



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 156.

An Act for making a public Carriage Road from
Kentish Town to *Upper Holloway*, in the County
of *Middlesex*. [10th June 1811.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road partly by an Archway through the East Side of Highgate Hill, communicating with the present Turnpike Road from London to Barnet at Upper Holloway, in the Parish of Saint Mary Islington, and near the Brook below the Fifth Mile Stone, in the Parish of Hornsey, in the County of Middlesex*: And whereas the said Archway may probably be completed in the Course of the present Year; and the making a Communication with *Kentish Town* through the said intended Archway, by Means of a Junction Road, would enable Persons travelling with or without Horses and Carriages from the West End of the Metropolis, to avoid the great Danger and Labour of passing over the Summit of *Highgate Hill*, and be of great public Utility; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it 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 Sir *Oswald Mosley* Baronet, *Peter Moore* Esquire, *Joseph Drake*, *John Surtees*, *Thomas Thomson*, *James Wright*, *Thomas Enfor*, *Francis Fortune*, *John Atkinson*, *George Brodie*, *Samuel Feary*, *George Ring*, *Thomas Melroy*, *John Jackson*, *Joseph Steevens*, *Richard Laycock*, *Jeremiah Samuel Jordan*, *William Chalklen*, *Edward Smith*, *Alexander Anderson*,
[Loc. & Per.]

son, John Rose, Thomas Divett, Thomas Rhodes, George Jackson, Thomas Harrison, John Bacon, and the Registrar for the Time being of the Corporation of the Sons of the Clergy, and the Bursar of Saint John's College, Cambridge, for the Time being, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution, and each such Person shall continue to be a Trustee for the Purposes aforesaid, until new Trustees shall be appointed in Manner herein-after mentioned.

Power to
Subscribers
to appoint
New Trust-
tees.

Powers of
Trustees.

Line of Road.

II. And be it further enacted, That it shall and may be lawful to and for the Subscribers to the said Road, to be assembled at a General Meeting to be holden for that Purpose within the Month of *June*, which will be in the Year of our Lord One thousand eight hundred and twelve, or as soon after as conveniently may be, at the House known by the Name or Sign of the Assembly House, situate in *Kentish Town*, or at some other House situate on or near the Line of the said intended Road, and in like Manner at a General Meeting to be holden for that Purpose in the Month of *June* in every subsequent Year, or as soon thereafter as conveniently may be, (Notice in Writing of the Time and Place of every such Meeting having been given by the Clerk to the said Trustees, in Two or more public Newspapers circulated in the County of *Middlesex*, at the least Fourteen Days before such Meeting), to elect and appoint such other Persons to be Trustees of the said Road (who shall be qualified as herein-after mentioned) as the Majority of the Subscribers present at such Meeting shall deem most proper and eligible, in the Room of the said Trustees above-named, or from Time to Time to be appointed under this Act, of whom Five shall be, at the Time of such Election and Appointment, ~~Governors or Directors of the Poor of Saint Pancras~~ in the County of *Middlesex*, or otherwise to nominate and appoint all or any of the said Trustees above-named, or then being Trustees acting under this Act, Five of them being then ~~Governors or Directors of the Poor of Saint Pancras~~ aforesaid, to be and continue such Trustees or Trustee, such Trustees so to be nominated or continuing not exceeding in the whole the Number of Twenty-eight; and that every such new or continuing Trustee so to be elected and appointed as aforesaid, shall be and is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample Manner as the Trustees herein-before nominated are hereby empowered to act; and all and every the Powers and Authorities done and executed by or before the said Trustees, appointed or to be appointed under this Act, shall and may be done and executed by or before any Three or more of them at Meetings to be held in pursuance of this Act, except only where some other Number of Trustees shall be herein-after appointed; and all such Powers and Authorities shall be done and executed by the major Part of the Trustees assembled, and shall be of the same Force and Effect in all Respects whatsoever, as if the same had been done by all the said Trustees; and the said Trustees, or such Person or Persons as they shall from Time to Time appoint, shall and may, and they are hereby fully authorized and empowered to make, pave, maintain, and keep in Repair, a convenient Road or Carriage Way, to be called *The Archway and Kentish Town Junction Road*, of a Breadth not exceeding Seventy Feet, including the Causeway and the Fence on each Side, in a Line, as near as may be, from the High Road leading through *Kentish Town* aforesaid, at or near the said House known by the

Name

Name of *The Assembly House* in *Keptish Town* aforesaid, to, along, in, through, and over the several Lands, Tenements, and Hereditaments set forth or referred to in the Schedule to this Act, and situate in the several Parishes of *Saint Mary Islington*, and *Saint Pancras* in the said County of *Middlesex*; and to, along, across, over, and through the several Lanes, Roads, and Ways, on the Line of the said intended Road, in such Manner as the said Trustees shall deem most proper, into and to communicate with the Road leading to the *Highgate Archway* aforesaid; and to purchase such Part or Parts of the Lands, Tenements, and Hereditaments mentioned and described in the Schedule hereto annexed, as shall or may be necessary for the Purpose of making the said Road, and for the proper and necessary Toll Houses and Toll Bars and other Conveniences to the same; and also to cause the said Road to be watched, lighted, and watered, in such Manner as herein-after mentioned.

III. Provided always, and be it further enacted, That no Part of the Lands, Tenements, or Hereditaments, belonging to the Master, Fellows, and Scholars of *Saint John's College*, in the University of *Cambridge*, shall or may be taken or entered for the Purposes of the said intended Road, or for any of the Purposes of this Act, without the Assent of the said Master, Fellows, and Scholars, first had and obtained for that Purpose in Writing under their Common Seal, any thing in this Act, or in the Schedule thereto contained, to the contrary thereof in any wise notwithstanding.

Lands, &c. belonging to *Saint John's College, Cambridge*, not to be taken or entered without Assent in Writing.

IV. Provided always, and be it further enacted, That no Person shall be capable of being elected, or of acting as a Trustee in the Execution of this Act, whilst he holds any Place of Profit, or any Contract under this Act, nor in any particular Case in which he shall be in that Instance personally interested, otherwise than as a Creditor, nor unless he shall at the Time of acting be seized or possessed in his own Right, or in the Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, situate in the County of *Middlesex*, or in the City of *London*, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or be possessed of or entitled to a Personal Estate to the Amount or Value of One thousand Pounds, nor unless he (not being a Governor or Director of the Poor of *Saint Pancras* aforesaid, or such Registrar or Bursar as aforesaid) shall at the Time of so acting be a Subscriber to the Amount of Two hundred and fifty Pounds to the said intended Road, or (not being such Governor or Director, Registrar or Bursar as aforesaid) shall, in his own Right or in the Right of his Wife, be possessed of and entitled unto Two hundred and fifty Pounds at least, secured on the Monies raised or to be raised by virtue of this Act, and in the actual Receipt of the Interest and Dividends thereof; nor (except in administering the Oath or Affirmation following) until he (not being such Heir Apparent, or such Governor or Director of the Poor of *Saint Pancras* aforesaid, or such Registrar or Bursar as aforesaid) shall have taken and subscribed the Oath or Affirmation herein-after mentioned, before any Three or more of the Trustees appointed or to be appointed under this Act, who are hereby authorised and empowered to administer the same; (that is to say),

Qualification of Trustees.

‘ I Do

Oath.

‘ I Do swear [*or, being one of the People called Quakers, solemnly affirm*]
 ‘ That I am truly and *bonâ fide* in my Right, *or, in the Right of my*
 ‘ Wife, (*as the Case may be*), in the actual Possession or Enjoyment and
 ‘ Receipt of the Rents and Profits of Lands, Tenements, or Here-
 ‘ ditaments, situate in the County of *Middlesex*, (*or City of London, as the*
 ‘ *Case may be*), of the clear yearly Value of Fifty Pounds above Reprizes,
 ‘ [*or, am possessed of or entitled to a Personal Estate of the Value of One*
 ‘ thousand Pounds], and that I am a Subscriber to the full Amount of
 ‘ Two hundred and fifty Pounds, for and towards the Purposes of an
 ‘ Act passed in the Fifty-first Year of the Reign of His present Majesty
 ‘ King *George* the Third, intituled, [*here set forth the Title of this Act*],
 ‘ *or, that I am truly and bonâ fide* in my own Right, or in the Right of
 ‘ my Wife [*as the Case may be*], possessed of and entitled unto the full
 ‘ Sum of Two hundred and fifty Pounds, secured on the Monies raised
 ‘ or to be raised by virtue of an Act, &c. [*as the Case may be.*]
 ‘ So help me GOD.’

And if any Person not being so qualified, or (not being such Governor or Director, Registrar or Burfar as aforesaid) not having taken the said Oath or Affirmation, shall presume to act in the Trust aforesaid, except in administering the said Oath or Affirmation, every such Person shall, for every such Offence, forfeit 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 any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Effoign, Protection, Privilege, or Wager of Law, nor more than One Impar lance, shall be allowed; and the Person that is prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act.

Accounts to be laid before Subscribers.

V. And be it further enacted, That the said Trustees shall at every such Annual Meeting of the Subscribers to the said Road, so to be held as aforesaid, lay before such Meeting the Accounts of the Receipts and Disbursements which have accrued in the said Undertaking, together with the legal Vouchers appertaining thereto; and if it shall appear to the Majority of the Subscribers then assembled, that the said Accounts are just and right, they shall and may be signed by the Chairman, to be appointed at such Meeting, and when so signed the said Accounts shall be considered as settled: Provided always, that if it shall appear to the Majority of the said Subscribers assembled at such Meeting, that the said Accounts are not accurate and just, Three Auditors shall be nominated and appointed by the Majority of such Subscribers to investigate the same, and the said Meeting shall in that Case adjourn to another Day then to be named, and so from Time to Time till the Matter or Matters in Doubt or Dispute shall be finally settled, and the said Accounts signed as aforesaid: Provided always, that the said Accounts shall be finally arranged and settled within the Space of Three Calendar Months after the said Annual Meeting; and that no Trustee shall have a Vote in any Matter relative to the Settlement of Accounts at such General Meeting; and that the Chairman shall at all such Meetings, in any Case where there shall be an Equality of Votes, have the casting Vote.

VI. And

VI. And be it further enacted; That the said Trustees shall meet together at the said House known by the Name of the *Assembly House*, in *Kentish Town* aforesaid, on the Second *Saturday* next after the passing of this Act, between the Hours of Twelve and Two o'Clock, and proceed to the Execution of this Act, and shall then and from Time to Time afterwards adjourn themselves to such Time and at such Place upon or near to the said Road as the said Trustees shall think proper; and the said Trustees shall at all their Meetings defray their own Expences; and that in all Cases where the said Trustees, or any Justice or Justices of the Peace; is or are hereby required to examine any Person or Persons on Oath, it shall be lawful for such Trustees or Justice or Justices to administer such Oath: Provided always, that no Order made by Three or more Trustees shall be revoked or altered, unless Seven Trustees shall be present, and the major Part of them shall concur in such Order.

Meetings and
Orders of
Trustees.

VII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon receiving an Order in Writing signed by Three or more of the said Trustees, although not assembled at any Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice to each and every of the said Trustees of the Time and Place which shall be mentioned in the said Order, (such Time not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Meetings on
Emergencies.

VIII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Treasurer; and that no Action or Prosecution to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Treasurer, shall be abated or discontinued by the Death or Removal of such Treasurer, or by the Act of such Treasurer, without the Consent of the said Trustees, or any Three or more of them; but the Treasurer for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, that every such Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant therein; and also the Costs and Charges of prosecuting any Indictment or Indictments or other Proceedings whatsoever, which shall or may be commenced or prosecuted against any Person or Persons whomsoever, by Order of the said Trustees.

Trustees may
sue and be
sued in the
Name of their
Treasurer.

