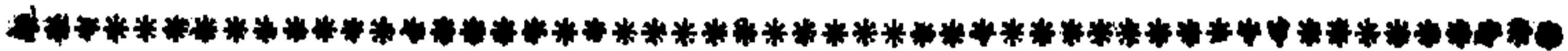




ANNO QUARTO

GEORGIIV. REGIS.



Cap. xxvi.

An Act for continuing the Term and Powers of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, for repealing an Act for repairing the Highways and Bridges in the County of *Wigtown*, and for other Purposes in the said Act mentioned.

[12th *May* 1823.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing an Act passed in the Eighteenth Year of His present Majesty's Reign, intituled 'An Act for repairing the Highways and Bridges in the County of Wigtown,' and for more effectually amending, widening, altering, repairing, and keeping in repair the Road from the High Bridge of Cree, by Newton Douglas, Glenluce, and Stranraer, to Portpatrick, and from Stranraer to the Confines of the County of Ayr, near the Cairn of Lochryan; and for levying a Conversion Money in lieu of the Statute Labour, and otherwise regulating the making and repairing the High Roads and Bridges in the said County: And whereas the Trustees appointed in or by virtue of the said Act have proceeded to put the same in Execution, and for that Purpose have borrowed a considerable Sum of Money on the Credit of the Tolls by the said Act granted and made payable, which Money still remains due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the Road and Bridges from the High Bridge of Cree, through *Newton Douglas* (now called*

[Local.] 6 X

42 G. 3. c. 55.

called *Newton Stewart*), *Glenluce*, and *Stranraer*, to *Portpatrick*, being the direct Line of the Mail Coach Road from *London* by *Dumfries*, through the said County of *Wigtown*, and one of the great Communications between *England*, *Scotland*, and *Ireland*, be kept in proper repair, nor the Road from *Stranraer* to the Confines of the County of *Ayr*, near the Cairn of *Lochryan*, be effectually amended, improved, and kept in repair, unless the Term and Powers (or such of them as do not relate to the levying a Conversion Money in lieu of the Statute Labour, and which by the said recited Act are made perpetual) granted by the said Act, and the Tolls thereby authorized to be taken, be continued; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Exemptions, Forfeitures, Clauses, Matters, and Things therein contained (which are not by the said recited Act made perpetual), shall be and continue in full force and effect, and be executed by the Trustees appointed by the said recited Act, and their Successors, being qualified as therein mentioned, for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act.

Recited Act continued.

Act subject to Payment of Debts and Interest.

II. And be it further enacted, That this Act, and the additional Term hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or on account of the said recited Act, and also to the Payment of such further or other Sum or Sums of Money as may be borrowed on the Credit of or become due by virtue of the said recited Act and of this Act, or either of them, and of all Interest due and to grow due thereon respectively.

Exemptions from Toll.

III. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning after having been so employed; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners in Custody under any legal Warrant, or returning after having been so employed; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim or take the Benefit of any or either of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered, levied, and applied in like Manner as other Penalties or Forfeitures are by the said recited Act and this Act directed to be recovered, levied, and applied; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Carriages conveying Military Stores not to be subject to the Penalties for Overweight.

IV. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided and used only for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such

such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to the Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

V. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for re-passing through such Toll Gate in like manner as if no Toll had been before paid; and the Tolls by the said recited Act made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise, and other Carriage travelling for Hire, for every Time of passing or re-passing along the said Road on the same Day with a Ticket denoting a fresh Hiring.

Stage
Coaches,
Caravans,
and Post
Chaises, to
pay every
Time of
passing.

VI. And be it further enacted, That all Horses travelling for Hire under the Post Horse Duties Acts, having passed through any Gate erected on the said Road drawing any Carriage in respect of which any Toll shall have been paid, on returning through the Gate at which the Toll shall have been paid, and any other Gate upon the said Road cleared by such Payment, either without such Carriage or drawing such Carriage, the same being empty, and without a Ticket denoting a fresh Hiring, shall be permitted to repass Toll-free, although such Horses or Carriage shall not have passed through such Gate on the same Day, provided that such Horses so travelling shall return before Nine of the Clock of the Morning succeeding the Day on which they first passed the Gate at which the Toll shall have been paid.

Post Horses
having passed
through any
Gate on the
Road, may
return Toll-
free before
Nine o'Clock
in the Morn-
ing of the
following
Day.

VII. And be it further enacted, That all and every the Toll Collectors or Collector, appointed either by the said Trustees or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act and this Act, or either of them, shall be and is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately after coming on Duty; each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or either of them, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such

Toll Collec-
tors to put
up their
Names.

Exemp-

Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having been paid the said Tolls, or shall give a false Name or Names on such Demand, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling along the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by the said recited Act and this Act directed to be levied, recovered, and applied.

