owner or Proprietor thereof, any Piece or Pieces of Ground

Ground within Ten Miles of the *Royal Exchange*, as a Repository for Materials, such Piece or Pieces of Ground to be of such Extent as they may think proper, so as the same shall not exceed in the whole Half an Acre.

Where Toll Houses are not wanted they shall be pulled down and the Materials sold.

LVII. And be it further enacted, That where any Toll House or Toll Houses standing on or adjoining any Turnpike Road, and which shall have been erected by or vested in the Trustees or Commissioners of such Road, shall become useless and be no longer required for the Purposes of such Road, it shall not be lawful for the Trustees or Commissioners of such Road to sell or dispose of such Toll House or Toll Houses, but in every such Case the Trustees or Commissioners of the Road on which such Toll House or Toll Houses no longer required shall stand, shall cause such Toll House or Toll Houses, with the Outhouses attached or belonging thereto, to be pulled down, and the Materials thereof to be sold or removed, and the Scite of such Toll House or Toll Houses so pulled down, together with the Gardens and Appurtenances thereunto belonging, may then be sold by the said Trustees or Commissioners, in the same Manner as and under the Regulations in the said recited Act and this Act contained, with respect to any Land or Ground not wanted for the Purposes of the Road.

Lessees, or Persons appointed by them, may occupy Toll Houses.

LVIII. And be it further enacted, That during such Time as the Tolls arising on any Turnpike Road, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, or Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls, during so long Time only as such Lessee or Lessees, Farmer or Farmers, shall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise.

Enabling the Trustees to take Possession of the Toll House, &c. when let to farm, or held by the Collectors for the Trustees, in default of Performance of Conditions, &c.

LIX. And be it further enacted, That in case all or any of the Tolls arising by virtue of any Act for repairing or amending any Turnpike Road shall have been or shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall have been or shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Seven Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for letting to farm thereof; or in case any such Lease or Agreement shall in any other Manner become void; then and in any of those Cases it shall and may be lawful for any Justice of the Peace for the County or Place, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and

and take Possession of any Toll House or Toll Houses, Toll Gate, Bar or Chain, or Weighing Machine, and the Buildings and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or other Person or Persons who shall be found therein, together with his, her, or their Goods, out of and from the Possession of the said Toll House or Toll Houses, and from the Collection of Tolls, and to put the said Trustees or Commissioners, or any one of them, or their new appointed Officer, or other Person acting by or under their Authority, into the Possession thereof; and thereupon it shall be lawful for the said Trustees or Commissioners (if they shall think fit) to vacate and determine the Contract or Agreement (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be from that Time utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Lessee's Part which shall have been holden) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees or Commissioners in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected as if no former Demise, Contract, or Agreement had been made relative thereto; any Rule of Law or Right to the contrary notwithstanding.

Instead of paying off Creditors rateably, Trustees may do so by Lot.

LX. And be it further enacted, That in case the Trustees or Commissioners of any Turnpike Road shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of such Road, where all the Interest due thereon shall have been duly paid or otherwise satisfied, it shall and may be lawful for them, at any Meeting to be holden according to the Directions of the said recited Act or this Act, or of the Act or Acts in Execution of which they shall act, (Notice of such intended Meeting and of the Purposes thereof being first given, at least Twenty-eight Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated in the Neighbourhood of the said Road) if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors, with the Consent of all the other Creditors.

Trustees not personally liable for Mortgages.

LXI. Provided always, and be it enacted, That the Trustees or Commissioners for making or maintaining any Turnpike Road shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money, by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security to be made by virtue or in pursuance of any Act for making or maintaining any Turnpike Road: Provided also, that in case any Action, Suit, or Prosecution shall be brought or commenced against any such Trustee or Commissioner, for any thing done by virtue or in pursuance of the said recited Act of the Third Year of His present Majesty, or this Act, or any such Act for making or maintaining any Turnpike Road, all the Costs, Charges, and Expences of defending such Action, Suit,

Suit, or Prosecution, or which such Trustee or Commissioner shall incur in consequence thereof, shall be defrayed out of the Tolls arising on the Turnpike Road for which such Trustee or Commissioner shall act.

Books used under former Acts to be Evidence.

LXII. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees or Commissioners for executing any Act for making or maintaining any Turnpike Road, or containing any Orders or Agreements made or entered into by them, such Book or Books being kept and signed in Manner directed by such Act, or by the said recited Act and this Act directed, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever.

Sale of unnecessary Tenements.

LXIII. And be it further enacted, That in case the Trustees or Commissioners for making or maintaining any Turnpike Road shall become possessed of any Tenements or Hereditaments which are useless or unnecessary for the Purposes of such Road, it shall and may be lawful for the said Trustees or Commissioners to sell and dispose of the same, in such and the same Manner as by the said recited Act they are authorized and empowered to do, in the Cases of any Land or Ground not wanted for the Purposes of such Road.