IX. And be it further enacted, That the said Trustees shall and may, and they are hereby empowered from Time to Time to appoint a Treasurer or Treasurers, Surveyor or Surveyors, Clerk or Clerks, Gate Keeper or Gate Keepers, and a Toll Gatherer or Toll Gatherers of the said Road, and such other Officer or Officers, or such other Person or Persons

Trustees may
appoint Offi-
cers, and take
Security from
them.

as they shall think necessary to employ in the Execution of this Act, and shall and may take such Securities for the due Execution of the respective Offices of the said Treasurers, Surveyors, Clerks, Gate Keepers, Toll Gatherers, Officers, or other Persons, to be so appointed and employed, as they the said Trustees shall think fit; and shall and may from Time to Time remove such Treasurers, Surveyors, Clerks, Gate Keepers, Toll Gatherers, Officers, and other Persons, or any of them, and appoint others in their Stead; and also shall and may, out of the Monies to be raised by virtue of this Act, allow such Treasurers, Surveyors, Clerks, Gate Keepers, Toll Gatherers, Officers, and Persons, such Salaries or Allowances as to them the said Trustees shall seem reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Wine, Cyder, Ale, or Spirituous Liquors by Retail.

Toll Gatherers may be occasionally removed.

X. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Three or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such case, and also in case any Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be Collector or Receiver of the said Tolls, to continue until the then next Meeting of the respective Trustees, in the Stead of such Collector or Receiver as shall die or be discharged; and such 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 so die or be discharged would have had, or would have been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building erected on the said Road, for the Space of Seven Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, although not assembled at a Meeting, or by their Clerk or Clerks, or Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for the said Three Trustees, although not assembled at a Meeting, to summon the Party or Parties so offending before any Justice or Justices of the Peace for the County or Place, who shall or may, in case he or they shall think it necessary, by Warrant under his or their Hand and Seal, or Hands and Seals, order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Three or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Officers shall duly account.

XI. And be it further enacted, That all such Officers and other Persons so to be from Time to Time appointed by the said Trustees, and the respective Executors and Administrators of such Officers, shall from Time

to Time, within Seven Days after Notice in Writing, signed by the Clerk or Treasurer to the said Trustees (pursuant to an Order of the said Trustees, made at a Meeting held by virtue of this Act) to them respectively given, or left at their usual Place of Abode for that Purpose, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which shall have been by them respectively received, collected, or had, and how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify such Accounts upon Oath; and such Officers and Persons shall, and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath (which Oath the said Trustees, or any Three or more of them, are hereby authorized and empowered to administer), or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they or any Three or more of them shall appoint, within Seven Days after such Notice given as aforesaid, all Books, Accounts, Papers, and Writings in their Custody or Power, in anywise relating to the Execution of this Act or to the said Road, and Complaint shall be made of such Neglect or Refusal to any Justice of the Peace for the County, Borough, City, or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall be or reside, by or on Behalf of the said Trustees, such Justice may, and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing or not appearing (except for some reasonable Excuse) to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected or received shall be or remain in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Nonpayment 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 shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, (without some reasonable Excuse to be allowed by such Justice), or if such Officer or Person appearing shall neglect or refuse to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Account or Accounts, or of the Articles thereof, upon Oath as aforesaid, then and in any of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such

such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County, City, Borough, or Place where he or they shall be or reside; there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their Hands respectively, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Sum compounded for to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, (which Composition the said Trustees are hereby empowered to make), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or shall have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person shall be committed for Want of sufficient Distress for any longer Space of Time than Six Calendar Months.

Subscribers shall pay their Subscriptions.

XII. And be it further enacted, That the several and respective Persons who have subscribed, or may hereafter subscribe, any Sum or Sums of Money for and towards making and repairing the said Road, shall, and they are hereby required to pay the Sum or Sums so subscribed, or such Parts or Proportions thereof, within such Time and Times, and to such Person or Persons, as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; so as the said Trustees shall not call at any one Time for any greater Instalment than Ten Pounds on every Hundred Pounds of such Subscriptions, nor shall make any such Call at a less Distance than the Space of Two Calendar Months after the Call immediately preceding; and if any Person or Persons shall, after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk of the said Road, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt, or on the Case, Bill, Plaint, or Suit, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Effoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice being given as aforesaid, the respective Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit: Provided always, that nothing herein contained shall extend, or be construed to extend, to render the Real or Personal Estate of any Subscriber to the said intended Road liable to any further Payment than the Sum he, she, or they shall or may have subscribed thereunto.

Executors to pay Calls.

XIII. Provided also, and be it further enacted, That if any Person or Persons so subscribing or undertaking to pay any Sum or Sums of Money to be raised by virtue of this Act, shall die before such Call or Calls shall be made for the full Sum or Sums of Money so subscribed or undertaken to be paid by him, her, or them, without having made any Provision by

Will

Will or otherwise, how or in what Manner such Sum or Sums so paid by him, her, or them, shall be disposed of; or how or by what Means the future Calls on the Sum or Sums of Money subscribed or undertaken to be paid by him, her, or them, shall be paid to the said Trustees, for the Purposes of this Act; then and in every such Case the Executors and Administrators of every such Person so dying, and also the Trustee or Trustees, Committee or Committees, of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, shall be indemnified against all and every Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money, when called for as aforesaid, to complete any such Subscription; and in case any such Subscriber or Subscribers shall not have left Assets sufficient, or the Executor or Executors, Administrator or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, it shall and may be lawful to and for the said Trustees acting under and by virtue of this Act, to transfer the Sum or Sums of Money paid by such deceased Subscriber or Subscribers into the Name or Names of any other Person or Persons whomsoever, on Condition that he, she, or they do and shall, on or before such Transfer, pay to the Executors or Administrators of such deceased Subscriber or Subscribers, or to the Trustee or Trustees, Committee or Committees, of any Lunatic or Lunatics, or to the Guardian or Guardians of any Infant or Infants, or to any Person or Persons who shall be entitled to his, her, or their Effects, the full Sum and Sums of Money which shall have been paid by such deceased Subscriber or Subscribers, by virtue of any Call or Calls made by the said Trustees for carrying the Purposes of this Act into Execution; or otherwise, or such other Sum or Sums of Money as the Sum or Sums of Money so paid by such deceased Subscriber or Subscribers can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Conditions as aforesaid, then and in every such Case such Sum or Sums of Money shall become forfeited, and shall be disposed of by the said Trustees for the Purposes of this Act.

XIV. And be it further enacted, That it shall and may be lawful to and for the several Persons who have subscribed, or shall hereafter subscribe, or who have or shall become entitled to any Sum or Sums of Money subscribed or to be subscribed by virtue of this Act, to sell and dispose thereof, or of any Part or Parts thereof, subject to the Directions and Provisions herein contained; and the Conveyance of every such Sum and Sums of Money shall be in the Form or to the Effect following:

‘ I *A. B.* of _____ in Consideration of _____ paid to
 ‘ me by *C. D.* of _____ do hereby bargain, sell, assign, and
 ‘ transfer to the said *C. D.* the Sum of _____ Capital Stock
 ‘ secured to me by virtue of an Act [*here set forth the Title of this Act*]
 ‘ to hold to the said *C. D.* his Executors, Administrators, and Assigns,
 ‘ subject to the same Rules, Orders, and Restrictions, and on the same
 ‘ Conditions that I held the same immediately before the Execution hereof;
 ‘ and I the said *C. D.* do hereby agree to take and accept the said Capital
 ‘ Stock, subject to the same Rules, Orders, Restrictions, and Conditions.
 ‘ As witness our Hands and Seals this _____ Day of _____ in
 ‘ the Year of our Lord _____

Power to sell
Subscrip-
tions.

Form of
Transfer.

And on every such Sale, the said Deed or Conveyance, being executed by the Seller or Sellers and Purchaser or Purchasers, shall be kept by the Purchaser or Purchasers for his, her, or their Security, after the Clerk to the said Trustees shall have entered into the Book or Books to be kept for that Purpose, a Memorial of such Transfer or Sale, and have testified or indorsed the Entry of such Memorial on the said Deed of Transfer or Sale, for which the Sum of Two Shillings and Sixpence and no more shall be paid, and the said Clerk is hereby required to make such Entry or Memorial accordingly.

No Transfer to be made of any smaller Sum than 50*l.* and if attempted to be made the same to be void.

XV. Provided always, and be it further enacted, That no Assignment or Transfer shall be permitted to be made, or entered into the Transfer Books of the said Trustees, of or concerning any smaller Sum or Portion of the said Subscription than Fifty Pounds thereof; and that any and every such Assignment or Transfer which shall or may at any Time or Times hereafter be attempted to be made, and shall happen to be so entered, of or concerning any such smaller or less Sum than Fifty Pounds thereof, shall be utterly null and void; any thing in this Act contained to the contrary thereof notwithstanding.

Names of the Subscribersto be entered and Certificates to be given of the Amount of their Stock.

XVI. And be it further enacted, That the said Trustees shall, and they are hereby required, to cause the Names of the several Persons who shall be entitled to any Part or Parts of the Capital Stock or Subscription, together with the Sum or Sums of Money to which they are respectively entitled therein, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk to the said Trustees for that Purpose, and shall also cause a Certificate or Instrument, signed by the said Trustees, or any Three or more of them, to be delivered to the several Persons who shall be entitled to any Part or Parts of the said Capital Stock, or Subscription, together with the Sum or Sums of Money to which they are respectively entitled therein; and for every such Certificate or Instrument the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Clerk of the said Trustees; and such Certificate or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of the Person or Persons mentioned therein, his, her, or their Executors and Administrators, to the Sum or Sums of Money therein specified; but the Want of such Certificate or Instrument shall not hinder or prevent the Person or Persons entitled to any Part or Parts of the said Capital Stock, or Subscription, from selling or disposing thereof.

What Interest or Dividends shall be payable to the original Subscribers.

XVII. And whereas, in order to make and complete the said Road, it will be necessary to purchase the Lands, Tenements, and Hereditaments, situate in the Line of the said intended Road, the Purchase of which Lands, Tenements, and Hereditaments, and the making and maintaining of the said Road, and otherwise carrying the Purposes of this Act into Effect, will amount to a large Sum of Money: And whereas several Persons have subscribed and paid, or undertaken to pay, divers Sums of Money to purchase the said Lands, Tenements, and Hereditaments, and to make and maintain the said Road, and otherwise to carry the Purposes of this Act into Effect; therefore in Consideration of the Risk run by the said Subscribers in advancing the several Sums so subscribed by them for the Purposes aforesaid, be it further enacted, That until the said intended Road hereby authorized and directed to be made shall be fully completed,

the said Trustees shall and they are hereby empowered and directed to pay Interest after the Rate of Five Pounds *per Centum per Annum* upon all such Principal Sum and Sums of Money as shall have been actually subscribed, or may hereafter be subscribed and paid, or undertaken to be paid, for the Purposes aforesaid, which Interest shall commence and be computed from the Time or respective Times of Payment of such Principal Monies, or of the Instalments thereof respectively; and from and after the Time when the said Road shall be fully made, the said Trustees shall and may, and they are hereby empowered and directed to pay such further Interest or Dividends, not exceeding in the Whole the Rate of Ten Pounds *per Centum per Annum* upon all Principal Sum and Sums of Money which have been or may be so subscribed and paid, or undertaken to be paid as aforesaid, as shall be from Time to Time resolved and determined by a Majority of the said Trustees at a Meeting to be held for that Purpose: Provided always, that the said further Interest or Dividends shall not be paid or payable on or for any Principal Sum or Sums of Money beyond the Amount of Thirty thousand Pounds in the whole, nor on or for any Sum or Sums of Money whatever which shall at any Time be secured by Mortgage of the Tolls under this Act in Manner herein-after mentioned.

XVIII. And be it further enacted, That out of the Monies already subscribed or received, or which may hereafter be subscribed or received by virtue of this Act, the said Trustees shall pay all the Expences and Costs relative to the Survey of the Line of the said intended Road, and the Costs and Charges attending the procuring and passing of this Act, and of carrying the same into Execution, and shall once in every Year discharge the Interest or Payments upon all Securities which shall be made by virtue of this Act, and the Interest or Dividends due to the Subscribers to the said intended Road, and shall repay the Principal Monies charged or borrowed by virtue of this Act.

Application
of Money.

XIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or their Surveyors or Workmen, being first by the said Trustees thereunto authorized and empowered, from and immediately after the passing of this Act, and from Time to Time and at all Times until the said Road shall be completed, to enter upon any of the Lands, Tenements, or Hereditaments described in the Schedule of this Act, for the Purpose of surveying, taking a Level of, and marking out the Ground and Premises intended to be made use of for the Purpose of making the said Road; they the said Trustees, their Surveyors or Workmen, doing as little Damage as may be, and giving Three Days Notice in Writing, signed by their Clerk, to the Occupier or Occupiers of such Lands, Tenements, or Hereditaments, of the Time of making such Survey, taking such Level, or marking out such Grounds and Premises, and making Satisfaction for all Damages that shall be done thereby.

Trustees em-
powered to
make Survey.

XX. And be it further enacted, That the said Road shall not exceed Seventy Feet in Breadth, including the Causeway and the Fence on each Side; and that for the Purpose of making and maintaining the said Road, it shall and may be lawful for the said Trustees, and they are hereby fully authorized and empowered to treat and agree for the Purchase of all the Lands, Tenements, and Hereditaments situate on or along the Line of the Road described in the Schedule hereunto annexed, and which may be necessary

Purchasing
Messuages for
Roads, &c.

necessary for Toll Houses and the Appurtenances thereto, and also to treat and agree for the Loss or Damage which the Owners of and Persons interested in any such Lands, Tenements, and Hereditaments shall or may in any way sustain or be put unto by the making and maintaining of the said Road; and upon Payment of such Sum or Sums of Money as shall be agreed upon for such Purchase or Purchases, or as a Satisfaction for such Loss or Damage as shall be adjudged or assessed in the Manner hereinafter mentioned and directed, it shall and may be lawful for the said Trustees to cause the Buildings upon the said Line of the Road to be taken down, and the Ground whereon such Buildings now stand, and the other Grounds, Lands, and Hereditaments so to be purchased, or any Part or Parts thereof, to be laid into the said Road.

Corporations
and Trustees
may contract.

XXI. And be it further enacted, That it shall and may be lawful for any Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees, or other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of any Infants, Wards, Femes Covert, Cestuique Trusts, Lunatics, Idiots, or other incapacitated Persons, and to and for all and every Person and Persons whomsoever, who are or shall be seized or possessed of or interested in any such Lands, Tenements, or Hereditaments, to contract and agree with the said Trustees for the Satisfaction to be made for all or any such Loss and Damage as aforesaid, or sell to them all or any of such Lands, Tenements, or Hereditaments, and to convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, Custom, or any other Matter or Thing to the contrary thereof notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, Trustees, Committees, Femes Covert, and all and every other Person and Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Parties not
compellable
to sell more
Land than
necessary for
the Road, &c.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to compel any Owners, Occupiers, Bodies Politic, Corporate, or Collegiate, or other Person or Persons seized of or interested in any Lands, Tenements, or Hereditaments, situate on or along the Line of the said intended Road, and described or referred to by the Schedule annexed to this Act, to sell or dispose of any more of such Lands, Tenements, or Hereditaments than shall be necessary for the Purpose of making the said intended Road, with a Fence on each Side not exceeding the Width herein-before limited, or of erecting Toll Houses with other requisite Buildings and Conveniences thereto, pursuant to this Act.

For securing
Frontage to
Land-owners,
&c.

XXIII. Provided also, and be it further enacted, That nothing herein contained shall in anywise hinder or prevent the Owners or Occupiers of any of the Lands or Grounds over or through which the said intended Road shall pass, from erecting any House or Building whatsoever upon the Land or Ground adjoining or near to the said intended Road, but all such

such Owners and Occupiers respectively shall have the free Use, Benefit, and Advantage, of the Land lying next to the said intended Road, and of the Frontage on each Side of such Road, without any Impediment or Annoyance whatsoever, in the most full and absolute Manner to all Intents and Purposes whatsoever, for building or otherwise.

XXIV. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons, seized or possessed of, or interested in any Lands, Tenements, or Hereditaments, as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Trustees, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interest therein, or cannot be found, or known, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Trustees, or of the Person or Persons so authorized by them; then and in every such Case it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby required, to issue a Warrant or Warrants, Precept or Precepts, directed to the Sheriff or Bailiff of the County, Division, District, or Liberty, wherein the Premises shall respectively lie or be, who is hereby authorized, directed, and required to impanel, summon, and return a competent Number of substantial and disinterested Persons, qualified to serve on Juries, not less than Thirty-six nor more than Forty-eight; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn, by some Person to be by the said Sheriff or his Deputy appointed, in such Manner as Juries for the Trials of Issues joined in His Majesty's Courts at *Westminster* are by an Act made in the Third Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better Regulation of Juries*, directed to be drawn; which Persons, so to be impanelled, summoned, and returned as aforesaid, are hereby required to come and appear before the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden for the County, Division, District, or Liberty respectively, or at such Adjournment thereof as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed; and to attend such Court of General or Quarter Sessions from Day to Day, until discharged by the said Court; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array; and the said Justices are hereby authorized and empowered by Precept or Precepts, from Time to Time, as Occasion shall require, to call before them all and every Person and Persons whomsoever, who shall be thought proper and necessary to be examined as a Witness or Witnesses on his, her, or their Oath or Oaths, touching or concerning the Premises; and the said Justices, if they think fit, shall and may, on the Application of either Party, likewise authorize the said Jury to view the Place or Places, or Premises in question, in such Manner as they shall direct; and the said Justices shall have Power to adjourn such Court from Day to Day, as Occasion shall require; and to command such Jury, Witnesses, and Parties to attend until all such Affairs for which they were summoned shall be concluded; and the said Jury, upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Justices are

If Parties are dissatisfied, Value to be settled by a Jury.

hereby empowered and required to administer), shall enquire of the Value of such Lands, Tenements, or Hereditaments, and of the proportional Value of the respective Estates and Interests of all and every Person and Persons seized or possessed thereof, or interested therein, or of or in any Part or Parts thereof, and shall assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of any such Lands, Tenements, or Hereditaments, and of such respective Estates and Interests therein; or any Injury or Damage whatsoever, that may affect any Person or Persons, Party or Parties, either as Freeholder, Copyholder, Leaseholder, or Tenant at Will; provided that such Property shall be estimated by what, in the Opinion of the said Jury, the same would have been worth in case the Improvements intended by this Act had not been in Contemplation; and the said Justices shall and may give Judgment for such Sum or Sums of Money so to be assessed; which Verdict or Verdicts, and the Judgment and Judgments, Determination and Determinations thereupon (Notice in Writing being given to the Person or Persons interested or claiming so to be, at least Fourteen Days before the Time of the Meeting of the said Justices as aforesaid, and Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their last or usual Place or Places of Abode, or with some Tenant or Occupier of the Premises respectively intended to be valued), shall be binding and conclusive to all Intents and Purposes whatsoever against all Bodies Politic, Corporate, and Collegiate, and all and every Person and Persons claiming any Estate, Right, Title, Trust, Use, or Interest, in, to, or out of such Lands, Tenements, or Hereditaments, and Premises in Possession, Reversion, Remainder, or Expectancy, as well Infants and Issue unborn, Lunatics, Idiots, and Females Covert, and Persons under any other legal Incapacity or Disability, as all other Cestuique Trusts, their, his, and her Heirs, Successors, and Administrators, and against all other Persons whomsoever; and the said Verdicts, Judgments, and Determinations, and all other Proceedings of the said Justices and Juries so to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed by the Clerk of the Peace for the Time being, of the County, Division, District, or Liberty, wherein the Premises shall respectively lie or be.

Expences
of Jury and
Witnesses by
whom to be
paid.

XXV. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, as a Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or Hereditaments belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands, Tenements, or other Hereditaments, than had been previously offered by or on Behalf of the said Trustees; or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation hath been previously offered or tendered in respect thereof, by or on Behalf of the said Trustees; or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid; there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensation from the said Trustees, as herein-before mentioned, then and in all such Cases all the Expences of summoning such Jury and taking such Verdict, shall be settled by some

Justice of the Peace for the said County of *Middlesex*, not interested in the Matter in question (who is hereby required to examine into and settle the same), and shall be defrayed by the said Trustees; but if any Verdict shall be given for the same Sum that had been previously offered by or on Behalf of the said Trustees, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal or Neglect to enter into Treaty with or make Conveyances or to receive Compensations from the said Trustees, by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat and convey, or receive such Compensations as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of summoning such Jury and taking such Verdict shall be settled in like Manner by such Justice, and be borne and paid by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons with whom the said Trustees shall have such Concerns, Controversies, or Disputes; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Persons as aforesaid, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; and in case no Damages shall be given by such Verdict, when the Dispute is for Damages only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees by such Ways and Means as are herein-before provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

XXVI. And be it further enacted, That the said Justices shall have Power from Time to Time to impose any reasonable Fine, not exceeding the Sum of One hundred Pounds, on such Sheriff or Bailiff, or his Deputy or Deputies, Bailiffs or Agents respectively, making Default in the Premises; and on any Person or Persons who shall be summoned and returned on any such Jury or Juries, and shall not appear, or appearing shall refuse to be sworn on the said Jury or Juries, or being so sworn shall not give his or their Verdict; and also on any Person who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend, or attending shall refuse to be sworn, or to affirm, or who shall refuse to give his, her, or their Evidence; and on any Person or Persons who shall, in any other Manner, wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act; and from Time to Time to levy such Fine or Fines, by Order of the said Justices, by Distress and Sale of the Offender's Goods and Chattels, together with the reasonable Charges of every such Distress and Sale, returning the Overplus, if any, to the Owner or Owners; and that a Copy of the Order of the said Justices, signed by the Clerk of the Peace for the Time being, of the County, Division, District, or Liberty, wherein the Premises shall lie or be, as the Case shall require, shall respectively be sufficient Authority to the Person or Persons therein to be appointed, and

Fine on Sheriffs for not summoning Juries, &c.

to

to every other Person acting or aiding and assisting therein, to make such Distress and Sale; and all such Fines shall be paid to the Treasurer of the said Trustees for the Time being, to be applied to the Purposes of this Act.

Costs of
Tenants for
Life.

XXVII. Provided always, and be it further enacted, That whenever any Lands, Tenements, or Hereditaments, shall be purchased by the said Trustees for the Purposes of this Act, in or to which any Person shall be interested or entitled as Tenant for Life, all such Costs, Charges, and Expences as any such Tenant for Life shall and may incur and sustain, or be liable or put unto for or by Reason or Means of the Purchase of such Lands, Tenements, and Hereditaments, or of the summoning and maintaining any Jury or Witnesses to ascertain the Value of the same, or of the investing the Money to arise therefrom, or of receiving the Interest thereof, or in any Manner howsoever, in consequence of such Purchase, shall be discharged by the said Trustees out of the Monies which shall arise by virtue of this Act, or shall be paid and satisfied to any such Tenant for Life by the said Trustees out of the said Monies; any thing herein-before contained notwithstanding.

Authorizing
a Deviation
with Consent
of Parties in-
terested in
Lands, &c.

XXVIII. Provided always, and be it further enacted, That nothing contained in this Act shall extend or be construed to extend to prevent, hinder, or restrain the said Trustees from deviating from the Course or Path of the said Road herein-before described, or any Part or Parts thereof, within the Distance of One hundred Yards, through the Lands or Grounds of any Person or Persons whomsoever, in case the Owners and Occupiers of such Lands and Grounds shall be consenting thereto, and shall signify his, her, or their Consent in Writing to such Deviation being made.

Houses, &c.
not to be
injured or
taken except,
&c.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the said Trustees, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for any of the Purposes of this Act, any House or other Building which was erected or built on or before the First Day of *January* in the Year of our Lord One thousand eight hundred and ten, or any Land or Ground which on the said First Day of *January* was set apart, and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, other than and except the several Houses, Buildings, Gardens, Orchards, Yards, Parks, Paddocks, planted Walks, and Avenues, mentioned and contained in the Schedule to this Act annexed.

Misnomer,
Omission, or
wrong De-
scription in
the Schedule,
not to pre-
vent the Exe-
cution of this
Act.