Clerk restrained from acting as Treasurer, and vice versa.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act and the said recited Act, or either of them, or 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, the Treasurer or Treasurers for the Purposes of the said Act and this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees for executing the said Act and this Act, or either of them; and if any Person shall accept both the Capacities of Clerk and Treasurer for the Purposes of the said Act and this Act, or either of them, 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 Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of the said Act and this Act, or either of them, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in such and the same Manner as other Penalties are by the said recited Act and this Act directed to be levied and recovered.

For settling Disputes concerning Tolls.

IX. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress for such Toll, it shall be lawful for the Person or Persons so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls due, and the Charges of such Distress, shall be ascertained by some Justice or Justices of the Peace for the County or Place in which such Distress shall be made, who, upon Application made to him or them for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses (which Oath such Justice or Justices is or are hereby authorized to administer), and shall determine the Tolls due, and assess and award such Costs to be paid by either of the Parties to the other of them, as such Justice or Justices shall think just and reasonable; and in case of Nonpayment thereof on Demand, such

such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices.

X. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Road, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Table of
Tolls to be
put up.

XI. And be it further enacted, That the several Collectors of the Tolls granted by the said recited Act shall (if required), on Receipt of such Tolls, deliver to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and which Ticket or Tickets shall be provided by the said Trustees; and there shall be printed and specified thereon the Name or Names of the Gate at which such Tolls shall have been paid, and also the Name or Names of the Gate or several Gates freed by such Payment.

Collectors
to deliver
Tickets.

XII. And be it further enacted, That if any Person shall offer or dispose of any such Ticket, with Intent to evade the Payment of any of the Tolls by the said recited Act authorized to be taken, every such Person so offering or disposing of such Ticket, and the Person receiving the same, shall respectively forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on
Persons dis-
posing of
Tickets to
avoid paying
Toll.

XIII. And be it further enacted, That the said Trustees, in diverting, turning, or altering the said Road included in the said former Act, shall not deviate more than One hundred Yards from the present Lines of the said Road without the Consent in Writing first had and obtained of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Restraining
the Trustees
from deviat-
ing more than
One hundred
Yards.

XIV. And be it further enacted, That in case any Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of Scotland, Royal Bank of Scotland, or British Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to any such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim there-

In case of
not making
out Titles,
&c.

[Local.]

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unto,

unto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Right to such Money.

XV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance thereof; the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

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

XVI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied to the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct; and all such Sums of Expences of Purchases and Proceedings, and otherwise, which the said Trustees may by the said Court be ordered to pay, may be paid by the said Trustees out of the Monies committed to them for the Purposes of this Act as aforesaid.

Power to sell the present Toll Houses.

XVII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said recited Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances to the Person or

Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple, and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof.

XVIII. And be it further enacted, That if any Person or Persons shall ride or drive any Horse or other Cattle, or any Cart or other Carriage, or hale, draw, carry, pass, or wheel any Hurry, Truck, or any Wheelbarrow, on any Footway or Causeway adjoining to the said Road, or shall cause any Damage to be done to the Footway or Causeway adjoining to the said Road, or to the Hedges, Fences, Breast Walls, Posts, Rails, or Paling set up along the Side of or upon such Footway, or shall break, damage, or destroy any Lamp, Lamp Post, or Lamp Iron, which may be set upon or near the said Road, or any Part thereof, or extinguish the Light in any of the said Lamps; or shall in or upon any Part of the same Road, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, House, Building, Butcher's Shop or Shambles, into the said Road; or shall in any Part or Parts of the said Road, or in any exposed Situations near thereto, burn, dress, or sweep any Piece or Pieces of Cork, or hoop, fire, cleanse, wash, or scald any Cask or Casks, or hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber, or shoe, farry, or bleed any Horse, Mule, or Ass (except in the Case of Accidents); or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone or Plough, otherwise than wholly upon Wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone or Plough, which shall be carried upon Wheeled Carriages, to drag on any Part of the said Road to the Prejudice thereof respectively; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person shall turn, or suffer any Horse, Ass, Beast, or Swine to be turned, or to be or remain loose or be tethered upon the said Road to graze or depasture on the Sides thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Road; or if any Person driving or riding upon any Horse or Beast of Draught, carrying Crates, Cans, or Panniers, shall not keep the said Horse or Beast of Draught on the Left Hand Side of the Middle of the said Road; or shall ride or drive his or her Horse, or other Beast of Draught, opposite to or abreast of any other Person driving or riding any other Horse or Beast of Draught carrying Crates, Cans, or Panniers, so that Two or more such Horses or other Beasts of Draught shall be abreast or opposite to each other in travelling upon the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Road, or the
Coach,

For preventing Nuisances.