So much of recited Act as restrains Trustees from taking inclosed Lands, Gardens, &c. without Consent of Owner, repealed.

LXIV. And be it further enacted, That so much of the said recited Act as enacts, that it shall not be lawful for the Trustees or Commissioners of any Turnpike Road, in altering or diverting the Course of any Part of the Turnpike Road under their Care and Management, to deviate over any inclosed Lands or Grounds more than One hundred Yards, without the Consent in Writing of the Owner or Proprietor of such Lands or Grounds, or to take in or make use of any Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the like Consent of the Owner or Proprietor thereof first had and obtained, shall be and the same is hereby repealed.

Trustees not to pull down Dwelling Houses, or take in Gardens, &c. without Consent.

LXV. And be it further enacted, That it shall not be lawful for the Trustees or Commissioners of any Turnpike Road, in altering or diverting the Course of any Part of the Turnpike Road under their Care and Management, to take or pull down any Dwelling House or other Building, or in altering or diverting the Course of any Part of the Turnpike Road under their Care and Management, to deviate over any inclosed Lands or Grounds more than One hundred Yards from the Line or Course of such Turnpike Road, without the Consent in Writing of the Owner or Proprietor, or of the Person or Persons hereby authorized to act for and on behalf of the Owner or Proprietor of such Dwelling House or other Building, or of such Lands or Grounds, or to take in or make use of any Garden, Yard, or Paddock, or any Park, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without

without the like Consent of the Owner or Proprietor thereof, or of the Person or Persons hereby authorized as aforesaid, first had and obtained; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for or on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be possessed of or interested in any such Lands, Tenements, Hereditaments, or Premises, or who shall sustain any Damage, to give their Consent in Writing to the said Trustees or Commissioners, for the taking or pulling down of such Dwelling House or other Building, or the making such Deviation of more than One hundred Yards as aforesaid, or the making use of such Garden, Yard, Paddock, Park, planted Walk, Avenue, or other such Premises as aforesaid, and to contract with the said Trustees or Commissioners for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees or Commissioners all or any such Lands, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, Custom, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act: Provided always, that nothing herein contained shall extend or be deemed, taken, or construed to extend to revoke, limit, abridge, alter, or vary any Powers or Authorities contained in any Act or Acts of Parliament existing and in force at the passing of this Act, for making, altering, or diverting any Turnpike Road or Roads, or the Course thereof, to be made, altered, or diverted and maintained under the Authority of such Acts, but the same Powers and Authorities shall and may be exercised and carried into Effect by the Trustees or Commissioners appointed by such Acts, fully and effectually; any thing herein contained to the contrary notwithstanding.

Trustees to fence Roads.

LXVI. And be it further enacted, That in all Cases where the Trustees or Commissioners of any Turnpike Road shall turn or alter any Part or Parts of such Turnpike Road, or make any new Road over and through any private Grounds, or across any public or private Footway, or shall take away any Fence for widening or improving

any such Road, the said Trustees or Commissioners shall make or cause to be made and planted proper Quickset Hedges, or shall make or build proper Fences or Walls on both Sides of such new made Road, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and sufficient Posts and Rails, or other Fence, on both Sides of such Quickset Hedges to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining any such Road from Trespass or Injury by Horses, Asses, Cattle, Sheep, or Swine; and also proper Gates, Stiles, Posts, Bridges, and Arches, where necessary, out of any such Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Five Years from the Time that such Fences shall have been made or set up; unless the Owners or Proprietors for the Time being of any such Land or Ground shall agree with the Trustees or Commissioners to keep such Fences in Repair from an earlier Period for such Time as aforesaid.

Surveyors may make Drains, &c.

LXVII. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the Trustees or Commissioners of any Turnpike Road, from Time to Time to cut, make, or maintain Drains or Watercourses upon and through any Lands lying contiguous to any such Road, and also to make Ditches in such Places and in such Manner as such Surveyor and Surveyors, by Order of such Trustees or Commissioners, shall judge necessary; and make sufficient Fences and Barriers, and other Erections, on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary; making such Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon, for the Damages which they or any of them may sustain thereby, as such Trustees or Commissioners shall judge reasonable; and in case of any Difference between such Owners or Occupiers and such Trustees or Commissioners touching such Damages, the same shall be finally settled by any Two or more Justices of the Peace for the County, City, or Place in which such Road shall lie or be situate.

Regulating the Repair of Roads when widened, &c. in Cases of Liability to repair old Roads.