XXX. Provided always, and be it further enacted, That if any of the Lands, Tenements, or Hereditaments, mentioned and described in the Schedule hereunto annexed, or which may be required for the Purposes of this Act, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed, omitted, or inaccurately described, such Misnomer, Omission, or

or inaccurate Description, shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same were more properly named and described in the same Schedule, if it shall appear to any One or more of His Majesty's Justices of the Peace for the said County of *Middlesex*, that such Misnomer, Omission, or inaccurate Description, had taken place from Misinformation or Mistake.

XXXI. And be it further enacted, That every Sum of Money, Re-
 compence and Satisfaction which shall be agreed for or assessed as afore-
 said, shall be paid out of the Monies which shall arise and be produced by
 virtue of this Act, or subscribed towards carrying the same into Execu-
 tion, to the Party or Persons respectively entitled thereunto, or to their
 Agents; and upon Payment thereof, or in case of Refusal to accept the
 same, upon depositing the same in the Bank of *England*, in such Manner
 as this Act directs, all Owners and Occupiers of, and all other Persons
 or Corporations interested in such Lands, Tenements, or Hereditaments,
 shall from thenceforth be divested of all Right, Title, Claim, Interest, and
 Property of, in, to, or out of the same; and such Buildings as are within
 the Space of the said Road shall and may be forthwith pulled down,
 carried away, removed, and disposed of by the said Trustees; and the
 Scite thereof, and all such Lands, Tenements, and Hereditaments as shall
 be so purchased, or so much or such Part thereof as the said Trustees shall
 see fit; shall be laid into and made Part of the said Road, in such Manner
 as the said Trustees shall direct, and shall be by them, or by such Person
 or Persons as they shall appoint, sufficiently fenced and set out for that
 Purpose, and shall from thenceforth to all Intents and Purposes whatsoever,
 become and for ever afterwards be a common Highway, and shall be
 deemed Part of the Road to be made by virtue of this Act; and that
 after such New Road shall be completed, such Parts of the said purchased
 Premises as shall not be laid into the said New Road shall be vested in
 the Trustees for the Time being, and they are hereby empowered to sell
 the said purchased Premises, and to convey and assure the Fee and In-
 heritance of the said Premises, to such Person or Persons, and in such
 Manner as the said Trustees shall direct and appoint; and the Money
 arising from such Sale shall be applied and disposed of for the Purposes
 of this Act, and any Sale and Conveyance to be made of the said pur-
 chased Premises, being executed by the said Trustees, and enrolled with
 the Clerk of the Peace for the said County of *Middlesex*, shall be good
 and effectual in the Law to all Intents and Purposes whatsoever.

Lands to vest
in Trustees,

XXXII. Provided always, and be it further enacted, That before the
 said Trustees shall sell any Lands, Tenements, or Hereditaments which
 shall happen to be near the Line of the said intended Road, and which
 shall not be applied by the said Trustees to the Purpose of making the said
 intended Road, or set apart for the Erection of Toll Houses, and proper
 and necessary Buildings for the Purposes of the said Road, the said
 Trustees shall first offer to sell the same to the Person or Persons from
 whom it has been purchased, at or for such Price as shall be in
 Proportion to the Price which shall have been given by the said Trustees
 for the whole of such Piece or Pieces of Ground or Premises
 [Loc. & Per.] 39 I. respectively,

Occupiers
and Owners
of Premises
purchased by
the Trustees
to have the
Preference in
the Re-pur-
chase.

respectively, and no more; and in case such Person or Persons shall not thereupon agree, or shall refuse to re-purchase the same, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Middlesex*, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by and on Behalf of the said Trustees; and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same Offer was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made by or on Behalf of the said Trustees, and that such Offer was then and thereupon not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be: And in case such Owner or Owners as aforesaid shall be desirous of purchasing the said Premises, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price or Prices thereof, in such case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed, with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as is herein directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and that all Money which shall arise by any Sale or Sales, which may be made by the said Trustees of such Premises as aforesaid, shall be applied to the Purposes of this Act.

In Cases where the Road shall be cut through any Land, the Trustees to purchase such Land, &c.

XXXIII. Provided always, and be it further enacted, That in all Cases where the said intended Road shall be proposed to be made and cut through any Close or Parcel of Land, and such Close or Land would, by the making of the said Road, be separated or divided into Two or more Parcels of Land, each or either being of a less Quantity than One Acre lying together, then and in every such Case, and also in all Cases where the Property of any Person or Persons which may be wanted for the said Road shall be less than One Acre of Land, or by being used or taken for the Purposes of this Act, would be reduced to a less Quantity of Land than One Acre lying together, the said Trustees shall and are hereby required, (on the Application of the Owner or Owners, or Person or Persons for the Time being entitled to the Rents and Profits thereof), to purchase not only the Part of every such Close or Parcel of Land which shall be required by the said Trustees for the Purposes of this Act, but also each such Piece of Land less than One Acre lying together, except in respect of any such Piece of Land less than One Acre which shall adjoin to other Land of the same Owner, and which, with such other Land, would make the Quantity of One Acre lying together, in like Manner as they the said Trustees are empowered to purchase any other Lands necessary for the Purposes of this Act, and to pay, apply and dispose of the Purchase Money at the same Time and in the same Manner as the Purchase Money for that Part of any such Close or Parcel of Land which may be required for making the said Road, would, by virtue of this Act, be payable or applicable; and that if such Owner or Owners shall not or cannot agree with the said Trustees for the Price to be paid for the Purchase of such Lands, Tenements, or Hereditaments, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled

settled and ascertained by this Act, and all other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to Premises, the Value of which shall be ascertained by a Jury in Manner aforesaid: Provided always, that nothing in this Act contained shall extend or be construed to extend to oblige or compel the said Trustees to re-sell or to offer to re-sell to any such Owner or Owners, any Lands, Tenements or Hereditaments, which shall not be required for the Purposes of this Act, and which such Owner or Owners shall have previously compelled or required the said Trustees to purchase, but all such Lands, Tenements, and Hereditaments, shall and may be sold and disposed of by the said Trustees, to any other Person or Persons whomsoever, and the Money arising therefrom shall be applied towards the Purposes of this Act in Manner herein-before directed.

XXXIV. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, which shall belong to any Corporation, Femes Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises, by the Sale of which such Money shall be produced, the same shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled, to, for, or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken, and used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement was made.

Application
of Compensation
Money
above 200l.

XXXV. Pro.

Application
when under
200l. and
above 20l.

XXXV. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option of Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application
where the
Money is less
than 20l.

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

Where any
Question shall
arise touching
the Title, to
whom the
Money shall
be paid.

XXXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of 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 Hereditaments, be not known or discovered, then and in every such Case it shall 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 *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, and the said Court shall be, and is hereby empowered in a summary Way of Proceeding as to the said

Court

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 thereunto, and to make such other Order in the Premises, as to the same Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is or 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.

XXXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money; or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession; until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, to be purchased with such Money, 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 Hereditaments, or to some Estate or Interest therein.

In case of not making out Titles, or if Persons cannot be found, the Purchase Money to be paid into the Bank.

XXXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery, to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the said Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order the Expence of Purchases to be paid.

XL. And be it further enacted, That all such Verdicts, Judgments, Sentences, Decrees, Orders, and other Proceedings of the said Trustees, General or Quarter Sessions, and Juries, as relate to or concern any of

Verdicts, &c. to be recorded at the Sessions.

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the Cafes before mentioned, and all Receipts which the Cashier or Cashiers of the Bank of *England* shall give for any Sum or Sums of Money paid into the Bank as aforesaid, shall be entered among the Records of the Court of General or Quarter Sessions of the Peace for the said County of *Middlesex*; and the said Verdicts, Judgments, Sentences, Decrees, and Orders, and other Proceedings, shall be deemed and taken to be Records to all Intents and Purposes whatsoever, and the same, and true Copies thereof, shall be deemed and taken to be good and sufficient Evidence and Proof in any Court or Courts of Law or Equity whatsoever; and all Persons shall and may have Recourse to the same, upon paying the Sum of One Shilling, and no more, for each Search, and take Copies thereof, paying for every Copy the accustomed Fee; and immediately after the Entry of such Verdicts, Judgments, Sentences, Decrees, Orders, and other Proceedings of the said Trustees, General or Quarter Sessions, and Juries and Payments as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and in Equity, of the respective Owner or Owners, Corporations, Trustees, or other Person or Persons into and out of the Lands, Tenements, and Hereditaments so to be purchased as aforesaid, shall vest in the said Trustees, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, or other Conveyances or Assurances whatsoever; and such Verdicts, Judgments, Sentences, Decrees, Orders, and other Proceedings, shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons, Corporation or Corporations, to whom or on whose Account such Payment shall have been made, or for whose Use such Money shall have been left in the Hands of the Treasurer of the said Road, but also shall extend to, and be deemed and construed to bar the Dower or Dowery of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do, if levied or suffered by the proper Parties in due Form of Law.

Conveyances
good by Bar-
gain and Sale.

XLI. And be it further enacted, That the Conveyance of any Estate or Interest of any Femes Covert to the said Trustees, or any Person or Persons in Trust for them, by Bargain and Sale acknowledged by such Femes Covert, and duly enrolled in the Court of King's Bench at *Westminster* within Six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Femes Covert to the Premises, as any Fine or Fines, Recovery or Recoveries, would or could do if levied in due Form of Law; and all Bargains and Sales whatsoever to be made of any such Lands and Hereditaments as shall be purchased by the said Trustees and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had if levied by the Bargainor or Bargainors, or any Person or Persons seized of any Estate in the Premises in Trust for such Bargainor or Bargainors, in any legal Manner or Form whatsoever: Provided always, that all Contracts, Agreements, Sales, Conveyances, and Assurances,

ances, to be made in pursuance of this Act, shall be made at the Expence of the said Trustees.

XLII. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in Possession of any such Lands, Tenements, and Hereditaments, or any Part thereof, who shall have no greater Interest in the Premises than as Tenant at Will, or as Lessee for a Year, or from Year to Year, shall, within Thirty Days after Notice in Writing to such Tenants from the said Trustees, or such Person or Persons as they shall appoint for that Purpose, deliver up the Possession of such Premises to the said Trustees, or to such Person or Persons to take Possession of the same, in case the said Trustees or such Person or Persons shall pay or tender to him or them Six Calendar Months Rent of the said Premises; or in case the said Trustees or such Person or Persons shall give Six Calendar Months Notice to quit such Possession, that such Tenant or Tenants shall at the End of the said Six Calendar Months, or so soon after as he or they shall be thereunto required, peaceably and quietly deliver up the Possession of the said Premises to the said Trustees or such Person or Persons; and that in case any such Tenant or Tenants or Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, then it shall and may be lawful for the said Trustees to issue their Precept or Precepts to the Sheriff of the said County of *Middlesex*, (who is hereby required to obey such Precept or Precepts), to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts to the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods: Provided always, that in case any such Tenant at Will or Lessee from Year to Year shall be required to quit such Premises before the End of his current Year, he shall be entitled to receive a Compensation for the same, to be paid by the said Trustees, and in case such Trustees and such Tenant at Will or Lessee from Year to Year, shall not or cannot agree as to the Amount or Value of such Compensation, then the same shall be assessed by Jury, in such and the like Manner as is herein-before directed and declared with respect to any other Interest in any Lands, Tenements, or Hereditaments, to be taken for the Purposes of this Act.

Tenants at Will, &c. to quit Premises.

XLIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money by the said Trustees, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Trustees, or to such Person or Persons as the said Trustees shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Trustees, or such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar

Mortgages to be assigned on Tender of the Principal Money, &c.

Calendar Months, to be computed from the Day of giving such Notice, that then at the End of such Six Calendar Months, on the Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Trustees, or such Person and Persons as shall be appointed in Trust for them, and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine.

Cashier to give a Receipt for Purchase Money when paid into the Bank.

XLIV. And be it further enacted, That upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Trustees, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever.

Money to be paid before any Use is made of the Premises.

