



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 158.

An Act for repairing the Road through the Parishes of *Saint Michael, Saint Alban, Saint Peter, Shenley, Ridge, and South Mims*, in the Counties of *Hertford and Middlesex*. [10th June 1811.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His present Majesty King George the Third, intituled, *An Act for more effectually amending, widening, and repairing the Road through the several Parishes of Saint Michael, Saint Alban, Saint Peter, Shenley, Ridge, and South Mims, in the Counties of Hertford and Middlesex*, where-
by several Acts therein mentioned, and relating to the said Road were, repealed: And whereas an Act was passed in the Thirty-fourth Year of the Reign of His said Majesty, intituled, *An Act to enable the Trustees for the Care of the Road through the several Parishes of Saint Michael, Saint Alban, Saint Peter, Shenley, Ridge, and South Mims, in the Counties of Hertford and Middlesex, to purchase certain Buildings and Hereditaments, for the Purpose of making a new Road at the Entrance into the Town of Saint Alban*: And whereas the Trustees appointed in or by virtue of the said first recited Act, have made great Progress in the Execution thereof, and have also proceeded in the Execution of the said Act of the Thirty-fourth Year of the Reign of His present Majesty, and for the Purposes of the said several Acts, have from Time to Time borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken by the said first recited Act, which Monies, together with several other Sums of Money, which were borrowed on the Credit of the said former Acts, so repealed as aforesaid, or some or One of them, still remain due, and cannot be repaid, nor can the said Road be effectually amended, widened, altered, improved, and kept in Repair, unless the Term and Powers granted by the said recited Act of the Thirty-first Year of His present Majesty, be enlarged: And as the Powers and Provisions thereof
[Loc. & Per.] 40 D have

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repealed,
and this Act
to be execu-
ted instead
thereof.

have been found in many Respects defective and insufficient, it would be more convenient to the Trustees, and beneficial to the said Road, if the said recited Act of the Thirty-first Year of the Reign of His present Majesty were repealed, and further and more effectual Powers granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, on the Twenty fourth Day of June next after the passing of this Act, the said Act, passed in the Thirty-first Year of the Reign of His said present Majesty, shall be and the same is hereby declared to be repealed; and that instead thereof this Act shall from thenceforth commence and take Effect and be put in Execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amend- ing, widening, altering, improving, and keeping in Repair the Road be- fore mentioned and described; and that this Act, and the Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the Tolls authorized by the said first recited Act to be taken on the said Road, and of all Monies which may hereafter be borrowed on the Credit of the Tolls hereby granted, and all Interest due and to grow due thereon respectively.

Trustees.

II. And be it further enacted, That the Knights of the Shire for the Counties of *Hertford* and *Middlesex* for the Time being, the Repre- sentatives in Parliament of the Borough of *Saint Alban* for the Time being, the Rectors or Vicars of the said several Parishes of *Saint Michael*, *Saint Alban*, *Saint Peter*, *Shenley*, *Ridge*, and *South Mims*, for the Time being; the Mayor, Aldermen, High Steward, Recorder, and Town Clerk of the said Borough of *Saint Alban*, for the Time being; together with *Charles Arnold*, *James Brown*, *George Byng*, *Henry Bonham*, *Henry Browne*, *Francis Baronneau*, *John Newball Bacon*, *William Benniworth*, *Joseph Bunn*, *John Boys*, *Thomas Baker* Doctor of Physic, the Reverend *William Browne* Clerk, *Richard Brabant*, *William Brown*, the Honourable *Frede- rick Cavendish*, *Justinian Casamajor*, *Daniel Carpenter*, *Charles Costerell*, *John Clarke*, the Reverend *Thomas Clarke* Clerk, *William Domville*, *Rivers Dickenson*, *Alexander Dury*, *John Emmett*, *Samuel Robert Gaussen*, *John Harrison*, *Patrick Hadow*, the Reverend *James Carpenter Gape* Clerk, *John Greaves*, *Thomas Kinder* of *Saint Albans*, *Thomas Kinder* of *Saundridge*, *John Kentish*, *Francis Kingston*, *Joshua Kentish*, *Thomas Henry Lamb*, *Joshua Lomax*, the Reverend *Jeremiah Lowe* Clerk, the Reverend *Caleb Lomax* Clerk, *George Sullivan Marten*, *Samuel Maxey*, the Reverend *John Payler Nicholson* Clerk, the Reverend *Thomas Newcome* Clerk, *Edward Payne* of *Saint Albans*, *Stephen Pellett* Doctor of Physic, the Reverend *James Preedy* Clerk, *James Quilter*, the Reverend *Alfred William Roberts* Clerk, *George Stainforth*, *William Snell*, *William Smith*, *Stephen Smith*, *Francis Carter Searancke*, *John Samuel Story*, *Joseph Sibley*, *Joseph Timperon*, *William Thompson*, *William Trelfs*, *Joseph Pomfret Vandermeulen*, *John Mico Winter*, *Charles Woollam*, *Richard West*, *Thomas Woolley*, *John Welingham*, and *James Wallis*, 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.

III. And

III. And be it further enacted, That in case any of the said Trustees herein-before named, or to be elected as herein-after mentioned, shall die, remove, refuse to act, or neglect to act for the Space of Three successive Years, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to appoint One other Person living within the Counties of *Hertford* or *Middlesex*, to be a Trustee in the Room of every Trustee so dying, removing, refusing or neglecting to act; Notice of the Time and Place of Meeting for every such Appointment being fixed on all the Turnpike Gates erected or continued by virtue of this Act, at least Ten Days before such Meeting; and all and every Persons and Person, being qualified as herein-after mentioned, who shall be so appointed, shall be and are and is hereby vested with the same Powers and Authorities for putting this Act in Execution, as if they or he had been named Trustees or a Trustee in this Act.

On Death,
&c. of Truf-
tees, others to
be chosen.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall at the Time of acting, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall have or be possessed of a Personal Estate to the Amount or Value of One thousand and five hundred Pounds clear of all Debts and Incumbrances; nor shall any Person be capable of acting as a Trustee in the Execution of this Act, (except at the First Meeting after passing this Act, in administering the Oath hereinafter mentioned), until he shall have taken and subscribed at some Meeting of the said Trustees, to be held pursuant to this Act, at which not less than Three Trustees duly qualified shall be present, an Oath or Affirmation in the Words or to the Effect following; (that is to say,)

Qualification
of Trustees.

I *A. B.* do swear, [*or, being One of the People called Quakers, do solemnly affirm*], That I truly and *bona fide* am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or that I have or am possessed of a Personal Estate, of the Amount or Value of One thousand and five hundred Pounds, clear of all Debts and Incumbrances, [*as the Case may be.*]

So help me GOD.

Which Oath or Affirmation any One of the said Trustees, or their Clerk in their Presence, at any such Meeting, is hereby empowered to administer; and if any Person shall presume to act as a Trustee in the Execution of this Act, not being qualified as aforesaid, or without having taken and subscribed such Oath or Affirmation in Manner aforesaid, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; in which Action it shall be sufficient for the Plaintiff to prove that such Person hath acted as a Trustee in the Execution of this Act, which Proof shall entitle the Plaintiff to a Verdict, unless the Defendant shall prove that he was at

the

Acts of Trustees not qualified to be valid.

the Time of so acting duly qualified: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before-mentioned, shall, notwithstanding such Conviction be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

No Trustee to accept a Place of Profit.