LXVIII. And whereas Doubts have arisen and may arise, whether any Body Politic or Corporate, or any particular Person or Persons, liable to repair, by Tenure or otherwise, any old Turnpike Road or Part of such Road widened, altered, diverted, or turned, ought to repair or contribute to the Repair of the Whole or any Part or Proportion of the new Road set out in lieu of the old Turnpike Road; for obviating such Doubts, and preventing Disputes about the same, be it further enacted, That all and every Body Politic or Corporate, and Person and Persons, who was, were, or shall be liable as aforesaid to the Repair of any old Turnpike Road, which has been since the passing of the said recited Act, or shall be widened, altered, diverted, or turned, shall respectively be and continue in the same manner liable to the Repair of such new Road, set out in lieu of the old Road, or so much thereof as shall be equal to the Burthen and Expence of repairing such old Road, from which he, she, or they shall be exonerated

exonerated by the widening, altering, diverting, or turning thereof; and if the several Parties interested therein cannot agree, the same shall be viewed by Two Justices of the Peace of the County where such Road shall be, and shall be settled, adjusted, and determined by them, in such manner as they shall think just and reasonable; and from and after such Determination of the Justices, the Body Politic or Corporate, and Person or Persons liable to repair such new Road as aforesaid, shall bear all Charges of Presentments, Indictments, and Prosecutions for not repairing the same; and if it shall be found more convenient to fix a gross Sum, or an annual Sum, to be paid by any such Body Politic or Corporate, or Person or Persons, instead of fixing the Part or Proportion of such new Road to be repaired by him, her, or them, the said Justices may, with the Consent of such Person or Persons, and also of the Trustees or Commissioners of the Road, obtained at a Meeting of such Trustees or Commissioners, order and direct the same accordingly; and the Order and Direction of the said Justices shall be final and conclusive, and shall continue binding on all Bodies Politic or Corporate, and Persons whomsoever.

Damages and Charges in Cases of Dispute to be settled by Justices.

LXIX. And be it further enacted, That where by this Act or the said recited Act, or any Act for making or maintaining any Turnpike Road, any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Non-payment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in Manner directed by the said recited Act for the levying of any Penalties or Forfeitures.

Repeal of Provision in recited Act as to Nonpayment of Damages.

LXX. And whereas it was by the said Act enacted, that when any Sum of Money should be ordered to be paid by any Justice of the Peace, in pursuance of the Directions of any Act relating to Turnpike Roads, by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury done or committed by any such Trustees or Commissioners, or any Person or Persons acting under their Authority, and such Sum should not be paid by the said Trustees or Commissioners to the Parties entitled to receive the same within Fourteen Days after Demand in Writing should have been made, then the Amount of such Compensation or Satisfaction should be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees or Commissioners by virtue of any such Act, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

In case of Nonpayment of Compensation for Damages, &c.

LXXI. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act or this Act, or any Act relating to Turnpike Roads,

as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by such Trustees or Commissioners, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees or Commissioners to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the Clerk to the said Trustees or Commissioners, or their Treasurer in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Trustees or Commissioners by virtue of any Act for making or repairing Turnpike Roads, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or Commissioners, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of any such Act, or the said recited Act or this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

by the said Trustees, &c. the same to be levied by Distress of the Goods vested in Trustees, &c. or their Treasurer.

LXXII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull down, break, injure, or damage any Table of Tolls put up or fixed at any Toll Gate or Bar on any Part of any Turnpike Road, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon; or if any Person or Persons shall wilfully pull up, throw down, break, injure, or damage any Posts, Rails, or Fences placed or to be placed or put up by Order of any Trustees or Commissioners of any Turnpike Road, or their Surveyor or Surveyors, either by the Side or Sides of such Road, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes thereof, in order to prevent Accidents; or if any Person or Persons shall wilfully cause any Damage or Injury to be done to any Bridge, Arch, Wall, or other Building or Erection to be set up or erected by virtue of any Act on any Part of any Turnpike Road, or by the Side or Sides thereof; or if any Person or Persons shall cast or throw any Earth or Rubbish, or other Matter or Thing, into any Drain, Ditch, Culvert, Tunnel, or other Watercourse made by virtue of any Act, so as to obstruct the Water from running

For preventing Annoyances.

or draining off any Turnpike Road; or if any Person or Persons shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under any Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift, or Soil from off any Footpath or Causeway, or any other Part of such Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his, her, or their Care, upon any such Road; or if any such Person shall dig, make, or use any Pit or Pits for sawing of Timber or Wood within Thirty Feet of the Centre of any such Turnpike Road, unless where inclosed by a Fence from any such Road; every Person offending in any of the Cases aforesaid shall forfeit and pay a Sum not exceeding Forty Shillings for every such Offence; and One Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the Trustees or Commissioners of such Turnpike Road, and applied towards the Repair of such Road.