XLV. And be it further enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be paid or made pursuant to any such Agreement or Verdict as aforesaid, or in discharge of any such Mortgage, shall be paid or tendered to the Party or Parties entitled to the same, or paid into the Bank of *England* as aforesaid, before the said Trustees, or any Person or Persons authorized by them, shall enter upon and proceed to pull down any House or Houses, or other Erections or Buildings, comprised in or affected by such Agreement, Verdict, or Mortgage respectively, or enter upon and proceed to use the Ground for any of the Purposes of this Act.

Tolls.

XLVI. And be it further enacted, That the said Trustees shall and may erect and set up, or cause to be erected and set up, one or more Gate or Gates, Turnpike or Turnpikes, in, upon, and across the said intended Road, and also across or on the Side or Sides of any other Part of the said intended Road where any Highway shall or may join or meet the same, together with Toll Houses and proper and necessary Buildings, Conveniences, and Fences near to each such Gate or Turnpike; and the respective Tolls following shall and may be demanded or taken of and from all and every or any Person or Persons passing through the said Gate or Turnpike with or attending any Horse or Cattle, Sheep, Lambs, or Swine, by such Person or Persons as the said Trustees shall from Time to Time appoint, at any one of the said Gates or Turnpikes, before such Horse, Cattle, Sheep, Lambs, or Swine, shall be permitted to pass through the same; that is to say,

For every Horse, Mare, Gelding, Mule, Afs, or other Beast, drawing any Carriage or attending to the same, any Sum not exceeding Four-pence :

For every Horse, Mare, Gelding, Mule, or Afs, laden or unladen, and not drawing, any Sum not exceeding Two-pence :

For

For every Drove of Oxen or Neat Cattle, any Sum not exceeding Ten-pence *per* Score, and so in Proportion for any greater or less Number :

And, for every Drove of Swine, Sheep, or Lambs, any Sum not exceeding Three-pence *per* Score; and so in Proportion for any greater or lesser Number.

Which said respective Sums of Money shall be demanded and taken as Toll; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls, and for any Surveyor or Surveyors of the said Road, or any other Person or Persons duly authorized by the said Trustees, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to stop, seize, and distrain any Horse or Horses, or other Beast or Cattle on which such Toll is by this Act imposed, together with their Bridles, Saddles, Geer, Harness, or Accoutrements, or any Part thereof; and if such Tolls and the reasonable Charges of such Seizure or Distress shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Beast, Cattle, or Things so seized and distrained, (in like Manner and in such Form as herein-after is directed), or a sufficient Part thereof, returning the Overplus if any be, and what still remains unfold on Demand to the Owner thereof, after such Toll and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted and paid; and that all the Tolls and Monies so to be collected and levied, and the Money borrowed or to be borrowed on the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, to and for the Uses, Intents, and Purposes, and in such Manner as is herein mentioned.

XLVII. Provided always, and be it further enacted, That no Side Gate or Turnpike shall be erected or set up by the said Trustees, in or across the ancient Road called *Maiden Lane*, nor shall any Gate or Turnpike be erected or set up, or any Toll be taken on any Part of the said intended Road between *Maiden Lane* and *Kentish Town*.

No Toll to be taken between Maiden Lane and Kentish Town.

XLVIII. Provided always, and be it further enacted, That all Persons passing with Horses, Cattle, or other Things, through the next or any other Turnpike Gate or Bar on the said Road, shall, on producing a Ticket, be exempt at the next and every other of the said last-mentioned Gates or Bars from so much Toll as shall have been respectively paid for such Horses, Cattle, or other Things, at the other of the same Gates or Bars which they shall have so previously passed through: Provided also, that no Toll shall be taken in respect of any Horse, Cattle, or other Thing, which only crosses the said Road, or for any Horses or Cattle conveying Stone, Brick, Gravel, Rubbish, or other Materials for making or repairing the said Road, or for repairing the Highways in any Parish or Place through which any Part of the said Road leads, or Dung, Marl, Soil, Mould, Compost, or other Manure, of what Nature or Kind soever, to be used in manuring or improving of Land adjoining the said Line of Road, or for any Horses or Cattle conveying only Hay, Grass, Sanfoin, Fodder, Straw, or Corn in the Straw, passing to or from the said Lands (except Carts or Carriages laden with Hay or Straw for Sale, or with Hay or Straw which

Exemptions from Tolls.

[*Loc. & Per.*]

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shall

shall have been bought; and shall be then drawing Home to the Purchasers thereof); or for any Ploughs, Harrows, or other Implements of Husbandry, belonging to any of the Inhabitants in the Parishes, passing in order to the using or repairing of the same; or for Horses or Cattle going empty and unladen after having carried such Dung, Marl, Soil, Mould, Compost, or other Manure, Hay, Grass, Sanfoin, Fodder, Straw, or Corn in the Straw, or such Stones, Bricks, Gravel, Rubbish, or other Materials, for repairing the said Road, or for repairing the Highways in the Parishes through which the said Road leads, or for any Horses or Cattle of any Description employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, or in returning back from conveying or guarding the same, or for the Horses of Soldiers upon their March or upon Duty, or for any such Horses or Cattle attending them, or laden only with their Arms or Baggage, or returning after having been so employed, or when travelling with Vagrants sent by Passes, nor when conveying any Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Middlesex* on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted from the Whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

No Toll to be taken for Carriages laden with Ordnance, Barrack Stores, &c.

XLIX. Provided always, and be it further enacted; That no Toll or Tolls shall be demanded or taken by virtue of this Act, for or in respect of any Waggon, Wain, or other Carriage, Horse, Beast, or other Cattle, employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces.

Owners or Drivers of Waggon employed in the Service of His Majesty's Forces not to be subject to Penalties for Over-weight, &c.

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

Toll Gatherers to put up their Names.

LI. And be it further enacted, That every Gate Keeper, Toll Gatherer, or Collector or Receiver of the Tolls on the said Road shall, and he and they is and are hereby required to place his Christian and Surname painted on a Board in White Letters on a Black Ground, in fair legible Characters, of such Size as the said Trustees shall direct, in the Front on the Toll House

House where he shall be stationed to collect the said Tolls, immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector or Receiver of the said Tolls shall not place such Board as aforesaid, in the Manner and during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall give or place a false Name upon such Board, every such Collector or Receiver shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

LII. And be it further enacted, That if any Person or Persons shall go or pass with, or ride or drive any Horse or Beast, or ride in or drive any Carriage through or over any Land, Ground, or Place, lying by the Side of or near to any Part of the said Road, or if any Person or Persons owning, or occupying any Lands or Grounds, the same not being a Highway, at the Time of the passing of this Act, shall knowingly or wittingly permit or suffer any other Person or Persons to go or pass with any Horse or Horses, Cattle or Carriage, through or over such Land, Ground, or Place, whereby the Payment of any Tolls by this Act granted, or any Part thereof, shall be avoided; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive of any other Person or Persons any Note or Ticket with Intent to avoid the Payment of any or any Part of the said Tolls, or shall unload or cause to be unloaded any Goods or Merchandize, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, or having passed through any Turnpike shall afterwards add or put on any Horse or other Beast to any Carriage and draw therewith on any Part of the said Road, or shall do any other Act in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof, or shall ride, lead, or drive any Horse or other Cattle, or any Carriage upon any Foot Causeway or Path on the Side or Sides of any Parts of the said Roads, such Persons and every of them shall for each respective Offence forfeit a Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures, One Moiety whereof when recovered shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

Penalty on
evading the
Tolls.

LIII. And be it further enacted, That the several Collectors of the Tolls at the several Gates or Turnpikes to be erected on the Road directed to be made and maintained by virtue of this Act shall; and they are hereby required to deliver a Ticket gratis to the Person or Persons paying any Toll or Tolls at such respective Gates or Turnpikes, such Ticket denoting Payment of such Tolls respectively; and if any such Collector or Collectors shall neglect or refuse to deliver such Ticket upon Payment of the said Toll or Tolls, he, she, or they, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Toll Collect-
ors to issue
Tickets.

LIV. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the

Justices may
ascertain
Tolls.

Cafe

Cafe may happen), until the Quantity of the Tolls or Charges of distraining or selling the Distress (as the Cafe may happen) be ascertained by some Justice of the Peace for the County of *Middlesex*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and shall determine the Quantity of Tolls due, and also shall assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose upon the said Justice; all which Sums so distrained or assessed shall be paid to the said Collector before he shall be obliged to return the said Distress, or the Overplus after Sale thereof, or any Part thereof.

Toll Collectors may be Witnesses.

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

Altering Tolls.

LVI. And be it further enacted, That it shall be lawful for the said Trustees under this Act, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered by and with the Consent of the Person or Persons who shall be entitled to Five Sixth Parts of the Money which shall be then due on the Credit of the said Tolls, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Rates herein-before mentioned, and also from Time to Time to direct the Tolls hereby granted or so reduced as aforesaid, to be collected in such Parts or Proportions at the said Turnpikes or Toll Gates upon the said Road, as they shall think proper; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said Tolls hereby granted are directed to be collected, levied, and applied; and the said Trustees shall and may have Power and Authority to take down and remove any such Turnpike or Toll House, or other Building, and to set up the same again in any other Place or Places, in, upon, across, or on the Side or Sides of the said Road, except as herein-before mentioned: Provided always, that no Meeting shall be held for the Purpose of lessening, reducing, or advancing, all or any of the Tolls so lessened, or for the Purpose of removing any such Turnpike, Toll House, or other Building, unless Twenty-one Days previous Notice at the least shall be given thereof in Writing to all and every the said Trustees, and shall be affixed upon all the Turnpikes which shall be then erected upon the said Road, and also be inserted Twice in some one Newspaper published or circulated in the said County of *Middlesex*.

Leasing Tolls.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, after giving Twenty-one Days Notice in Writing, to be affixed on all the Turnpike Gates which shall be then erected upon the said Road, and advertising the same Twice at least in some Newspaper published

lished or circulated in the County of *Middlesex*, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term of Years not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Times and under such Covenants as the said Trustees shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such sufficient Security from the Person or Persons to whom any such Tolls shall be leased or demised for Payment of such Rents, and Performance of the Covenants to be reserved and comprised in such Lease or Leases, as the said Trustees shall think fit: Provided always, that at such Letting the said Trustees shall, and they are hereby authorized and empowered (in case they shall think it necessary) to bid Once for the said Tolls, to the Intent that such Tolls may not be disposed of at less than an adequate Value.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound, for any Term not exceeding One Year at a Time, with any Person or Persons, or Bodies Politic or Corporate, for any Horses, Beasts, or Cattle travelling on the said Road, for all or any of the Tolls to be paid in respect of such Horses, Beasts, or Cattle, and all such Composition Money shall be paid in Advance Quarterly or otherwise as the said Trustees shall think fit, and in Default the Composition shall be void. Compound-
ing for Tolls.

LIX. And be it further enacted, That the said Trustees, at any Meeting to be held for that Purpose, whereof Fourteen Days Notice shall be given in Writing, to be affixed upon all the Turnpike Gates then erected in pursuance of this Act, and inserted Twice at the least in One or more of the Newspapers published or circulated within the County of *Middlesex*, shall and may, and they are hereby empowered, from Time to Time, to borrow and take up at Interest, or by way of Annuity, in Manner herein-after mentioned, or in any other Manner that may be from Time to Time agreed on at a General Meeting of the Subscribers and Creditors under this Act, of which Meeting like Notice shall be given, and at which Two-thirds at least in Value of all the said Subscribers and Creditors shall give their Assent to the Manner proposed, such Sum and Sums of Money as they shall think needful for the Execution of this Act, and for that Purpose by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the Tolls to be collected and levied at any of the said Turnpikes, or any Part thereof respectively, and also the respective Toll Houses and Appurtenances, the Charges of assigning or mortgaging the same, to be paid out of such Tolls, for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees upon the Credit of such respective Tolls to such Person or Persons, or his or their Trustee or Trustees, who shall advance and lend the same, to secure the Payment thereof, with such Interest, or to secure the Payment of such Annuity or Annuities as the said Trustees shall think proper, which said Money so borrowed shall be applied and disposed of to the Purposes of this Act. Trustees may
raise Money
by Mortgage
or Annuity
secured by
the Tolls.