V. And be it further enacted, That no Person shall be capable of acting or voting as a Trustee under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted, during such Time as he shall hold such Place of Profit.

First Meeting of Trustees.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House known by the Name or Sign of the *White Hart Inn*, at *Saint Albans*, in the County of *Hertford*, on the Twenty-fourth Day of *June* next after the passing of this Act, and proceed to the Execution of this Act, and shall from Time to Time afterwards, meet as often as they shall think fit, and shall and may from Time to Time when they think proper, adjourn any such Meeting to a future Time at the same Place, or at some other convenient Place near to the said Road, as they shall think proper, for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the said Trustees shall adjourn the said Meeting to and appoint the Trustees to meet at the Place where the last Meeting was appointed to be held on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on all the Toll Gates then erected or continued by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees at all their Meetings shall defray their own Charges and Expences, except in paying for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of this Act, which shall be paid for out of the Monies to arise by virtue of this Act, so that the same shall not exceed the Sum of Ten Shillings at each Meeting; provided always, that Three Trustees shall be sufficient for the Purpose of Adjournment only.

Power to call intermediate Meetings.

VII. And be it further enacted, That if after any Adjournment of the said Trustees, by themselves or their Clerk, it shall be thought necessary by Five or more of the Trustees, that there shall be an earlier Day of Meeting than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, on an Order in Writing, signed by any Five or more of the acting Trustees, although not assembled at a Meeting, shall forthwith give Notice of such Meeting by Writing to be affixed on all the Turnpikes then erected upon the said Road, at least Ten Days before such Meeting, mentioning the Time, Place, and Purpose of such Meeting; and the Proceedings of the Trustees at all such Meetings, respecting the Matters specified in such Notice, shall be as valid and effectual to all Intents and Purposes, as if such Meeting had been held in pursuance of Adjournment.

Proceedings to be entered in Books.

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

Books 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) or by their Clerk by their Order, shall be deemed to be Originals; which said Book or Books shall be admitted as Evidence in all Courts whatsoever.

IX. And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing of the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside by any subsequent Order of the Trustees, unless a greater Number of Trustees than the Trustees who made such Order shall be then present and consenting thereto; and no Order made at any Meeting of the said Trustees shall be repealed or altered, unless One Month's Notice at the least shall be given by affixing the same upon all the Turnpikes which shall be then standing upon the said Road, particularly specifying that such Order is intended to be repealed or altered.

No Order to be repealed unless the Trustees exceed the Number who made it present.

X. And be it further enacted, That the Officers already appointed by virtue of the said recited Act of the Thirty-first Year of the Reign of His present Majesty, shall continue in Office until others shall be appointed in their Stead by the said Trustees, or any Five or more of them, and shall have the like Power in all Respects as if they had been appointed by the said Trustees, or any Five or more of them, by virtue of this Act; and that the said Trustees, or any Five or more of them, by any Writing or Writings under their Hands, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act, and may remove such Officers and other Persons, and any or either of them, from Time to Time; and upon the Death, Resignation, or Removal of such Officers and other Persons, or any or either of them, may in like Manner appoint others in their Stead; and out of the Monies to arise by virtue of this Act, may allow and pay such Salaries, and make such Allowances to the said Officers and other Persons for their Services, as to the said Trustees, or any Five or more of them, shall seem reasonable; and all and every such Officers and other Persons shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, render and give to the said Trustees, or to such Person or Persons as they or any Five or more of them shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, of all Monies which they shall respectively up to the Time of rendering such Accounts have received, paid, or disbursed, by virtue of the said recited Act or this Act; or by reason of their respective Offices or otherwise; and shall also produce proper Vouchers for all their Payments and Disbursements, and shall verify all such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any One or more of them, or any Justice of the Peace, is and are hereby required and empowered to administer); and in case any Money so received shall remain in his or their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; and in case any such Officer or other Person shall not give in and verify such Account, and make such Payment as aforesaid, or shall not deliver up the Vouchers for the same, after the said Accounts shall be

Officers to continue till others appointed.

Officers to account on Oath, &c.

allowed and passed, or shall not deliver to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint, within Ten Days after being thereto required by any Five or more of the said Trustees, all the Books, Papers, Writings, Tools, Matters, and Things, in their Hands, Custody, or Power, relating to the Execution of this Act, or which they shall have disposed of without the Consent and Approbation of the said Trustees, or any Five or more of them, that then any Justice of the Peace for the County, Liberty, or Place where such Officer or other Person shall reside, shall make Enquiry of and concerning such Default as aforesaid in a summary Way; and if any such Officer or other Person shall be convicted before such Justice of any of the Offences aforesaid, either on his own Confession or by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered and required to administer), such Justice may commit the Party to the Common Gaol of the County, Liberty, or Place wherein such Offender shall then reside, there to remain without Bail or Mainprize, until he or they shall have made and rendered a perfect Account, verified as aforesaid, and made Payment of what shall appear to be due thereon, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and have paid such Composition Money, (which Composition the said Trustees, or any Five or more of them, are hereby authorized and empowered to make and receive), and shall also have rendered and given up to the said Trustees, or to such Person or Persons as they or any Five or more of them shall direct, all Books, Papers, Writings, Tools, Matters, and Things aforesaid, or made Compensation for the same, to the Satisfaction of Five or more of the said Trustees, (which Compensation the said Trustees, or any Five or more of them, are hereby authorized to receive and accept): Provided always, that no Person who shall be committed as aforesaid; shall remain in Prison for a longer Space of Time than Six Calendar Months.

Treasurer to give Security.

Security of the present Treasurer to remain in force.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Five or more of them shall seem meet: Provided nevertheless, and it is hereby declared, that the Security which hath been given by the present Treasurer under the Authority of the said recited Act of the Thirty-first Year of the Reign of His present Majesty, shall remain and continue in full Force and Effect, notwithstanding the passing of this Act, and the same shall be deemed, taken, and considered as a Security under the Authority of this Act to all Intents and Purposes, as if the said Security had been given and executed after the passing of this Act.

No Victualler to hold any Place of Profit under this Act.

XII. Provided always, and be it further enacted, That no Person keeping an Inn, Alehouse, or other House of public Entertainment, or who shall sell Ale, Wine, Brandy, or other spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act, or of being appointed a Trustee or acting as such; nor of farming or renting the Tolls, unless he shall employ some Person to collect the same who shall not be under any such Incapacity.

XIII. And

XIII. And be it further enacted, That no Trustee shall have any Voice in the Election or Appointment of any Officer or Person to hold any Office or Place of Trust or Profit under the said Trustees, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at one or more Meeting or Meetings of the said Trustees within Three Years preceding the Death, Resignation, or Removal of the last Officer, or in case the Office shall be of new Appointment, then preceding the Meeting at which such new Appointment shall have been determined upon; and the Presence of such Trustee at such Meeting or Meetings as aforesaid, shall be ascertained by his Name appearing in the Book or Books kept for the Purpose of entering all Proceedings of the Trustees, as being present on the Day or Days of such Meeting.