*If Driver offend against the Provisions of any Act, and abscond, the Master to pay the Penalty.*

LXXIII. And be it further enacted, That in case the Driver of any Waggon, Cart, or of any Coach or other Carriage, shall offend against any of the Provisions of any Act for making or maintaining any Turnpike Road, or the said recited Act or this Act, whereby any Penalty shall be incurred, and shall refuse to give his Name, or shall abscond or absent himself so as not to be found, then it shall and may be lawful for any Justice of the Peace before whom Complaint shall be made, and he is hereby required to issue a Summons, requiring the Owner of such Waggon, Cart, or other Carriage to appear before him to answer the Matter of such Complaint; and if such Owner shall refuse or neglect to appear, or appearing shall not then, or within Ten Days thereafter, produce the Driver so offending, or disclose his Name and Place of Abode, then the said Justice, or any other Justice of the Peace, on an Examination of the Circumstances, and ascertaining, by the Examination of Witnesses on Oath, that such Offence has been committed by any such Driver of any Waggon, Cart, or other Carriage, shall order and adjudge that the Penalty incurred by such Driver shall be paid by the Owner of such Waggon, Cart, or other Carriage; which Penalty shall be recovered and applied in manner directed by the said recited Act.

*Provision in recited Act for impounding Cattle, &c. repealed.*

LXXIV. And whereas it was by the said recited Act enacted, that if any Horse, Ass, Sheep, Swine, or other Beast or Cattle, should at any Time be found wandering, straying, or lying about any Turnpike Road, or across any Part thereof, or by the Sides thereof (except on such Parts of any Road as lead or pass through or over any Common or Waste or uninclosed Ground), it should be lawful for any Surveyor of the Road where the same should be found, or any other Person or Persons, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the common Pound of the Parish or Place where the same should be, or in such other Place as the Trustees or Commissioners of the Road where the same should be found shall have provided for that Purpose, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle there to detain, until the Owner thereof should for every Horse, Ass, Sheep, Swine, or

other Beast or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges of impounding and keeping the same; and in case the said Penalty and Charges should not be paid within Four Days after such impounding, it should be lawful for the Surveyor of the Road on which the same should have been seized, to sell such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty and Charges of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, should be paid to the Person whose Property the same so sold should appear to have been: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Cattle found straying on the Roads to be impounded.

LXXV. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found tethered, or wandering, straying, or lying about any Turnpike Road, or on any Part thereof (except on such Parts of any Road as lead or pass through or over any Common or Waste or uninclosed Ground), it shall and may be lawful for any Surveyor of the Road where the same shall be found, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the common Pound (if any) of the Parish, Township, Tithing, or Place where the same shall be found, or in such other Place as the Trustees or Commissioners of the Road where the same shall be found shall have provided or shall provide for that Purpose, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle there to detain, until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings, together with the reasonable Charges and Expences of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the Road, on which the Beast so impounded shall have been found; the said Sum of Two Shillings for each Beast to be applied to the Use of, and in Aid of the Tolls of such Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding (Notice being thereof first given to the Owner, if known, at the Time, or if not known, by affixing written Notices at the Two next Toll Gates on the Road nearest to the Place where the same shall be impounded), it shall and may be lawful for any one or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed to order every such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold, except where it shall be made to appear to such Justice or Justices, that the Horse, Ass, Sheep, Swine, or other Beast impounded, escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner or Occupier of such Inclosure, or employed by such Owner or Occupier, in which case such Justice or Justices may remit the said Penalty; and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall

shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after such Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Penalty of Two Shillings is herein-before directed to be applied: Provided always, that no Owner of any Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded as aforesaid, shall in any Case pay more than the Sum of Five Pounds over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded at one Time: And provided always, that nothing in this Clause shall be deemed, taken, or construed to extend to take away any Right of Pasturage which may exist on the Sides of any Turnpike Roads.

Limiting the Extent of Penalty.

Right of Pasturage not taken away.

Carriers Dogs to be fastened to the Carriage.

LXXVI. And be it further enacted, That if any Person or Persons, having the Care of any Waggon, Wain, Cart, or other such Carriage conveying Goods for Hire or Reward, or for Sale, on any Turnpike Road, shall not chain or fasten any Dog that may be attending him or them on such Road to such Waggon, Wain, Cart, or Carriage, every Person so offending shall forfeit and pay any Sum not exceeding Twenty Shillings.

Form of Surveyors List given in Schedule No. 2.

LXXVII. And whereas the Form of the List to be delivered to the Surveyors of Turnpike Roads by the Surveyors of the Highways is omitted in the Schedule to the said recited Act; be it further enacted, That the Form given in the Schedule to this Act annexed marked (No. 2.) shall and may be used for that Purpose.

Contracts or Agreements may be made for amending Roads, &c.