LX. And whereas many Persons may choose to advance Money for the Purchase of Annuities, to be secured upon and payable out of the said Tolls and Rates; be it therefore further enacted, That it shall and may be lawful for any Person or Persons to contribute, advance, and pay into the Hands of the said Trustees or their Treasurer, for the Purposes of this Act, Granting-
Annuities.

[*Loc. & Per.*]

39 M

any

any Sum or Sums of Money for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable for any Term or Terms of Years, or other Time not exceeding the Term of this Act, and determinable with such Life or Lives as shall be nominated by the said Contributors, on Payment of their Contributions or otherwise; all which Annuities, so to be purchased, shall be payable and paid by the said Trustees out of the Monies to arise by or from the said Tolls and Rates, by Two equal Half-yearly Payments, the First Payment to be made to the respective Purchasers or their Assigns at the Expiration of the First Half Year after Payment of their respective Purchase Money.

LXI. And be it further enacted, That such Mortgage or Mortgages and the Grants of such Annuity respectively, may be in the Forms following; *videlicet*,

Form of
Mortgage.

‘ BY virtue of an Act made in the Year of the Reign
‘ of His Majesty King *George* the Third, intituled, [*Here set forth the*
‘ *Title of this Act*] We of the Trustees for putting
‘ the said Act into Execution, in Consideration of the Sum of
‘ to the Treasurer of the said Road in hand paid, do grant,
‘ bargain, sell, and demise unto *A. B.* his Executors, Administrators,
‘ and Assigns, such Proportion of the Tolls arising from the said Road,
‘ and of the Turnpikes and Toll Houses for collecting the same, as the
‘ said Sum of doth or shall bear to the whole Sum
‘ due and owing on the Credit thereof.’

Grant of
Annuity.

‘ BY virtue of an Act made in the Year of the Reign
‘ of His Majesty King *George* the Third, intituled, [*Here set forth the*
‘ *Title of this Act*] We
‘ Trustees for putting the said Act into Execution, in Consideration of the
‘ Sum of to the Treasurer of the said Road
‘ in hand paid, do grant, bargain, and sell unto *A. B.* his Executors,
‘ Administrators, and Assigns, One Annuity or Yearly Sum of
‘ to be paid to him, his Executors, Administrators, and
‘ Assigns, for and during and unto the End of Years from
‘ the Day of the Date of these Presents, by Half-Yearly Payments, on the
‘ Day of and the Day of
‘ in every Year, if of being now of the
‘ Age of shall so long live; and for better securing the
‘ Payment of the same, do hereby grant, bargain, sell, and demise unto
‘ the said *A. B.* his Executors, Administrators, and Assigns, such Pro-
‘ portion of the Tolls arising from the said Road, and of the Turnpikes
‘ and Toll Houses for collecting the same, as the said Sum of
‘ doth or shall bear to the whole Sum due and owing on the
‘ Credit thereof.’

To be entered
in Books.

LXII. And be it further enacted, That all Agreements, Mortgages, Grants, and other Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which Book or Books shall and may at all seasonable Times be perused and inspected by any of the Subscribers to the said Road, or by the Mortgagees or Annuitants, or any of them, without Fee or Reward; and every Person to whom any Mortgage shall be made or Annuity granted, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his or her Right, Title, Interest, or Benefit

May be
transferred.

to the said Mortgage, and the Principal and Interest thereby secured, or to such Annuity respectively, to any other Person or Persons whomsoever, by Indorsement on the Back of such Security, or by any other Writing under his or her Hand before One credible Witness, in the following Words, or Words to the like Effect; *videlicet*,

‘ I do transfer this Mortgage [*or a certain Mortgage, or this Annuity, or a certain Annuity, as the Case may be*] with all my Right and Title to the Principal thereby secured, and to all Interest now due upon the same, or to the said Annuity, and all Arrears now due thereon, unto
his Executors, Administrators,
and Assigns. Dated this Day of

‘ A. B.’

Which Transfer shall be produced and notified to the said Clerk or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, and Names of Parties and Sums of Money or Amount of Annuity therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and such Transfer shall then entitle such Assignee, his or their Executors, Administrators, and Assigns, to the Benefit thereof and the Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, except the Person to whom the same shall be last transferred, to make void, release, or discharge the original Securities and Monies thereby due, or any Part thereof; and all Persons to whom any such Mortgage, Grant of Annuity, or Transfer shall be made by virtue of this Act, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted in equal Degree one with another, and shall have no Preference in respect to the Priority of the Time of Advance of any Sum or Sums of Money, or such Mortgage or Mortgages, or Grant or Grants of Annuity, or of the Dates thereof respectively.

To be entered.

LXIII. And be it further enacted, That the said Trustees shall from Time to Time, and at all Times hereafter, whenever the same shall be necessary, well and sufficiently repair the said Road hereby directed to be made, and the Foot-path belonging to the same; and if the said Road or Foot-path shall at any Time or Times hereafter become foundrous, miry, and out of Repair, so that any Presentment or Indictment of or respecting the same shall be made, whereby the Parishioners of the said Parish of *Saint Pancras* shall or may be put to any Expence in or about defending such Presentment or Indictment, or by Means of any Judgment to be pronounced thereon, or in anywise relating thereto, then the said Trustees shall, upon Notice of such Expence to be given by the Clerk to the said Directors to the Clerk of the said Trustees, forthwith pay all such Sum and Sums of Money to the said Clerk to the said Directors, for the Use of the said Directors; and the Receipt or other Acknowledgment of the Clerk of the said Directors shall be a full and sufficient Acquittance to the said Trustees, to all Intents and Purposes whatsoever, and against all Persons whomsoever.

Compelling the Trustees to repair the Road.

LXIV. And be it further enacted, That the said Trustees shall and may order and cause to be watered, so much and such Parts of the said Road, and

Trustees may water the Roads.

and at such Time or Times as they shall think proper, and shall for that Purpose have full Power and Authority from Time to Time to dig and sink such Wells on the said Road, and to erect such Pumps, and to purchase or cause to be made, such Machines, Carts, or Engines, and to purchase such Horses as shall be necessary for watering, or to contract with any Person or Persons for watering so much of the said Road as they the said Trustees shall think fit.

For fencing
the Road, &c.

LXV. And be it further enacted, That the said Trustees shall at their own Costs (within One Month next after any Part of the said intended Road shall be formed) divide and separate, and keep constantly divided and separated, the Lands and Premises on each Side of the said Road, from such Road, by Posts and Rails, Hedges, Ditches, Banks, or other Fences, proper and sufficient to fence in Sheep and other Cattle; the same to be set out and made on the Land which shall be purchased by, conveyed to, or vested in the said Trustees as aforesaid; and the said Trustees shall at their own Expence, from Time to Time maintain and support the said Posts and Rails, Hedges, Ditches, Banks, and other Fences, so to be set up and made as aforesaid; and also shall at their own like Expence make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates, Stiles, and Entrances, in, over, and through all the Hedges and Fences to be by them so made as aforesaid, of such Dimensions, and in such Manner as any Two or more Justices of the Peace for the said County of *Middlesex* shall from Time to Time deem necessary and direct, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands, Tenements, and Premises adjoining or near to such intended Road; and all such Gates, Stiles, and Entrances, so to be made as aforesaid, shall from Time to Time, and at all Times thereafter, be supported, maintained, and kept in sufficient Repair by the said Trustees; and in case the said Trustees or their Agents shall refuse or neglect to divide and separate, and to keep divided and separated, any of the Lands and Premises on each Side of the said Road from such Road in Manner herein directed; or to make, erect, or set up any such Gates, Stiles, and Entrances, in, over, and through the Hedges and Fences on the Sides of or into the said Road as aforesaid, for the Use and Convenience of the respective Owners or Occupiers of the Lands, Tenements, or Premises adjoining or near to the said Road, or to maintain and support such Gates, Stiles, and Entrances when erected, set up, and made of such Dimensions and in such Manner as aforesaid, for the Space of One Calendar Month next after the Time to be appointed for those Purposes by such Justices, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands or other Premises respectively, who may be aggrieved by any such Refusal or Neglect, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Tenements, or Premises, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to divide and separate the said adjoining Lands and Premises as aforesaid, or to make, erect, and set up, all such Gates, Stiles, and other Entrances, as such Justices shall have directed or appointed to be made, erected, and set up, by the said Trustees as aforesaid, and to maintain, repair, and support, the said Fences so to be made, and the said Gates, Stiles, and other Entrances, from Time to Time as Occasion shall require; and all the reasonable Costs and Charges thereof (to be settled and allowed by such Justices) shall be repaid to the respective Owners or Occupiers of the said adjacent
Lands,

Lands, Tenements, or Premises, who shall have so made or erected, repaired or maintained such Fences, Gates, Stiles, and Entrances as aforesaid, or their Representatives, by the said Trustees, within the Space of One Calendar Month next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been made thereof and delivered to the said Trustees, or to their Clerk for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, such Justices shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by or from the Tolls hereby authorized to be taken, or by Distress and Sale of any of the Goods and Chattels of the said Trustees which shall be found in or upon the said Road, or near to the same, belonging to the said Trustees in their Capacity of Trustees, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, or their Representatives; rendering to the said Trustees or to their known Agents or Collectors the Overplus, if any, after deducting the reasonable Charges to be settled by such Justices; or all or any of the said Owners and Occupiers may have such and the like Remedy against the Treasurer to the said Trustees for the Recovery of such Costs and Charges by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

LXVI. Provided always, and be it further enacted, That nothing herein contained shall in anywise hinder or prevent any of the Owners or Occupiers of any of the Lands or Premises adjoining to the said intended Road from making, at their own Costs and Charges, such other Gates, Stiles, or other Entrances from the said intended Road into any of such adjoining Lands or Premises, as they may respectively think necessary, nor from again stopping up, changing, or altering the same respectively, at their free Will and Pleasure; and at any Time or Times after any of the said Owners or Occupiers respectively shall have erected or made any House or Building, or Garden or other Wall, or other sufficient Fence along any Part of the said intended Road, on either Side thereof, the said Trustees shall, and they are hereby required, upon Notice in Writing to be given to or left at the Dwelling House or Office of their Clerk or Surveyor, by or on Behalf of such Owners and Occupiers respectively, to remove or cause to be removed the Fence which may before have been put up in pursuance of this Act, for all or any Part of the Extent of such House or Building, Wall, or other sufficient Fence to be made as last aforesaid; so that there may be no Impediment whatsoever to such Owners and Occupiers respectively having and enjoying the sole, free, and uninterrupted Use and Benefit of the Frontage next to the said intended Road, in every or any Part of their respective adjoining Lands and Premises; and in case the said Trustees shall not, within Fourteen Days after such Notice shall have been so given or left as aforesaid, remove such Fence, that then it shall be lawful for such Owners or Occupiers respectively to remove and take the same to their own Use.

Fences, &c.
may be re-
moved by
Owners, &c.

LXVII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to search for, dig, gather, and take away any Gravel, Furze, Heath, Sand, Stones, and other Materials for making or repairing the said Road, in or out of any River or Brook, or out of any

Power to take
Gravel out
of Waste
Ground, &c.

Moor, Waste, or Common Grounds, in any Parish or Place in or near which any Part of the said Road doth or shall lie, without paying any Thing for such Materials, such Surveyor or Surveyors levelling or causing to be levelled all Holes and Pits, or otherwise causing the same to be railed or fenced off, where or from whence any such Materials shall be dug, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers whatsoever, and paying for the Damages done by going over or through any private Lands or Grounds for or with such Materials; and also that it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (subject nevertheless to the Proviso and Directions next herein-after contained), to search for, dig, take, and carry away such Materials in and out of the several Grounds of any Person or Persons (not being a Garden, Orchard, Park, Yard, Paddock, or planted Walk or Walks, or Avenue to a House, or any Piece of Land inclosed, planted, and set apart as a Nursery for Trees), paying or rendering such Rates for such Materials and for the Damages done to the Owners or Occupiers of such Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials as aforesaid shall be carried, as the said Trustees or any Three or more of them shall adjudge reasonable; and in case of any Difference concerning the same, the Amount thereof shall be assessed by a Jury in such and the like Manner as is herein-before directed and declared with respect to any Interest in Lands, Tenements, or Hereditaments, to be taken for the Purposes of this Act; and the Verdict of such Jury thereon shall be final and conclusive upon all the said Parties.