No Trustee to vote in the Election of any Officer, unless he shall have acted within a certain Period.

XIV. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Treasurer or Clerk for the Time being, and that no Action or Suit 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 or Clerk, shall abate or be discontinued by the Death or Removal of such Treasurer or Clerk, or by the Act of such Treasurer or Clerk, without the Consent of the said Trustees, or any Five or more of them; but that the Treasurer or Clerk to the said Trustees for the Time being, shall always be deemed the Plaintiff or Defendant in every such Action or Suit: Provided always, that the Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant.

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

XV. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered to continue all or any of the Turnpikes now standing upon or across the said Road, or on the Sides thereof, and also to cause to be erected such Turnpikes upon or across any Part of the said Road, or at or near the Sides thereof, across any Lane or Way leading into the same, as they shall think fit, with proper Toll Houses and Conveniences at or near the respective Turnpikes, or such of them as they shall think necessary, and to remove such of the said Turnpikes and Toll Houses from Time to Time as they shall think proper.

Turnpikes to be continued and erected.

XVI. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or any Five or more of them, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters in the Front, or on some other conspicuous Part of the Toll House or Toll Gate, immediately 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 of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or

Toll Collectors to put up their Names.

shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Property of
Turnpikes,
&c. vested in
the Trustees.

XVII. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Houses, Toll Gates, Bars, Toll Boards, Direction Boards, Posts, Rails, Fences, Buildings, and Premises, already erected or provided by virtue of the said recited Act of the Thirty-first Year of the Reign of His present Majesty, or hereafter to be erected and provided by virtue of this Act, and the Materials of which the same do or shall consist, and the Materials which have been or shall be provided for repairing the said Road, and also all the Tools and other Requisites already or hereafter to be provided for the Purposes of the said Act and of this Act, shall be and are hereby vested in the said Trustees, and they or any Five or more of them are hereby empowered to dispose thereof as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer and prosecute, or order the preferring and prosecuting of Indictments against any Person or Persons who shall steal and carry away, break down, injure, or spoil the same, or any Part thereof, or disturb the said Trustees, their Agents, or Servants, in the Possession thereof, and lay the Property thereof in the Name of their Treasurer or Clerk.

Power to take
Tolls.

XVIII. And be it further enacted, That the respective Tolls following shall be demanded and taken at every Turnpike already erected or to be erected as aforesaid, on every Day (except *Sundays*, to be reckoned as herein-after mentioned) before any Horse or other Beast or Cattle, or any Carriage, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Coach, Landau, Chariot, Barouche, Chaise, Post-chaise, Calash, Chair, Caravan, Hearse, or other such like Carriage, drawn by more than Four Horses, or other Beasts of Draught, the Sum of Two Shilling; and drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Nine-pence:

For every Chaise, Post-chaise, or Chair drawn by One Horse, or other Beast of Draught, the Sum of Four-pence:

For every Waggon, or other such like Carriage, drawn by Five or more Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, or other Beasts of Draught, or any less Number, the Sum of One Shilling and Sixpence:

For every Cart, Dray, or other such like Carriage, drawn by Four Horses, or other Beasts of Draught, or any greater Number, the Sum of One Shilling; and drawn by Three Horses, or other Beasts of Draught, the

the Sum of Nine-pence; and drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or other Beast of Draught, the Sum of Three-pence:

For every Jockey Cart or Taxed Cart, drawn by Two Horses or other Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse or other Beast of Draught, the Sum of Four-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score; and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in Proportion for any greater or less Number.

And that the respective Tolls following shall be demanded and taken at every Turnpike already erected or to be erected as aforesaid, on every *Sunday*, to be reckoned from Twelve of the Clock in every *Saturday* Night to Twelve of the Clock in the next succeeding *Sunday* Night, before any Horse or other Beast or Cattle, or any Carriage, shall be permitted to pass through the same; (that is to say),

For every Coach, Landau, Chariot, Barouche, Chaise, Post-chaise, Calash, Chair, Caravan, Hearse, or other such like Carriage, drawn by more than Four Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling:

For every Chaise, Post-chaise, or Chair drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Waggon or other such like Carriage drawn by Five or more Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or other Beasts of Draught, or any less Number, the Sum of Two Shillings:

For every Cart, Dray, or other such like Carriage, drawn by Four Horses or other Beasts of Draught, or any greater Number, the Sum of One Shilling and Sixpence; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Jockey Cart or Taxed Cart, drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number; and

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in Proportion for any greater or less Number.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be vested in the said Trustees, and applied as herein-after directed; and if any Person or Persons subject to the Payment of any of the said Tolls, shall after Demand thereof made, either at the Turnpike where such Toll should be collected, or

Power of
Distress.

immediately after passing through the same, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or their Loading, or any Carriage with its Loading, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days next after the Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be), and what shall remain unpaid on Demand to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Tolls to be
paid but once
a Day.

XIX. And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Cattle, Beast, or Carriage through any Toll Gate continued or erected by virtue of this Act, the same Person, on producing a Note or Ticket denoting such Payment, shall be permitted to pass through the same Toll Gate, and all other Toll Gates to be continued or erected by virtue of this Act, with the same Cattle, Beast, or Carriage, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night, without being subject to the Payment of any further Toll; which said Note or Ticket the Collector of the Tolls is hereby required to deliver *gratis* on the Receipt of such Toll, if demanded.

Tolls for
Droves only
to be taken
at the Pond-
yards Gate,
or any other
Gate West-
ward of Saint
Albans.

XX. Provided always, and be it further enacted, That no Toll shall be demanded or taken at the Turnpike or Toll Gate, called *The Pondyards Gate*, or at any other Turnpike or Toll Gate, which shall or may at any Time hereafter be erected by virtue of this Act, on or near to that Part of the said Road lying Westward of the Town of *Saint Alban*, for or in respect of any Carriage whatsoever, or for or in respect of any Beasts or Cattle other than Oxen or other Neat Cattle, Calves, Hogs, Sheep, and Lambs, passing in Droves.

The Toll on
Droves of
Oxen, &c.
reduced to
One-half in
certain Cases.

XXI. Provided always, and be it further enacted, That whenever the Tolls aforesaid shall be paid to the Collector or Collectors at any Turnpike or Toll Gate continued or to be erected by virtue of this Act, for or in respect of any Drove or Droves of Oxen or Neat Cattle, Calves, Hogs, Sheep, or Lambs, and such Drove or Droves shall pass through any other Turnpike or Turnpikes belonging to the said Road on the following Day next after such Payment, in that Case, and so often as the same shall happen, no more than One-half of the said Tolls shall be demanded or taken by any Collector or Collectors at such Turnpike or Turnpikes, for or in respect of the said Drove or Droves so passing through the same on such Second Day, provided the Person or Persons having the Care of the said Drove or Droves shall produce to the said Collector or Collectors a Note or Ticket, in Proof of the Payment of the full Toll for the same on the preceding Day.