LXXVIII. And be it further enacted, That it shall and may be lawful for the Trustees or Commissioners of any Turnpike Road, or for their Clerk, Surveyor, or any other Officer by their Order, to contract and agree, by the Year or otherwise, with any Person or Persons for the making, amending, altering, or maintaining the said Road, or any Bridges, Toll Houses, or Buildings thereon, or for any other thing which such Trustees or Commissioners are by any Act for making or maintaining Turnpike Roads, or the said recited Act or this Act, or any other Act, authorized or empowered to make, build, do, execute, or perform; and all Contracts or Agreements in Writing entered into by the said Trustees or Commissioners, or pursuant to any Order of the said Trustees or Commissioners, by their Clerk, Surveyor, or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of any such Act, or the said recited Act or this Act, shall be binding on the said Trustees or Commissioners and their Successors, and upon all other Parties who shall sign the same, and the Heirs, Executors, and Administrators of such other Parties; and that Actions and Suits shall and may be maintained thereon by the said Trustees or Commissioners, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for the due Performance of such Contract shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so

as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Provision in recited Act respecting Statute Labour, repealed.

LXXIX. And whereas it was by the said recited Act enacted, that all Persons who by Law should be liable to do Statute Work, or should be chargeable towards the repairing and amending any Turnpike Road, should remain liable thereto, and it should be lawful for any Two or more Justices of the Peace for the Place in which any such Turnpike Road should be situate, upon Application made to them by the Trustees or Commissioners of any Turnpike Road, yearly to determine what Part of the Statute Work should every Year be done upon such Road by the Inhabitants of the respective Parishes, Hamlets, and Places through which the said Road should pass, and also what Proportion of the Money received by the Surveyors of the Highways, as a Composition for such Statute Work, should be paid to the said Trustees or Commissioners, or their Treasurer; and that such Surveyor should, on an Order in Writing made by the said Justices bring and deliver within Ten Days afterwards, to the said Turnpike Surveyor, true and perfect Lists in Writing of the Names of the several Persons subject and liable to do Statute Work for that Year, or to the Payment of any Money as a Composition for such Statute Work; and the said Turnpike Surveyor should, within Five Days afterwards, give a Notice to the Surveyors of the Highways of the Time when such Lists would be laid before the said Justices, in order to apportion the said Statute Duty, and at the Time appointed the said Lists should be laid before the said Justices by the said Turnpike Surveyor, in the Presence of the said Surveyor of the Highways; and out of such Lists the said Justices should order such and so many of the Persons who should appear to be subject and liable to do Statute Work in every Year upon such Road as the said Justices should think reasonable, and the same should be done on such Days as the said Trustees or Commissioners, or their Surveyor, should appoint; and the said Justices should order the Persons who by such Lists should be subject and liable to the Payment of any Money as a Composition for the Statute Work, to pay such Proportion thereof as the said Justices should think proper, to the Surveyors of such Parishes, to be by them paid over to the said Trustees or Commissioners, or their Treasurer, at such Times as the said Justices should direct; and every Person who should neglect or refuse to do such Statute Work should, for every Day of his Default, be subject and liable to such Fines and Forfeitures as such Person might be subject or liable to by any Law or Statute in force for Repair of the Public Highways; and if any Person who should come to work as a Labourer, or should be sent with any Team to work on any Part of such Road, should be found idle or negligent, the Surveyor to the said Trustees or Commissioners is thereby empowered to dismiss the Person who should be so found idle or negligent; and every such Person should be subject and liable to the respective Forfeitures and Payments, as if he had neglected or refused to come, or such Team had not been sent to work; all which Forfeitures should be paid to the Treasurer of such Trustees or Commissioners, and applied towards amending such Road; and in case the Surveyor

or Surveyors of the Highways should refuse or neglect to give in any such Lists as aforesaid, or knowingly or wilfully give in false and imperfect Lists, or refuse or neglect to collect or pay over such Composition Money, or any Part thereof, every such Surveyor so offending should, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds: And whereas it is expedient, that the said Provision should be repealed; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Regulations as to Statute Labour.

LXXX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending any Turnpike Road, shall be and remain liable thereto, in like Manner in every respect as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace in and for the County, City, or Place in which any such Turnpike Road shall lie or be situate, and they are hereby required and empowered, upon Application made to them by any Three or more of the Trustees or Commissioners of such Turnpike Road, or by their Clerk or Surveyor, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon such Road by the Inhabitants of the respective Parishes, Hamlets, and Places in or through which the said Road doth or shall lie, lead, or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or Commissioners, or their Treasurer or Treasurers; and in order thereunto the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, shall, on an Order in Writing made by the said Justices, on an Application to them by the Trustees or Commissioners of the Turnpike Road, or any Three or more of them, or by their Clerk or Surveyor, and respectively delivered to such Surveyor or Surveyors of the Highways, or left at his or their last or usual Place of Abode, bring and deliver within Ten Days afterwards to the said Turnpike Surveyor, or to his Place of Abode, true and perfect Lists in Writing of the Names of the several Persons who within such Parish, Hamlet, or Place are by Law subject and liable to do Statute Work 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 are or may be directed by any Law or Statute in force or effect for the Repairs of the public Highways, and may be made in the Form specified in the Schedule to this Act; and the said Turnpike Surveyor, having received such Lists, shall within Fourteen Days afterwards give a Notice to the Surveyor or Surveyors of the Highways of the Time when such Lists will be laid before the said Justices, in order to apportion the said Statute Duty; and at the Time appointed in and by such Notice the said Lists shall be laid before the said Justices by the said Turnpike Surveyor, in the Presence of the said Surveyor of the Highways (if he shall attend), and