No Furze or Heath to be taken from Hampstead Heath without Consent.

LXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the said Trustees, or any of their Officers or Workmen, to take or remove from or off *Hampstead Heath* in the County of *Middlesex*, any Furze or Heath, without the Consent in Writing of the Lord or Lords, Lady or Ladies of the Manor of *Hampstead* for the Time being, first had and obtained for that Purpose.

Surveyors not to carry away Materials out of any private Grounds, without giving Notice to the Occupiers.

LXIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyors or other Person or Persons, under the Authority of this Act, to take or carry away Materials for repairing the said Road, from any inclosed Lands and Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two Justices of the Peace acting for the County where such Lands are situated, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, such Justices shall, if they think meet, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, without some reasonable Excuse to be allowed by such Justices, the said Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

LXX. And

LXX. And be it further enacted, That if the Owner or Occupier of any such Grounds, or any Person whomsoever, shall take any Materials which shall have been dug or gathered in any Land, Fields, Waste Ground, River, or Brook, for any of the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall be made for the Purpose of getting such Materials before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of any such private Grounds, and Persons authorized by such Owner or Occupier to get Materials therein for his, her, or their own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty for taking away Materials.

LXXI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, appointed or to be appointed by the said Trustees, and such Persons as they shall respectively appoint from Time to Time, to remove all Obstructions, Annoyances, and Encroachments upon any Part of the said Road.

For removing Annoyances, &c.

LXXII. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag upon any Part of the said Road, to the Prejudice thereof, or if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on or drive or lead any Horse, Beast, Cattle, or Carriage, over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Road, or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways, or any Lamp Posts or other Posts, or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry (without some reasonable Cause to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed, in order to his Conviction, or except with regard to such Waggon, Wain, Cart, or other Carriage during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Road as conveniently may be), in, upon, or on the Sides of the said Road, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Road or on the Side or Sides thereof, to the Prejudice thereof or Annoyance of any Person travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty for drawing Timber and committing other Annoyances, &c.

LXXIII. And whereas Persons guilty of Offences against this Act may be unknown to the said Collectors, Surveyors, or other Officers; be it further enacted, That it shall be lawful for the said Collectors, Surveyors, or other Officers respectively, to seize any such unknown Person or Persons,

Power to Collectors to detain transient Offenders.

and

and forthwith to convey him, her, or them, before any One, or more Justice or Justices of the Peace for the said County of *Middlesex*, without any other Warrant or Authority than this Act for so doing.

Fixing Mile
Stones,
Lamps, &c.

LXXIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered and required from Time to Time, to cause one or more Mile Stones to be placed on the Side of the said Road, and also such a Number of Lamp Irons, or Lamp Posts, and Lamps, as they shall think proper for lighting the said Road; and shall and may also from Time to Time contract with any Person or Persons for providing, lighting, maintaining, cleaning, and repairing the said Lamps, and the Expences of providing the said Mile Stones, and of providing, cleaning, lighting, and maintaining such Lamps; and the Allowances to be made to Watchmen, herein-after to be appointed, and all other Charges incident to the said respective Services, shall be paid and defrayed by and out of the Money to be raised by virtue of this Act.

Watchmen.

LXXV. And be it further enacted, That the said Trustees shall be empowered, and they are hereby required from Time to Time as they shall judge proper, to appoint such Number of able-bodied Men to be armed and cloathed in such Manner as the said Trustees shall direct, to be employed as Watchmen or Patroles upon the said Road, which Watchmen and Patroles shall attend at such Times and Places and perform such Duty as the said Trustees shall direct and appoint; and the said Trustees shall and may cause to be erected and provided Watch Boxes, Benches, or other Requisites, for such Watchmen and Patroles, at such Places upon the said Road as they shall judge necessary; and the said Trustees shall and may also appoint a Person or Persons to be Night Constable or Night Constables, who shall attend and go along the said Road, at such Times and in such Manner as the said Trustees shall direct; and the said Trustees may from Time to Time remove any of the said Night Constables, Watchmen, and Patroles, and appoint others in their Room, or in the Room of such as shall die or refuse to serve in such respective Capacities; and the said Trustees are hereby empowered from Time to Time to make such Rules, Orders, and Regulations, for the better governing of the said Watchmen, Patroles, and Night Constables, and for other the Purposes of this Act with respect to watching the said Road and keeping the Peace thereon, as they the said Trustees shall think proper.

Turnpikes
vested in
Trustees.

LXXVI. And be it further enacted, That the Right and Property of all and every the Gates, Bars, Turnpikes, Toll Houses, Mile Stones, Posts, Store Houses, Rooms, Sheds, Carts, Engines, Materials for repairing Pavements, Posts, Rails, Implements, Utensils, and Things whatsoever, which may hereafter belong to the said Road, or which shall be continued, erected, and set up or provided by the said Trustees, or by their Order, or otherwise belonging to or used by them for putting this Act in Execution; and also the Right and Property of all such Lamps as shall be erected or fixed in pursuance of this Act, with the Posts, Irons, and other Furniture and Materials of such Lamps; and also the Right and Property of all the Arms and Accoutrements of the Watchmen and Patroles, and of all Watch-houses or Boxes, Benches, Implements, and Things, to be provided for the said Watchmen and Patroles, shall be vested in the Trustees for the Time being, and they are hereby empowered to dispose of the same
for

for the Use and Benefit of the said Road as they shall think fit, and to bring Actions, or to prefer and prosecute with Effect Bills of Indictments against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same, or any of them respectively to their own Use or Uses, or shall disturb them the said Trustees or their Surveyors, or other Persons acting under them, in the Possession of the Property thereof, in all which Bills of Indictment it shall be sufficient to allege the Property to be the Property of the Trustees of the *Archway and Kentish Town Junction Road* in the County of *Middlesex*, and no further or other Description of the Proprietors of the same shall be necessary; and if any Person or Persons shall wilfully break, throw down, deface, or damage any of the said Mile Stones, Posts, Watch-houses, Boxes, Benches, or other Requisites, to be provided as aforesaid for the Purpose of watching the said Road, it shall be lawful for any Person or Persons whomsoever, who shall see such Offence committed, to apprehend, and also for any other Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act, without any other Warrant, to cause him, her, or them to be conveyed before some Justice of the Peace for the County of *Middlesex*, and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of all or any of the Offences aforesaid, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted, shall forfeit and pay for every such Offence to the Trustees for the Time being, a Sum not exceeding the Sum of Forty Shillings, and shall also make Satisfaction to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, for the Damage so by him, her, or them done, as aforesaid; and in case such Offender or Offenders shall not, upon Conviction, pay such Forfeitures and make Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them to the nearest Bridewell or House of Correction for the said County of *Middlesex*, there to be kept to hard Labour for any Space of Time not exceeding Twenty-one Days; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall have been so committed, unless such Penalty or Forfeiture and Satisfaction shall be sooner paid or given.

LXXVII. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage or destroy any of the said Lamps which shall be so erected or continued by the said Trustees, or any of the Posts, Irons, or other Furniture thereof, or take away or throw down any of the Oil from or out of the said Lamps, or extinguish any of the said Lamps when lighted, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Middlesex*, within his or their Jurisdiction, and he and they is and are hereby required, upon Oath made of the Commission of any such Offence, to issue a Warrant or Warrants for apprehending the Party or Parties accused; or it shall be lawful for any Person or Persons whomsoever, who shall see such Offence committed, to apprehend, as also for any other Person or Persons to assist in apprehending, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County of *Middlesex* where the

Penalty for
wilfully da-
maging
Lamps, &c.

Offence shall be committed, and on the Party or Parties accused being brought before any such Justice, or on Oath being made before him that such Party or Parties cannot be found and apprehended, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear to be produced to give Information touching such Offence, and if the Party, or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted shall for the First Offence forfeit the Sum of Ten Shillings for each Lamp and Oil so broken, damaged, destroyed, taken away, thrown out, or extinguished as aforesaid, and for the Second Offence the Sum of Twenty Shillings, and for the Third and every other subsequent Offence the Sum of Forty Shillings, and full Satisfaction shall also be made to the said Trustees or their Surveyor by such Offender or Offenders for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him, her, or them to the House of Correction for the said County of *Middlesex*, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be committed, unless such Forfeiture or Satisfaction shall be sooner paid and given; and if any Person shall negligently or accidentally break, throw down, or otherwise damage, destroy, take away, or waste any of the said Lamps or Oil, or any of the Posts, Irons, or Furniture thereof, and shall not upon Demand make Satisfaction to the said Trustees or to their Surveyor for the Damage by such Person so done, it shall be lawful for any Justice of the Peace for the said County, and he is hereby required upon Complaint to be made by the said Trustees, or by their Surveyor or other Person, to summon the Party complained of, and upon his or her Appearance or making Default to appear, (Oath being made that the Party complained of was served with such Summons, or that the same was left at his or her Dwelling House or Place of Abode, if known, or that he, she, or they could not be found), such Justice shall proceed to examine the Matter of the said Complaint; and upon Proof thereof, either by the Confession of the Party complained of, or by the Oath of One or more credible Witness or Witnesses, shall award and order such Satisfaction to be made by the Party complained of for the Damage so by him or her done, as to such Justice shall appear just and reasonable, and shall cause the Sum so awarded, in case the same be not paid forthwith upon the making of such Award and Order, to be levied by Distress and Sale of the Offender's Goods and Chattels, rendering to him or her the Overplus (if any be) upon Demand, after the Charges of prosecuting such Complaint and such Distress and Sale shall be deducted; and in case sufficient Distress cannot be found, such Justice shall commit the Party complained of to the Common Gaol or House of Correction for the said County, until he or she shall pay the Sum so awarded, or for any Time not exceeding the Space of One Calendar Month.

Persons accidentally damaging Lamps.

The Trustees to enable them to light and watch the Road, may

LXXVIII. And be it further enacted, That the better to defray the Expences of lighting and watching the said intended Road, it shall and may be lawful for the said Trustees, or any Person or Persons by them duly authorized, to demand, receive, and take at any One Turnpike Gate or Gates,

Gates, Bar or Bars, to be erected in pursuance of this Act, from the Twenty-ninth Day of *September* to the Twenty-fifth Day of *March* in every Year, both Days inclusive, after Sun-set in one Day until Sun-rising of the next Day, over and above such Tolls or Duties as are before granted by this Act, the Tolls or Duties following; that is to say,

For every Horse, Mare, Gelding, or other Beast, drawing or attending to draw any Carriage, any Sum not exceeding the Sum of One Penny: Night Toll.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding One Halfpenny.

Which said Tolls or Duties shall be respectively paid before any such Horse, Mare, Gelding, or other Beast shall be permitted to pass such Turnpike Gate or Gates, Bar or Bars, as aforesaid; and the said Trustees, or such Person or Persons as they shall authorize and appoint, shall have the same Powers, Authorities, and Remedies for demanding, collecting, recovering, and levying the Tolls or Duties hereby made payable, and the said Tolls shall be subject to the same Exemptions and Restrictions in respect of their not being payable on the Day or Days of Election of a Knight of the Shire of the said County of *Middlesex*, as are by this Act given, prescribed, or contained, for demanding, collecting, recovering, and levying the Tolls hereby granted; all which said last-mentioned Tolls and Duties are hereby vested in the said Trustees, and shall be paid, applied, and disposed of to and for such Uses, Intents, and Purposes, as are herein-before directed and appointed, and to and for no other Use, Intent, or Purpose whatsoever.