XXII. And

XXII. And be it further enacted, That no Toll shall be demanded or Exemptions taken for any Waggon, Cart or other Carriage laden with Stones, Gravel from Toll. or other Materials for repairing the said Road, or any public Road or Highway lying in either of the Six Parishes in which the Road hereby directed to be repaired is situate, or laden with Hay, or Corn in the Straw only, passing from or to any of the Lands in the Occupation of the respective Inhabitants of the said Six Parishes, and to be laid up or placed in the Barns, Outhouses, or Yards of such Inhabitants only, and not for Sale, or carrying or conveying any Ploughs, Harrows or other Implements of Husbandry belonging to or employed by such Inhabitants respectively; or for any Waggon, Cart or other Carriage belonging to such Inhabitants respectively, going empty for the Purpose of loading with, or carrying or conveying such Stones, Gravel or other Materials, for repairing the said Road or Roads, Hay or Corn in the Straw only, Ploughs, Harrows or other Implements of Husbandry, or returning empty, having been employed only in carrying or conveying the same on the same Day; or for any Waggon, Cart, or other Carriage laden only with Dung or other Manure (Chalk and Lime excepted), to be used for the Improvement of Land in the Occupation of any of the Inhabitants of the said Six Parishes, and not carried for Sale or Hire; provided the Driver of such Waggon, Cart, or other Carriage as last-mentioned, if the same shall be on its Return from *London*, or the Vicinity thereof, shall produce a Note or Ticket to prove that the Toll for such Waggon, Cart or Carriage, was paid at some one of the Turnpikes continued or to be erected by virtue of this Act, when such Waggon, Cart or Carriage was last driven to *London* or its Vicinity, but not otherwise; or for any Waggon, Cart or other Carriage belonging to such Inhabitants respectively going empty for the Purpose of loading with or carrying or conveying Dung or other Manure only, (except as aforesaid), for the Improvement of such Land as aforesaid, and not for Sale or Hire, or returning empty, having been employed only in carrying or conveying such Dung or other Manure on the same Day; or for any Horses or Cattle going to or returning from Water or Pasture, or going to be or returning from being shod or farried, or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or usual Place of Religious Worship on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person who shall die and be buried in any of the said Six Parishes; or from any Clergyman going to or returning from visiting any Sick Person, or on other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Mare, Gelding, or other Beast, upon which any Person shall ride to and from any Lands in his, her, or their own Occupation only; or for any Horses, Cattle or Carriages of whatever Description, employed or to be employed in conveying the Mails with Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for any Horses, Carts or Waggons attending any Soldiers on their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty.

Majesty, or for the Use of His Majesty's Forces, or for any Horse, Mare, or Gelding rode by any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, in going to or returning from the Place of Exercise, provided such Person, at the Time of claiming such Exemption as aforesaid, shall be in the Uniform of his Corps, and have his Arms, Furniture and Accoutrements according to the Regulations provided for such Corps; or for any Horses, Carts or Waggon employed in the Conveyance of Vagrants sent by legal Passes, or Felons committed to Gaol; or for any Coach, Landau, Chariot, Calash, Chaise or Taxed Cart, or for any Horse or other Beast conveying or carrying any Person or Persons to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Hertford* or *Middlesex*, or of a Burgess or Burgeses to serve in Parliament for the Borough of *Saint Alban*, or returning from any such Election on the Day or Days of such Election, or on the Day before or on the Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever; claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person or Persons shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Carriages employed in the public Service not to be subject to Penalties for Overweight, or for additional Number of Horses.

XXIII. 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 such Waggon, Wain, Cart or other Carriage, or the Horses or Cattle drawing the same, 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 other Beasts of Draught, 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 other Beasts of Draught 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, to the contrary notwithstanding.

Disputes concerning the Tolls to be settled by a Justice.

XXIV. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress, (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County, Liberty or Place where such Dispute shall arise, who on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall also assess the Charges of such Distress and Keeping and Sale, and of the Collector's Attendance for that Purpose on the said Justice; all which Sums, so determined or assessed, shall

shall be paid to the said Collector before he shall be obliged to return the Distress on the Overplus, after the Sale thereof or of any Part thereof.

XXV. And be it further enacted, That the said Trustees, or any Seven or more of them, may and are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen or reduce all or any Part or Parts of the Tolls hereby granted, at all or any or either of the said Turnpikes, and to raise the same again to any Sum or Sums of Money not exceeding the respective Sums or Tolls by this Act granted; but no such Reduction shall at any Time be made, unless the Person or Persons who shall be entitled to Five-sixths Parts at the least of the Money then due on the Credit of the said Tolls, shall by Writing under his, her, and their Hand or Hands consent thereto; and no Alteration shall be made in the said Tolls but at a Meeting of the said Trustees, to be specially called for that Purpose, and unless Ten Days Notice at the least of the Time and Place of holding such Meeting shall be affixed upon all the Turnpikes or Tollhouses then erected or standing upon the said Road, and also inserted in some Newspaper circulated in the Neighbourhood of the said Road; and such Tolls, so lessened or reduced or raised again as aforesaid, shall be collected, recovered and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered and applied.

Tolls may be lessened or raised again.

XXVI. And be it further enacted, That if, on or after any letting or Agreement for letting the said Tolls, or any Part thereof, or any Weighing Machine or Machines to be erected on the said Road, any Default shall be made in Payment of the Rent agreed to be paid for the same, or any Part thereof, on the Days and Times appointed for the Payment thereof, then and in such Case the said Trustees, or any Five or more of them, shall and may and are hereby empowered, at any Meeting to be held after Ten Days Notice of the holding of such Meeting shall be given to the Lessee or Lessees of the said Tolls, or Weighing Machine or Machines, or affixed at or upon all the Turnpike or Turnpike Gates then erected or standing upon or across the said Road, to declare any Lease of the said Tolls, or Weighing Machine or Machines, or any Contract or Agreement for letting the same void, and the same shall be thereupon void to all Intents and Purposes from the Time of such Declaration; but in such Case the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rents and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract or Agreement, and for all Costs, Charges, Damages, and Expences which the said Trustees or their Treasurer for the Time being, shall or may pay, sustain, or be put unto, by reason of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract or Agreement, on the Part of such Lessee or Lessees.

Power to declare Leases of Tolls and Weighing Machines void, in case of Non-payment of Rent.

XXVII. And be it further enacted, That if the Lessee or Lessees of any of the Tolls hereby granted, or of any Weighing Machine or Machines to be erected on the said Road, or any Person or Persons claiming under him or them, shall at or at any Time after the Expiration of the Term for which such Tolls or Weighing Machine or Machines shall be leased, or for the Space of Two Days after the Demise of such Tolls or Weighing Machine or Machines shall be declared void as aforesaid, refuse to deliver up the Possession of the Tollhouse or Tollhouses, Buildings and Premises

For expelling Lessees of Tolls at the Expiration of Leases, or on the same being declared void.

which shall have been demised to him or them, along with the Tolls so leased, or the Possession of any such Weighing Machine or Machines, with the Buildings and Appurtenances thereto belonging, it shall be lawful for any Justice of the Peace for the County, Liberty, or Place where such Tollhouse or Tollhouses, Weighing Machine or Machines, Buildings and Premises shall be situate respectively, by Warrant under his Hand and Seal, to order the Constables or other Peace Officers of the Parish or Place where such Toll-house or Toll-houses, Weighing Machine or Machines, Buildings and Premises shall be so situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Toll-house or Toll-houses, Buildings and Premises respectively in the Day-time, and to remove the Person or Persons who shall be found therein, together with his or their Goods, out of such Toll-house or Toll-houses, Buildings and Premises, and to put any Person or Persons whom the said Trustees, or any Five or more of them shall appoint, in Possession of the said Toll-house or Toll-houses, Weighing Machine or Machines, Buildings and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees, to be applied as by this Act is directed.