out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon such Road, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Time (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees or Commissioners, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Surveyor or Surveyors of such Parishes, Hamlets, and Places respectively to pay over to the said Trustees or Commissioners, or their Treasurer, or other Person duly authorized to receive the same, such Proportion of the Composition Money for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; 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 last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees or Commissioners, 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 Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable by any Law or Statute now in force or effect for Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on any Part of such Road, shall be found idle or negligent by any Surveyor to the said Trustees or Commissioners, 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 as 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 such Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees or Commissioners, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and 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 exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways, by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County, City, or Place where any such Road shall lie or be situate.

In case no Highway Surveyor appointed, Lists of Persons liable to do Statute Work to be made

LXXXI. And be it further enacted, That where any Turnpike Road shall pass through any Parish, Township, or Place liable to the Repair of the Roads within the same, but for which no Surveyor of the Highways shall be appointed, then and in every such Case the Churchwardens and Overseers of the Poor of such Parishes, Townships, and Places respectively, and in Cases where neither Surveyor, Church-

out in manner herein directed.

Churchwardens, or Overseers of the Poor shall be appointed, then such other Inhabitant or Inhabitants of such Parish, Township, or Place as shall be thereto required by an Order in Writing made by the Justices on Application to them by the Trustees or Commissioners of the Turnpike Road, or by their Clerk or Surveyor, and respectively delivered to such Churchwardens or Overseers, or Inhabitant or Inhabitants, or left at his or their last or usual Places of Abode, shall deliver or cause to be delivered within Ten Days afterwards to the said Turnpike Surveyor, or to his Place of Abode, true and perfect Lists in Writing of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work 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 shall be made and used, and dealt with in the Manner directed by the said recited Act and this Act; and the Statute Work shall be ordered and adjudged by the Justices, and enforced and required, or compounded for, in the same Way as if the said Lists had been made and delivered by the Surveyor of the Highways, under the Provisions and Authorities of the said recited Act and this Act.

Instead of Compositions for Statute Work being paid by Sept. 29, yearly, such Composition shall be paid according to Agreements.

LXXXII. And be it further enacted, That so much of the said recited Act as directs, that the Composition Money in lieu of Statute Duty shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons compounding, to the Treasurer of the Trustees or Commissioners, in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise that such Person or Persons, Bodies Politic or Corporate, or Inhabitants and Occupiers within such Parish, Hamlet, or Place, shall not be permitted to compound for that Year, shall be and the same is hereby repealed; and from and after the passing of this Act, all Composition Money in lieu of Statute Duty shall be paid by the Person or Persons compounding, to the Treasurer of the Trustees or Commissioners, at such Time or Times, and in such Manner, as shall be agreed upon at the entering into such Composition.

Justices may proceed by Summons in the Recovery of Penalties.

LXXXIII. And be it further enacted, That in all Cases in which by the said recited Act any Penalty or Forfeiture, by that or any other Act or Acts for making or maintaining any Turnpike Road imposed, is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against any such Act, or the said recited Act or this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid,

valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Trustees, &c. may be Witnesses.

LXXXIV. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace under or by virtue of any Act for making or maintaining any Turnpike Road, or the said recited Act or this Act, by reason of being a Trustee or Commissioner of such Road, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk, or Surveyor, or other Officer under such Act; nor shall such Testimony or Evidence, for any of the Reasons aforesaid, be rejected or liable to be questioned or set aside.

So much of recited Act as authorizes Mitigation of Penalties, repealed.

LXXXV. And be it further enacted, That so much of the said recited Act as authorizes any Justice or Justices of the Peace, before whom any Person shall be convicted of any Offence against the said Act, or any Act for making or repairing Turnpike Roads, to mitigate or reduce the Penalty incurred by such Person, so as such Reduction or Mitigation do not exceed Two-thirds of the Penalty to which such Person would be liable, shall be and the same is hereby repealed.

So much of recited Act as gives the Power of Appeal to Quarter Sessions, repealed.