LXXIX. And be it further enacted, That the said Trustees shall, and they are hereby authorized and empowered from Time to Time, at any of their said Meetings as Occasion shall require, to contract and agree with any fit Person or Persons, Artificers, Workmen and others, for the making and doing of all and every or any Part of the Work or Business to be done in and about the making, paving, repairing, widening, improving, and maintaining, lighting, cleansing, watching, and watering the Road herein-before described, and for the doing all Matters and Things authorized or directed to be done and performed by this Act, or for the supplying any of the Materials for the same, which Contract or Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of the Non-performance thereof, and shall be signed by Three or more of the said Trustees, and also by the Person or Persons contracting to perform such Works respectively, which Contracts, or a Copy thereof, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees; but previous to making any such Contracts Ten Days Notice at least shall be given in one or more public Newspaper or Newspapers published and circulated in the County of *Middlesex*, as aforesaid, expressing the Intention of entering into such Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for the Purpose, to be offered and presented to the said Trustees at a certain Time and Place in such Notice to be mentioned.

Trustees may
make Con-
tracts of all
Kinds.

LXXX. And

Trustees may employ Surveyors and sue for Breach of Contract.

LXXX. And be it further enacted, That the said Trustees shall cause all and every of the Works to be done in pursuance of this Act to be inspected by the Surveyor or Surveyors, or such other Person or Persons as they shall for that Purpose appoint, and in case the same shall not be well and sufficiently performed, according to the Intent and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times specified in such Contract or Contracts, then the said Trustees may cause an Action to be brought in any of His Majesty's Courts of Law at *Westminster*, against any such Contractor for any Penalty contained in his Contract, and on Proof of the signing of the said Contract and Non-performance thereof at the Time or Times for that Purpose to be therein mentioned, the said Trustees shall be entitled to and shall recover the full Penalty contained in such Contract, and when recovered the same shall be applied for the Purposes of this Act.

Trustees may compound for Penalties for Breach of Contract.

LXXXI. Provided always, That it shall be lawful for the said Trustees (if they think fit) to compound and agree with any such Contractor for any Penalty incurred by him for the Breach and Non-performance of any such Contract, for such Sum of Money as the said Trustees shall think proper, not being less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract, and all Costs, Charges, and Expences which shall be occasioned thereby.

Penalty on assaulting Officers, &c.

LXXXII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or forcibly hinder or disturb, or cause, promote, or encourage so to be assaulted, interrupted, hindered, or disturbed, the Collectors of the said Tolls, or any of them, or the Turnpike Surveyor or Surveyors, or any Person or Persons employed by him or them, or any other Person or Persons whomsoever employed by the said Trustees in the Execution of any Part of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalties and Forfeitures how to be recovered and applied.

LXXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, (if the Manner of levying and recovering thereof is not herein otherwise directed), shall upon Proof of the Offences respectively committed before any Two Justices of the Peace for the County wherein the Offenders shall be and reside, or the Offences shall be committed (not being Trustees under this Act), either by the Confession of the Party or Parties offending, or by the Oath of one or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hands and Seals of such Justices, which Warrant such Justices are hereby empowered to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers of the said Trustees, and applied to the
Repairs

Repairs of the said Road; and in case sufficient Distress shall not be found, and such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any Two Justices of the Peace as aforesaid, and they are hereby authorized and required by Warrant or Warrants under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol of the said County, there to remain without Bail or Main-prize for any Time not exceeding Two Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid or satisfied.

LXXXIV. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Trustees from Time to Time, if they shall see Cause, to pay and apply any Part of the said Penalties or Forfeitures to and for the Use of the Informer or Informers, or any Person or Persons (not being a Witness or Witnesses), taking or seizing any Delinquent or Delinquents, or assisting therein, or any of them.

Power to give
Informer
Part of Pen-
alties.

LXXXV. And be it further enacted, That in all Cases of Distress which shall be taken by virtue of this Act for any Sum or Sums of Money which shall be due and unpaid for or in respect of any Tolls, Duties, Compositions, Rates, Charges, or otherwise, (except for Penalties and Forfeitures as aforesaid), every such Distress shall and may be kept and detained for the Space of Five Days from the Time of taking thereof, unless the Sum or Sums for which such Distress shall be so taken, together with the reasonable Charges of taking and keeping the same, be sooner paid; and after the Expiration of the said Five Days it shall be lawful for the Person or Persons making such Distress to sell and dispose of the same, returning the Overplus (if any be) to the Owner or Owners thereof, on Demand, after such Sum or Sums of Money for which such Distress had been so made, with the reasonable Charges of taking, keeping, and selling such Distress, shall be deducted and paid.

Manner of
Distress.

LXXXVI. And be it further enacted, That where any Penalties or Forfeitures, Tolls, Rates, Compositions, Duties, or other Sum or Sums of Money are by this Act directed to be levied by Warrant of Distress in case of Non-payment, and sufficient Distress cannot be found within the County of *Middlesex*, then, upon Oath made before any Justice of the Peace of any other County or Place where sufficient Distress may be found, of the Hand Writing of the Justices of *Middlesex* set to such Warrant, (which Oath the said Justices of such other County or Place is hereby empowered and required to administer, and to indorse his Name on such Warrant), the Goods and Chattels of the Person or Persons against whom such Warrant shall be issued shall be subject and liable to such Distress in the County or Place where the same shall or may be found, and may by virtue of such Warrant and Indorsement be distrained and sold by the Person or Persons bringing such Warrant, or to whom such Warrant shall have been originally directed, in the same Manner as if such Goods and Chattels had been found in the said County of *Middlesex*.

Power to fol-
low Default-
ers in other
Counties.

Persons ag-
grieved may
appeal to the
Sessions.

LXXXVII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at their General or Quarter Sessions to be holden for the said County of *Middlesex* next after such Cause of Complaint shall arise, unless the same shall arise within Fourteen Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise; and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and shall and may, if they see Cause, by Order of such Sessions mitigate, at their Discretion, all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and to levy, by their Order or Warrant, such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same; and, for want of sufficient Distress, to commit such Person or Persons to some Common Gaol in or for the said County of *Middlesex*, for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Persons in-
tending to
appeal, to
give 14 Days
Notice, and
enter into
Recognizance
to pro-
secute such
Appeal.

LXXXVIII. Provided always, That the Person or Persons so appealing as aforesaid, shall, and he, she, or they, is or are hereby required to give Notice in Writing, to the Clerk to the said Trustees of the said Road of such his, her, or their Intention of bringing or prosecuting such Appeal, Fourteen Days before the said Quarter Sessions, and shall before such Notice given enter into a Recognizance before One or more Justice or Justices of the Peace for the said County of *Middlesex*, with Two sufficient Sureties, in the Sum of Twenty Pounds, with Condition to prosecute such Appeal, and to pay Costs, in case such Appeal is determined against the Party or Parties so appealing, if the Court shall award the same.

For com-
pelling Wit-
nesses to at-
tend.

LXXXIX. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutors or the Person or Persons accused, shall, on being paid or tendered a reasonable Sum for his, her, or their Time, Attendance, and Expences, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect; or appearing, shall refuse to be examined upon Oath, (or in case of a Quaker or Quakers on solemn Affirmation), and to give Evidence before such Justice of the Peace, then, and in either of the said Cases, every such Person shall forfeit for every such Offence any Sum not exceeding Twenty Pounds.

Witnesses
may be
brought up
by Habeas
Corpus ad
Testifican-
dum.

XC. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness in Manner or for the Purposes last aforesaid, or to give Evidence before any Jury to be impanelled in Manner herein-before mentioned, for the Purpose of ascertaining the Value of Premises purchased or contracted for by the said Trustees for the Purposes
of

of this Act, shall be in Custody for Debt, or otherwise prevented or hindered from obeying such Summons, it shall and may be lawful to and for any Judge or Justice of any of His Majesty's Courts of Record at *Westminster*, and he is hereby required, on Application made to him on behalf of the said Trustees, or of any Person or Persons interested in the Testimony of such Witness, to grant a *Habeas Corpus ad Testificandum*, for the Purpose of procuring and compelling the Attendance of such Witness in Manner and for the Purposes aforesaid, or any of them.

XCI. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; *videlicet*,

‘ **B**E it remembered, That on the _____ in the Year _____
 ‘ *A. B.* is convicted before me *C. D.* Form of Conviction.
 ‘ one of His Majesty's Justices of the Peace for the County of _____
 ‘ [*specifying the Offence, and the Time and Place when and where the same*
 ‘ *was committed, as the Case shall be*], contrary to the Form of the Statute
 ‘ in such Case made and provided. Given under my Hand and Seal, the
 ‘ Day and Year first above mentioned.’

XCII. And be it further enacted, That when any Distress shall be made by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or any other Proceeding relating thereto, nor shall the said Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall happen or be done in making such Distress; but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage which he, she, or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass or on the Case, at the Election of the Party or Parties so aggrieved. Distress not to be deemed unlawful for Want of Form.

XCIII. Provided nevertheless, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made by or on behalf of the Party or Parties distraining before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof made of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law. Plaintiff not to recover if Tender of Amends made.

XCIV. And be it further enacted, That all Orders and Proceedings of the Trustees at their several Meetings, shall be entered in a Book or Books to be entered in a Book.

to be kept for that Purpose, and such Orders and Proceedings, so entered and signed by a competent Number of the Trustees, as the Case shall require, shall be deemed to be Originals; and which said Book or Books, and also the Book or Books to be kept for registering the Mortgages and Annuities herein-before mentioned, shall be admitted as Evidence in all Courts whatsoever.

Prosecutors
and Prose-
cuted indem-
nified.

XCV. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, they the said Trustees shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor or such Person or Persons in whose Name or Names such Action or Prosecutions shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bonâ fide* out of Pocket for or by Reason of such Action or Prosecution, or any Judgment or Determination thereof; and likewise indemnify all such Persons as shall be prosecuted or have any Action or Actions brought against them for or by reason of any thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees.

Limitation
of Acontis.

General Issue.

XCVI. Provided always, and be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act until Twenty-one Days Notice shall be thereof given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every Action or Suit shall be laid, brought, and tried in the County of *Middlesex*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than the said County of *Middlesex*, then the Jury shall find for the Defendant or Defendants; and, upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Saving in fa-
vour of the
Creditors,
&c.

XCVII. Provided always, and it is hereby further enacted, That nothing herein contained shall be deemed, construed, or taken to extinguish, lessen, or injure the Security which the Creditors on the said intended Road, or any or either of them, shall or may have for their respective Debts; and that they the said Creditors, and their legal Representatives, shall be entitled to exercise and prosecute the like Powers and Means for Recovery

of their respective Debts, as herein-before provided for the Recovery of the Debts to be contracted or incurred by the Trustees appointed by this Act.

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

XCIX. And be it further enacted, That this Act, and all the Tolls and Duties hereby granted and made payable, and all the Powers hereby given, shall take place and have Commencement and Continuance from and after the passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

The SCHEDULE to which this Act refers.

IN THE PARISH OF SAINT PANCRAS.

PREMISES.	OWNERS.	OCCUPIERS.
Dwelling House, Yard, and Garden Ground - - }	Thomas Collins - - -	William Hartshorn.
Outhouse, Stable, Garden, and Grafs Land - - - }	J. P. Torriona - - -	William Englefield.
Dwelling House and Garden -	{ The Master, Fellows, and Scho- lars of St. John's College, Cambridge - - }	John Frost.
Ditto - - - -	Ditto - - - -	James Peat.
Ditto - - - -	Ditto - - - -	Jeremiah Samuel Jordan.
Grafs Land - - - -	Ditto - - - -	Charles Bacon.
Ditto - - - -	Ditto - - - -	Thomas Brown.
Ditto - - - -	Ditto - - - -	John Clark.
Ditto - - - -	Ditto - - - -	Richard Turner.
Plantation Ground - - -	{ The Trustees of the Parishes of Barnet and St. Pancras - }	George Meyer.
Grafs Land - - - -	George Woodfall - - -	Thomas Divett.

IN THE PARISH OF SAINT MARY, ISLINGTON.

Grafs Land - - - -	{ The Corporation of the Sons of the Clergy - - }	William Waterhouse.
Ditto - - - -	The Heirs of Richard Mortimer -	William Vorley.
Ditto - - - -	Sarah Wright - - -	William Small.
Plantation Ground - - -	The Heirs of Richard Mortimer -	Richard Rankin.
Garden Ground - - - -	Ditto - - - -	Joseph Wilson.