Power of borrowing Money, and to demise or mortgage the Tolls.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest on the Credit of the Tolls arising by virtue of this Act, such further Sum or Sums of Money as they shall from Time to Time think fit; and they may and are hereby empowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll-houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls), as a Security to any Person or Persons, or their Trustees, who shall advance such further Sum, or Sums of Money; which Mortgages shall be in the Words, or to the Effect following; (that is to say),

Form of Mortgage.

BY virtue of an Act passed in the Fifty-first Year of the Reign of His present Majesty King George the Third, intituled, "An Act [here set forth the Title of the Act], We, whose Hands and Seals are hereunto subscribed and set, being Five of the Trustees for executing the said Act, in Consideration of the Sum of
to the Treasurer of the said Road in Hand paid by
do grant, bargain, sell and demise unto the said
Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Turnpikes and Toll-houses for collecting the same, as the said Sum of
doth or shall bear to the whole Sum now due and owing, or hereafter to be advanced on the Credit thereof, to be had and holden from this
Day of for and during the Continuance of the said Act, unless the said Sum of
with Interest at the Rate of *per Centum per Annum,*
to commence and be computed from the Day of
shall be sooner paid and satisfied. Given under our Hands and Seals
this Day of in the Year of our Lord

Mortgages to be entered in Books, &c.

And Copies of all such Mortgages shall be entered and numbered progressively in a Book or Books to be kept and provided for that Purpose by the Clerk or Treasurer to the said Trustees, and all Persons to whom any Mortgage

Mortgage shall be made as aforesaid, or who shall be possessed of any such Mortgage, or of any Mortgage, Warrant, Order or other Security, heretofore made or given under the Authority of the said recited Act of the Thirty-first Year of the Reign of His present Majesty, or any Act or Acts of Parliament thereby repealed; or who shall be entitled to the Money thereby respectively secured, may from Time to Time transfer his, her or their Right, Title, Interest or Benefit in and to the said Mortgages, Warrants, Orders or other Securities, respectively, and the Principal Monies and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Mortgages, Warrants, Orders or other Securities; in the Words, or to the Effect following; (that is to say),

‘ I Do transfer this Mortgage [or, this Warrant, &c. [as the Case may be], with all my Right and Title to the Principal Monies thereby secured, and all the Interest now due or hereafter to grow due upon or in respect thereof, unto

Form of Transfer.

Executors, Administrators and Assigns. Dated this _____ Day of _____ in the Year of our Lord

‘ A. B.’

‘ Witness C. D.’

Which said Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry and Memorial to be made thereof in the before-mentioned Book or Books, containing the Number, Date, Names of the Parties, and Sum of Money therein transferred; for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner transfer the same again and so *toties quoties*; and it shall not be in the Power of any Person or Persons making such Transfer to make void, release, or discharge the original Security, or any Monies due thereon, or any Part thereof; and all Persons who shall be possessed of or entitled to any such Mortgage, Warrant, Order, or other Security as aforesaid, shall, in Proportion to the Sum or Sums thereby secured respectively, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Toll Houses, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing their Money, or of the Dates of the Securities: Provided, always, that the Trustees appointed or to be appointed by virtue of this Act, or the Trustees who acted in the Execution of any of the former Acts relating to the said Road, or any of them, shall not be subject to or charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Mortgage, Warrant, Order, or other Security, made or to be made as aforesaid.

Memorial of Transfer to be registered.

Creditors to have no Preference.

Trustees not to be personally liable for Money borrowed.

XXIX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any Mortgages, Warrants, Orders, or other Securities now standing out, that were made by virtue of the said former Acts, or any or either of them, and give and execute a Mortgage or Mortgages in lieu

Old Mortgages or other Securities to be cancelled, if required, and new ones granted.

lieu thereof respectively, in the Form herein-before directed, or as near thereto as the Case will admit of, the Person or Persons requiring such new Mortgage or Mortgages paying the Expences thereof.

No Mortgage to be for more than 100l.

XXX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Number of them, to give, execute, or deliver to any Person or Persons, any Mortgage under the Authority of this present Act, for a greater Principal Sum than One hundred Pounds, notwithstanding the said Trustees shall borrow and take up at Interest of the same Person or Persons, at one and the same Time, a greater Sum of Money than One hundred Pounds, and notwithstanding they shall be required to exchange and give a new Mortgage or Mortgages in lieu of any Security or Securities now standing out and remaining unsatisfied, which were granted by virtue of the said former Acts, or any or either of them; but that the Monies to be advanced or secured as aforesaid, shall be secured by separate Mortgages for One hundred Pounds each, or for any less Sum or Sums of Money, as the said Trustees, or any Five or more of them, and the Person or Persons to receive such Security or Securities shall agree upon.

Application of Tolls and Money borrowed.

XXXI. And be it further enacted, That out of the Monies already received by virtue of the said recited Act, or out of the Monies which shall be raised or received by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Costs and Expences relative to the procuring and passing of this Act, and the Remainder of such Monies shall from Time to Time be applied in putting this Act in Execution, and in repaying all Principal Monies by this Act charged upon the said Tolls or to be borrowed, and the Interest due and to grow due thereon by virtue of this Act, and in repairing, improving, and rendering commodious the said Road, and in putting this Act in Execution in all other Respects.

Lands may be purchased for new Road.

Old Road to be sold.

XXXII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered, from Time to Time as they shall think proper, to widen, turn, divert, or alter any Part or Parts of the said Road, for the better Accommodation of Coaches, Carriages, and Passengers, and for that Purpose to treat, contract, and agree with the several Owners, Proprietors, or Occupiers of, and Persons interested in any Lands, Grounds, or Hereditaments, for the Purchase thereof, and for the Loss or Damage such Owners, Proprietors, Occupiers, or Persons interested may sustain by such widening, turning, diverting, or altering of the said Road, and to pay for the same, and the Costs and Charges attending such Purchase, out of the Tolls by this Act granted, or out of the Money to be borrowed on the Credit thereof; and after such Purchase shall be made as aforesaid, such Part and Parts of the old and former Road, in lieu whereof such Lands or Grounds shall be purchased for such new Road as aforesaid, unless the same shall lead to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and disposed of by the said Trustees; or any Five or more of them, to any Person or Persons, for the best Price that can be reasonably got for the same, and the Money arising by such Sale shall be applied and disposed of in amending and improving the Road by this Act directed to be repaired; and the Sale and Conveyance

ance or Conveyances to be made of such Lands and Grounds comprizing the said old Road; being executed by the said Trustees, or any Five or more of them, and enrolled amongst the Records of the Sessions of the Peace for the County, Liberty, or Place where such Lands and Grounds shall be situate, shall vest the Property of the same Lands and Grounds in the Person or Persons to whom the same shall be so sold, to all Intents and Purposes whatsoever.