LXXXVI. And be it further enacted, That so much of the said recited Act as enacts, that if any Person shall think himself or herself aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, except under the particular Circumstances hereinafter mentioned, and for which no particular Method of Relief hath been already appointed, such Person, in case the Penalty or Forfeiture shall exceed the Sum of Forty Shillings, where the Appeal is to be against a Conviction for a Penalty or Forfeiture, may be made to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the Limit wherein the Cause of such Complaint shall arise, such Appellant giving or causing to be given to such Justice, by whose Act or Acts such Person shall think himself or herself aggrieved, Notice in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, within Six Days after the Cause of such Complaint arose, and within Four Days after such Notice entering into Recognizances before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions, and also to pay the Penalty or Forfeiture, in case the Conviction should be affirmed; and each and every Justice of the Peace, having received Notice of such Appeal as aforesaid, shall return all Proceedings whatever had before him respectively touching the Matter of such Appeal, to the said Justices at their General Quarter Sessions aforesaid, on pain of forfeiting Fifty Pounds for every such Neglect; and the said Justices at such Sessions, upon due Proof of such Notice having been given as aforesaid, and of such Recognizance having been entered into in manner before directed, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said

Justices shall think proper, to be levied and recovered as herein-before directed, and the Determination of such Quarter Sessions shall be final and conclusive to all Intents and Purposes; and no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding: Provided always, that in case there shall not be Time to give such Notice, and enter into such Recognizances as aforesaid, before the next Sessions to be holden after the Conviction of the Appellant, then and in every such Case such Appeal may be made to the next following Sessions, and shall be there heard and determined, shall be and the same is hereby repealed.

Persons aggrieved may appeal to Quarter Sessions.

LXXXVII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Order, Judgment, or Determination made, or by any Matter or Thing done by any Justice or Justices of the Peace, or by any Trustees or Commissioners of any Turnpike Road in pursuance of this Act, or the said recited Act, or any Local Act for making, repairing, or maintaining any Turnpike Road, (except where the Order, Judgment, or Determination of any such Justice or Justices, Trustees or Commissioners, are hereby declared to be final and conclusive, and except under the particular Circumstances herein-after mentioned), and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County, Division, Riding, or Place wherein the Cause of such Complaint shall arise, such Appellant first giving or causing to be given to such Justice, Commissioner, or Trustee, by whose Act or Acts such Person shall think himself or herself aggrieved, Notice in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, within Six Days after the Cause of such Complaint shall arise, and within Four Days after such Notice entering into Recognizances before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions, and also to pay the Penalty or Forfeiture in case the Conviction should be affirmed; and each and every Justice of the Peace, Commissioner, or Trustee, having received Notice of such Appeal as aforesaid, shall return all Proceedings whatever had before him respectively, touching the Matter of such Appeal, to the said Justices at their General or Quarter Sessions aforesaid; and the said Justices at such Sessions, upon due Proof of such Notice having been given as aforesaid, and of such Recognizance having been entered into in manner before directed, 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 by Distress and Sale of the Goods and Chattels of the Person or Persons against whom such Determination shall be given, and the Determination of such General or Quarter Sessions shall be final and conclusive to all Intents and Purposes; and no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for want of

Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding: Provided always, that in case there shall not be Time to give such Notice, and enter into such Recognizances as aforesaid, before the next Sessions to be holden after the Conviction of the Appellant, then and in every such Case such Appeal may be made to the next following Sessions, and shall be there heard and determined: Provided always, that no Appeal shall be allowed against any Conviction for any Penalty or Forfeiture which shall not exceed the Sum of Forty Shillings.

Extending Powers of former Act, where not hereby altered or repealed, to this Act.

LXXXVIII. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, Privileges, Penalties, Forfeitures, Clauses, Restrictions, Matters, and Things whatsoever, contained in the said recited Act, so far as the same are not expressly altered or repealed by this Act, shall extend and be construed to extend to operate and be in force with respect to this Act, and shall be applied and put in execution, as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be considered as one Act.

Schedule No. 1. (Table of Weights) to be used instead of Schedule No. 2. of recited Act.

LXXXIX. And whereas the Schedule (No. 2.), intituled "Table of Weights allowed in Winter and Summer to Carriages directed to be weighed (including the Carriage and Loading)," has been found defective; be it therefore enacted, That the said Schedule shall be and the same is hereby repealed; and the Schedule (No. 1.) annexed to this Act shall be made use of instead thereof.

Act not to extend to certain Roads.

XC. And whereas Doubts have arisen as to the Roads to which the Provisions of the said recited Act extend; be it therefore enacted, That nothing in the said recited Act or this Act contained shall extend or be construed to extend to any Road or Roads not under the Care and Management of Trustees or Commissioners, or to any Road or Roads which shall be made, maintained, or supported under the Provisions of any Act or Acts of Parliament passed for an unlimited Period, notwithstanding Tolls may be collected on such Roads, or shall extend to affect, alter, or interfere with the Qualifications of any Commissioners or other Persons having the Care and Management of any such last-mentioned Roads, or with any Tolls taken, or Weights carried thereon, or in any other Manner therewith.