Coach, Chaise, Waggon, Cart, or other such Carriage under his, her, or their Care; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or other Fires, or pitch or erect any Tent, Canvass, or other Convenience, for the Purpose of lodging therein or abiding thereat, or for any other Purpose whatsoever, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Road, or within Eighty Feet of the Centre thereof, or play at Foot-ball, or any other Game or Games, on any Part or Parts of the said Road, or bowl or trundle any Hoop or Hoops, or raise or fly any Paper Kite upon or over the said Road, or any Part thereof, or on any of the Sides thereof respectively, or be aiding or assisting therein, to the Annoyance of any Passenger or Passengers; or if any Person riding, attending, or driving any Horse or other Beast on the said Road, and carrying any Iron Bar or Rod, or Basket, Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket, Pannier, or other Matter or Thing, or any of them, across such Horse or other Beast in such Manner as that the same shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Road; or if any Person or Persons, after having blocked or stopped any Carriage whatsoever in going up a Hill or any other rising Ground, shall leave or permit or suffer to be or remain in the said Road, or any Part thereof, the Stone or other Thing made use of in blocking or stopping such Carriage; or if any Person shall leave any Waggon, Wain, Cart, or other such like Carriage, in, upon, or on the Side of any Part of the said Road, longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be drawn out or placed as near to the Side of the Road as conveniently may be, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or shall turn or make any Drain or Watercourse into, under, or upon the said Road, or any Part thereof, or suffer the Water from any Pump or Spout, or from any Trough, Cistern, or other Vessel, to run into, over, or upon the said Road, or any Part thereof, to the Prejudice or Damage thereof; or shall enclose or take in any Ditch, Drain, Pipe, or Watercourse lying on the Outside of his, her, or their Paling, Hedges, or other Fences, or take, remove, or carry away any Stones, Sand, Drift, or Scrapings from off the said Road, or from the Sides thereof, or from any Place or Places where the same shall have been laid or deposited by the said Trustees, or any Person or Persons employed by them, without Licence or Consent in Writing for that Purpose first had and obtained from the said Trustees; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Road to be made into Manure, or shall without the Consent of the said Trustees scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road with an Iron Rake, or other Instrument with sharp Points, whereby the said Road or any Part thereof shall be damaged; or if any Hawker, Pedlar, Gipse,

Gipsey, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Road, or any Part thereof; or if any Blacksmith, or other Person occupying a Blacksmith's Shop having Doors or Windows to the Front of the said Road, shall not, by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person or Persons shall do any other wilful Damage or Injury to the said Road, or any Part thereof, or shall in any Manner whatsoever obstruct or impede the Passage upon the said Road, every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XIX. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Road, so that no Part of the Gate when open shall project over any Part of the said Road, or any Footway or Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed as to open or swing outwards towards the said Road, contrary to the true Intent and Meaning of this Act, shall not, within Ten Days after Notice to him or her given in Writing, or left at his or her last Place of Abode, from the Surveyor of the said Road, cause such Gate to be so hung, so that no Part of such Gate shall when open project over any Part of the said Road, or any Footway or Footpath belonging thereto, then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to hang according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the County or Place where the Cause of Complaint shall arise, shall upon Conviction, upon the Oath of One or more credible Witness or Witnesses, pay to such Surveyor such Sum of Money as the said Justice of the Peace shall order and direct, to defray the Expence of making the Alteration and hanging such Gate in a proper Manner; and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect in the Premises, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made.

Gates not to swing outwards.

XX. And whereas Offences may be committed against the said recited Act and this Act by Persons unknown to the Collectors, Surveyors, and other Officers appointed to put this Act into Execution, be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, and other Officers respectively, and such other Person or Persons as they or he shall call to their or his Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

Power to seize transient Offenders.

[*Local.*]

6 Z

XXI. And

How Penalties, Forfeitures, and Fines are to be recovered and applied.

XXI. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said recited Act and this Act imposed, or authorized to be imposed (the Manner of levying and recovering of which is not therein or herein otherwise particularly directed), shall, upon Proof of the Offence or Offences, and Conviction of the Offender or Offenders respectively, before any One or more Justice or Justices of the Peace for the County or District wherein such Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered and required to administer), together with all such Costs, Charges, and Expences as such Justice or Justices respectively shall adjudge and determine to be fair, reasonable, and proper to be allowed (and which he and they is and are hereby authorized and empowered to ascertain and determine accordingly), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by virtue of a Warrant or Warrants, under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant), and the Overplus, after such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and the Charges of such Distress and Sale, are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines (if not otherwise directed by this Act), shall be paid to the said Trustees or their Treasurer, and applied for the Purposes of this Act; and if sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice or Justices is or are hereby empowered to take by way of Recognizance, or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice or Justices of the Peace as aforesaid, or any other Justice or Justices of the Peace for the County or Place where the Offence shall have been committed, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County or District, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and all other reasonable Costs and Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Expences of Act.

XXII. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act, shall be paid out of any Money already raised under or by virtue of the said recited Act, or out of the first Money to arise by virtue thereof and of this Act, in preference to all other Payments whatsoever.

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

XXIV. And be it further enacted, That this Act shall commence and take effect from the passing thereof; and that the said recited Act, subject to the Alterations and Amendments in this Act contained, and this Act, shall continue and be in force and be executed for and during the Residue now to come of the Term granted by the said recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Term and
Continuance
of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1828.

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