XXXIII. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, before they shall sell and dispose of any Piece or Pieces of old Road, shall first offer the same for Sale to the Person or Persons whose Lands shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of any Piece or Pieces of overplus Ground of what may have been purchased for the Purposes of the said Road, shall first offer to resell the same to the Person or Persons for whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereon agree, or shall refuse to purchase or repurchase the same respectively, 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, Liberty, or Place in which such Piece or Pieces of old Road, or Piece or Pieces of overplus Ground shall lie, by some Person or Persons no way interested in the said Piece or Pieces of old Road or other Ground, stating that such Offer was made by or on the 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 such Piece or Pieces of old Road or Ground was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-after directed, with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-after directed, with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees, of such Piece or Parcel of old Road or Ground, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Persons whose Lands adjoin to have the Preference.

XXXIV. And be it further enacted, That in all Cases where the Course of the said Road shall be diverted from the old Line of Road, or a new Road shall be made, or where the old Road shall be widened, the said Trustees, or any Five or more of them, shall, and they are hereby required to cause good and sufficient Mounds, Rails, and Fences to be made and provided, and Quicksets to be planted in an husbandlike Manner, on both Sides of such new Road where the same is necessary, and shall support such Mounds, Rails, and Fences, for and during the Term of Nine Years from the first making thereof; or, in the Compensation to be made.

Trustees to fence off new Road.

to the Owners and Occupiers of Land, the making and supporting of such Mounds, Rails, and Fences, shall be taken into Consideration, and an Allowance made for the same.

Trustees may enter Lands to stake out new Roads.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyor or Surveyors, or Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Lands or Grounds through which or whereupon any Part of the said Road may, by virtue of the Powers of this Act, be widened, diverted, turned, or altered, and to view, mark, and stake out such intended Turning or Alteration, and to enter upon the adjoining Lands, and to put and place such Materials thereon as the said Trustees, or their Surveyor or Surveyors, shall think necessary and proper, for the making and completing such Alteration, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for so entering or continuing upon any Part or Parts of such Lands or Grounds respectively, making such Satisfaction to the Occupiers of such Lands or Grounds, for the Damages that shall be done by any such Acts, to such Lands or Grounds, whilst the same Road shall be making, widening, altering, or turning, as to the said Trustees, or any Five or more of them, shall seem reasonable; and in case of any Difference concerning the Amount or Value of such Damage, the same shall be settled and finally determined in like Manner as herein directed, with respect to the Damages to be occasioned in getting Materials for repairing the said Road.

Owners, &c. of Lands empowered to treat.

XXXVI. And, for removing all Difficulties which may obstruct such Contracts, be it further enacted, That it shall be lawful for all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, and other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of Infants, Females Covert, Idiots, Lunatics, and all other Persons whomsoever, being under any other legal Disability, who are or shall be seised or possessed of, or interested in, any such Lands, Grounds, or Hereditaments, as aforesaid, to treat, contract, and agree with the said Trustees, or any Five or more of them, for the Sale of such Lands, Grounds, and Hereditaments, or any Part thereof, or of their several and respective Interests therein, for the Purposes aforesaid, and to sell and convey the same for a fair and reasonable Consideration, as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, or Usage to the contrary notwithstanding; and all Persons so authorized to treat, contract, or agree for the same, and all other Persons, are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if such Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any such Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, or any other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, or other Place or Places of Abode of such Person or Persons, or the principal Officer or Officers of any such Body Politick, Corporate, Ecclesiastical or Civil, or at the House of the

Owners, &c. of Lands refusing or neglecting to treat.

Tenant in Possession of the Lands, Grounds, or Hereditaments, through which any Part of such Road is intended to be made, widened, diverted, turned, or altered, shall, for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained, by and on the Oaths of a Jury of Twelve indifferent Men of the County, Liberty, or Place, where the said Lands, Grounds, or Hereditaments shall lie or be situate, (which Oath any One or more of the said Trustees are hereby empowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon Account of the taking of such Lands, Grounds, or Hereditaments, for the Purposes of this Act; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premises, (which Oath any One or more of the said Trustees are hereby empowered to administer); and they shall also order and cause the said Jury to view the said Places in question, if there be Occasion, and use all such lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the County or Place where such Lands, Grounds, or Hereditaments shall lie or be situate, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear, or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent

Sheriff to
impanel a
Jury.

indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and the said Trustees, or any Five or more of them acting in the Premises, shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, without some reasonable or sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn, refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons, who being required to give Evidence before the said Jury, touching the Premises, shall refuse or neglect to appear, without some reasonable or sufficient Excuse, or appearing shall refuse to be sworn and give Evidence, and from Time to Time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty herein-before mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any one Person for One Offence; and all such Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

Expences of
Jury how to
be borne.

XXXVII. And be it further enacted, That in case any Jury shall give in or deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons, in any Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls hereby granted, or out of the Money to be borrowed upon the Credit thereof; but if any Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then, and in such Case, the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute: Provided always, that in all Cases where the Person or Persons shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Money allowed for
Lands, how
to be charged
and tendered.

XXXVIII. And be it further enacted, That all and every Sum or Sums of Money or Recompence, to be agreed for or ascertained as aforesaid, shall be, and is and are hereby charged upon the said Tolls, or upon the Monies to be borrowed upon the Credit of such Tolls, and shall be paid thereout accordingly to the Persons respectively entitled thereto, and capable and willing to receive the same, or to their Agents, and upon
Payments

Payment thereof, or Tender thereof, to such Persons respectively, or their Agents, or upon Payment thereof into the Bank of *England*, in the Manner by this Act directed, (as the Case may be), such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Road, and shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a Common Highway, and be from thenceforth a Part of the said Road for ever thereafter; and all and every Person and Persons interested in such Lands, Grounds, or Hereditaments, shall from thenceforth be divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same, as fully and effectually to all Intents and Purposes, as if such Person or Persons had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever: Provided always, that in widening, turning, diverting, or altering any Part or Parts of the said Road, or in the Exercise of any other of the Powers herein-before contained, nothing shall be done which shall or may in anywise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, planted Walk or Avenue to a House or Plantation, or Nursery for Trees, or any Part or Parts thereof, unless the Owners or Proprietors thereof shall consent thereto.

Lands when purchased to be made Part of the Road.

Buildings, &c. not to be injured.

Application of Compensation Money if amounting to 200l. or upwards.

XXXIX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Grounds, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes aforesaid, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, or other *Cestuique* Trust, or to any Person whose Lands, Grounds, or Hereditaments are limited in strict or other Settlement, or to any Person under any legal Disability or Incapacity whatsoever, such Money 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, Grounds, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Grounds, or Hereditaments, or affecting other Lands, Grounds, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Grounds, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Grounds, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at

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the

the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Grounds, or Hereditaments to be purchased in case such Purchase or Settlement were made.