3 G. 4. c. 126. or this Act, not to extend to 59 G. 3. c. 30, or 59 G. 3. c. 48, or Roads repaired under them.

XCI. Provided always, and be it enacted, That nothing in the said recited Act of the Third Year of the Reign of His present Majesty, or in this Act contained, shall extend, or be deemed, construed, or taken to extend to an Act passed in the Fifty-ninth Year of the Reign of His late Majesty, intituled *An Act for vesting in Commissioners the Line of Road from* Shrewsbury *in the County of* Salop *to* Bangor Ferry *in the County of* Carnarvon, *and for discharging the Trustees under several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His present Majesty, from the future Repair and Maintenance*

*Maintenance thereof, and for altering and repealing so much of the said Acts as affects the said Line of Road;* nor to an Act passed in the same Year, intituled *An Act to amend an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, for granting to His Majesty the Sum of Twenty thousand Pounds towards repairing Roads between* London *and* Holyhead, *by* Chester, *and between* London *and* Bangor, *by* Shrewsbury, *and for giving additional Powers to the Commissioners therein named, to build a Bridge over the* Menai Straits, *and to make a new Road from* Bangor Ferry *to* Holyhead *in the County of* Anglesea; nor to any Road or Roads repaired, maintained, and supported under the Powers and Provisions of the said Two last-mentioned Acts.

Act not to extend to the Commercial Road.

XCII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, adjudged, deemed, or taken to extend to the Turnpike Road called *The Commercial Road*, or the several Branches leading from and out of the same, authorized to be made, repaired, and maintained under and by virtue of Five several Acts of Parliament, made and passed in the Forty-third, Forty-fourth, Forty-sixth, Forty-ninth, and Fifty-first Years of the Reign of His late Majesty King *George* the Third, for making and maintaining the Roads communicating with the *West* and *East India* Docks, and for repairing the *Cannon Street* Road, and for making and maintaining a new Road to *Barking*, and a Road from the *Romford* and *Whitechapel* Road to *Tilbury Fort*, in the Counties of *Middlesex* and *Essex*, and also for making a new Branch of Road from *King David Lane*, *Shadwell*, to the *Essex* Road at *Mile End*, in the County of *Middlesex*, or to affect, encroach upon, vary, alter, or interfere with any of the Tolls, Weights, or Duties created by virtue of the said Acts or any of them, or any of the Powers and Authorities given to or vested in the Trustees acting under or by virtue of the said Acts, or any or either of them.

Certain Part of Road from Carlisle to Glasgow to be subject to General Act.

XCIII. Provided always, and be it further enacted, That so much of the Turnpike Road from *Carlisle* to *Glasgow* as lies in the County of *Cumberland* shall, from and after the passing of this Act, be subject to the Regulations, Powers, and Provisions of the said Act passed in the Third Year of the Reign of His present Majesty, and this Act, so far as the same respects Nuisances, Annoyances, and Trespasses; and the Justices of the Peace acting for the County of *Cumberland* are hereby authorized and empowered to enforce all Penalties for Nuisances, Annoyances, and Trespasses on the said Road, within the said County of *Cumberland*.

Act may be altered or repealed this Session.

XCIV. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES

## SCHEDULES to which this Act refers.

(No. 1.)

TABLE of WEIGHTS allowed in Winter and Summer to Carriages directed to be weighed (including the Carriage and Loading), by the Act of the Fourth George the Fourth.

| | SUMMER. | | WINTER. | |
|---|---|---|---|---|
| | Tons. | Cwts. | Tons. | Cwts. |
| For every Waggon with Nine-inch Wheels | 6 | 10 | 6 | 0 |
| For every Cart with Nine-inch Wheels - | 3 | 10 | 3 | 0 |
| For every Waggon with Six-inch Wheels - | 4 | 15 | 4 | 5 |
| For every Cart with Six-inch Wheels - | 3 | 0 | 2 | 15 |
| For every Waggon with Wheels of the Breadth of Four Inches and a Half - | 4 | 5 | 3 | 15 |
| For every Cart with Wheels of the Breadth of Four Inches and a Half - - | 2 | 12 | 2 | 7 |
| For every Waggon with Wheels of less than 4½ Inches - - - | 3 | 15 | 3 | 3 |
| For every Cart with Wheels of less than 4½ Inches - - - - | 1 | 15 | 1 | 10 |

Schedule (No. 2.)

A LIST, containing the Names of all Persons in the Parish or Place of in the who are liable to do Statute Work, and to the Payment of Composition in lieu thereof, for the Year commencing from

(Signed)

Surveyors of the said Parish or Place.

| 1. | 2. | 3. | 4. | 5. | 6. | 7. |
|---|---|---|---|---|---|---|
| Names of Persons liable. | No. of Horses kept. | Full Annual Value. | Rate of Composition. | Total Amount liable in Money. | N° of Days Duty Work. | General Observations. |
| | | £ s. d. | | | | |

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