Application
of Compensation Money
if less than
200l. and
amounting
to 20l.

XL. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Grounds, or 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 of *England*, 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 to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of 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 therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application
of Compensation Money
if less than
20l.

XLI. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Grounds, or 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, Idiocy, or Lunacy of any Person or Persons so entitled, then such Money shall be paid 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.

XLII. And

XLII. 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, Grounds, 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 any Five or more of them, or in case any 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, Grounds, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees, or any Five 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, Grounds, or 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, shall be, and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or 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 thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles.

XLIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank, 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, Grounds, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Grounds, 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, Grounds, 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, Grounds, 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 said Bank Annuities shall be paid, applied, and disposed of accordingly, unless shall be made to 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, Grounds, or Hereditaments, or to some Estate or Interest therein.

In case of disputed Titles.

XLIV. Provided

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

XLIV. 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, Grounds, 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 Court of Chancery, and to be applied in the Purchase of other Lands, Grounds, or Hereditaments, to be settled to the like Uses in pursuance of this Act; it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees or any Five or more of them, out of the Monies to be raised 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.

Surveyor may
get Materials.

XLV. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors to the said Trustees, or such Person or Persons as they the said Trustees, or any Five or more of them, or as such Surveyor or Surveyors shall employ or appoint, to search for, cut, dig, get, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials fit and proper for the Purposes of this Act, out of and from any Common or Waste Ground, River or Brook in any Parish, Township, Hamlet, or Place, in which any Part of the said Road is situate, or in any adjacent Parish, Township, Hamlet, or Place, without paying any Thing for the same; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may and is and are hereby authorized and empowered to search for, cut, dig, gather, take, and carry away any such Materials as aforesaid, in, off, from and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House; or any inclosed Ground planted and set apart as a Plantation or Nursery for Trees), such Surveyor or Surveyors, or other Person or Persons as aforesaid, filling up the Pits and levelling the Ground, or sloping down the Banks where or from whence such Materials shall be had or taken, or railing or fencing off such Pits, so that the same may not remain in a dangerous State, and the said Surveyor or Surveyors, or other Person or Persons aforesaid, paying or tendering to the Owner or Occupier, Owners or Occupiers of such private Lands or Grounds, such Rate for such Materials, and for the Damage done to such Lands over which any such Materials shall be carried, such Equivalent in Money as the said Trustees, or any Five or more of them, shall order or adjudge to be reasonable, according to their respective Rights and Interests in the same; and in case of any Difference touching the same, the Justices of the Peace for the County, Liberty, or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held next after such Difference shall arise, and on Eight clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Place of Abode, or *vice versa*, shall hear the Matter in Dispute, and settle and determine the Recompence to be made for such Materials and Damage;

and

and the Costs attending such Hearing and Determination, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties: Provided nevertheless, that it shall not be lawful for any Surveyor or any other Person or Persons under the Authority of this Act, to dig, get, gather, take, or carry away any Materials for making or repairing any Part of the said Road, out of or from any inclosed Lands or Grounds, until Notice in Writing signed by such Surveyor shall have been given to the Land Owner or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or shall have been left at the usual Place of Residence of such Occupier, to appear before the said Trustees, or any Five or more of them, or any Two or more Justices of the Peace acting for the County, Liberty, or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Land Owner, Agent, or Occupier shall attend pursuant to such Notice, the said Trustees or such Justices shall, upon hearing the Objections, if they think proper, authorize such Surveyor or other Persons to dig, get, gather, take, and carry away such Materials, for the Purposes aforesaid; and if such Land Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Trustees or such 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 Owner or Occupier, or his or her Agent, had attended; and the Order of such Trustees or Justices respectively shall be final and conclusive to all Parties: Provided nevertheless, that nothing in this Act contained shall invalidate or make void, or be construed to invalidate or make void, any Order or Orders heretofore made or given to the Surveyor of the said Road; or to any Person or Persons by him employed, for the Purpose of procuring Gravel or other Materials for the Repair of the said Road or any Part thereof, out of, from, or over the private Lands or Grounds of any Person or Persons under the Authority of the said first recited Act, or of the general Turnpike and Highway Acts, or any or either of them; but that such Order or Orders respectively shall remain in full Force and Effect, and shall and may be acted upon and carried into Execution, as fully and effectually, to all Intents and Purposes, as if the same had been made or given under the Authority of this Act.

Notice to be given to Owners and Occupiers of Lands before Materials are taken.

XLVI. And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Road, and at proper Seasons of the Year to cut down, lop, top, or shrove any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down, lop, top, or shrove such Trees or Bushes, or to remove such Annoyances, for the Space of Fourteen Days after Notice in Writing given for that Purpose under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owner or Occupiers neglecting to cut down, lop, top, or shrove such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case any such Owners or Occupiers shall not on demand pay and reimburse to the Surveyor or

Surveyors may remove Annoyances.

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Surveyors

Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County, Liberty, or Place where the Offence shall be committed, to levy the Charges thereof on such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattels, rendering the Overplus, if any be, to such Owners or Occupiers on Demand, after all Charges paid; and if after the Removal of any of the said Annoyances any Person or Persons shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid, shall adjudge.

Surveyors
may make
Causeways,
&c.

XLVII. And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may and is and are hereby authorized and empowered to make or cause to be made Causeways in or along the Sides of any Part or Parts of the said Road, and to build or cause to be built any Bridge or Bridges upon, in, or across the said Road, or any Part thereof, and to cut or cause to be cut any Watercourses in, through, or across any Lands or Grounds, to prevent the said Road, or any Part thereof, from being overflowed, and to erect Bridges or Arches over such Drains or Watercourses if necessary; and also to make or cause to be made a Road or Way by, through, or over the Grounds adjoining to any narrow or ruinous Part of the said Road hereby directed to be repaired, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Plantation or Nursery for Trees), to be made use of by all Passengers with Carriages and Cattle or otherwise, as a public Highway while the narrow or ruinous Part of the said Road is repairing or widening, and until the same shall be convenient and safe for Carriages and Cattle to pass the same, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable; and in case of any Difference concerning the Amount or Value of such Damages, the same shall be settled and finally determined, in like Manner as herein-before directed with respect to the Damages to be occasioned in getting Materials for repairing the said Road.

Penalty for
damaging
Mile Stones,
&c.

XLVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause Direction Posts and Boards to be erected on the principal Side Openings of the said Roads, with proper Inscriptions thereon, to inform and direct Travellers to what Place or Places such Side Roads respectively lead, and also shall and may order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected by the Side or Sides of the said Road, in order to encourage the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act; and the said Trustees, or any Five or more of them, are hereby required to cause the Mile Stones on the said Road to be from Time to Time cleansed and kept legible, and also to cause
proper

proper Tables of the Tolls by this Act granted and made payable, to be affixed and put up at the several Turnpikes or Turnpike Gates continued or to be erected by virtue of this Act; and if any Person or Persons whosoever shall wilfully pull up, injure, or damage any of the said Posts, Boards, Mile Stones, or Tables of Tolls, or wilfully or designedly deface or obliterate any of the Inscriptions thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron, set up or affixed at or near to any of the said Turnpike Gates; or if any Person or Persons shall wilfully pull up, injure, or damage any of the Posts, Rails, or Fences now placed or put up, or at any Time hereafter to be placed or put up, by Order of the said Trustees or their Surveyor or Surveyors, either by the Side or Sides of the said Road, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset which the said Trustees by virtue of this Act or otherwise are or shall be required to plant and keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, whilst the same shall be under the Care of the said Trustees, or their Surveyor or Surveyors, or shall wilfully damage or injure any of the Bridges or Arches now erected or hereafter to be erected across the said Road, or shall take or carry away any of the Dirt, Mire, Drift, or Sand by the Side or Sides of the said Road, or on the Surface thereof, without the Permission of the said Trustees, or any Five or more of them, or of the said Surveyor or Surveyors, every Person so offending shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge; One Moiety whereof shall go and be paid to the Informer, and the other Moiety shall be applied for the Purposes of this Act; and such Offender shall also pay to the said Trustees, or their Treasurer or Treasurers, or One of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled and ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as any Penalty or Penalties is or are herein-after directed to be levied and recovered, and shall be applied for the Purposes of this Act.

XLIX. And be it further enacted, That if any Person or Persons being Owner or Owners, or Occupier or Occupiers of any Lands, Tenements, or other Premises near the said Road, and who of Right ought to cleanse or scour any Ditch, Drain, or Watercourse which shall lead into or out of any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, under the Hand of the said Surveyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for the scouring and cleansing thereof; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, on Demand thereof on him, her, or them respectively

Owners or Occupiers neglecting to scour Watercourses.

respectively made, either in Person or by Writing to be left at his, her, or their respective Place or Places of Abode, then the said Money and every Part thereof, on Proof of the cleansing and scouring of the said Ditches, Drains, or Watercourses, and Payment of the said Money and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses before any Justice of the Peace for the County, Liberty, or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any be), to the Owner or Owners thereof on Demand, after all Charges paid.

Persons
chargeable to
Statute Work
to continue
so.
Justices to
determine
Differences
touching
Statute
Work.

L. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Hertford* and *Middlesex* respectively, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think

think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees,) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; as the Justice or Justices before whom the Information shall be laid shall adjudge.

LI. And be it further enacted; That if the Surveyor or Surveyors of the Highways for the Time being of any of the Parishes or Places wherein the said Road doth lie, shall think the said Justices have directed or appointed too large a Proportion of the Statute Work in any Parish or Place to be done on the said Road, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace next after such Direction or Appointment, unless the same shall be made within Ten Days preceding such Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment; and the Justices in their said Quarter Session are hereby authorized and empowered finally to adjust and determine what Proportion of the Statute Work in any Parish or Place shall be done on the Road by this Act directed to be repaired, such Surveyor or Surveyors of the Highways having first given Eight clear Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Surveyors may appeal to proportion the Statute Work.

LII. And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and empowered to compound with any Person or Persons, Bodies Politic or Corporate, for the

Trustees may compound for Statute Duty.

[Loc. & Per.]

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Repairs

Repairs to be by them done upon the said Road, or any Part thereof, and also with the several Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, in the several Parishes and Places in which the Road hereby intended to be repaired doth lie, for the several Days Statute Work to be by them respectively done upon the said Road, at and for such Sum or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, and such Person and Persons, Bodies Politic or Corporate, or Inhabitants or Occupiers respectively, shall agree upon; which said Money shall be forthwith paid to the said Trustees, or any Five or more of them, or to their Appointment.

Penalty for Persons permitting or using private Passage, &c.

LIII. And be it further enacted, That if any Person or Persons who-soever owning, renting, or occupying any Tenements, Lands, or Grounds, near to the said Road, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, or Way, with any Carriage, Horse, Mare, Gelding, Mule, or any Sort of Cattle, on which a Toll is by this Act imposed, with an Intent to evade the Payment of the Tolls by this Act granted, or if any Person or Persons owning, going in, or driving any such Carriage, or owning, riding, or driving any such Horse, Mare, Gelding, Mule, or other Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way, with an Intent to evade the Payment of the said Toll or Duty; or if any Person or Persons shall take off or cause to be taken off any Horse, Mare, Gelding, or Mule from any Chariot, Chaise, or Carriage, at or before the same shall be brought or come to any of the Gates or Turnpikes now erected or hereafter to be erected by virtue of this Act, with an Intent to evade the Payment of any of the Tolls hereby imposed; or if any Person or Persons liable to the Payment of any of the said Tolls, shall forcibly pass or attempt to pass any of the said Gates or Turnpikes, without Payment thereof at such Gate or Gates; or if any Person or Persons shall give to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable) any Note or Ticket of the Day by this Act directed to be given by the Collector or Receiver of the said Tolls, whereby or by Reason whereof the Payment of any or either of the said Tolls may be evaded or lessened, or shall forge, counterfeit, or alter any such Note or Ticket, or make use of any such forged, counterfeited, or altered Note or Ticket, knowing the same to have been forged, counterfeited, or altered, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded; every Person offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Penalty on suffering Carriages liable to be weighed to pass without being weighed.

LIV. And be it further enacted, That for the better preventing of Frauds and Collusions respecting Carriages carrying Overweights, if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons to be appointed to the Care

of any Weighing Machine or Machines erected or to be erected on the said Road, shall suffer or permit any Waggon, Cart, or Carriage liable to be weighed at any such Machine or Machines, to pass through the Turnpike Gate or Gates erected or to be erected on the said Road, without weighing the same; or shall suffer or permit any such Waggon, Cart, or other Carriage to proceed on the said Road, without having first paid the Tolls payable for such Waggon, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Cart, or other Carriages respectively, shall or may happen to have therein or thereon, each and every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, as the Justice or Justices before whom the Information shall be laid shall adjudge.

LV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County, Liberty, or Place wherein the Offence shall be committed, which Warrant the said Justice or Justices is and are hereby empowered and required to grant; upon the Information of any One or more credible Witness or Witnesses upon Oath, (which Oath the said Justice or Justices is and are hereby empowered and required to administer without Fee or Reward); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold, (the Charges of such Distress and Sale being first deducted), shall be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending of the said Road and other the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Penalties and Forfeitures how recovered and applied.

LVI. And be it further enacted, That any Trustee or Trustees appointed in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may and is and are hereby authorized and empowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees; provided that such Justice or Justices be not otherwise interested in the Matters to be adjudged by him or them than as such Trustee or Trustees.

Trustees may act as Justices.

LVII. And, for the more easy Detection of Offenders against this Act, be it further enacted, That it shall be lawful for any Surveyor or Surveyors

The Detection of Offenders.

veyors of the said Road, or any Collector or Collectors of the Tolls, or other Persons engaged in the Execution of this Act, and for any other Person or Persons in Aid of such Surveyor or other Person, to apprehend any Person or Persons who shall be seen by the said Surveyor or others respectively committing any Offence against this Act, without any Warrant for that Purpose, and to cause him, her, or them to be taken before some Justice of the Peace for the County, Liberty, or Place wherein the said Offence shall be committed, for the Purpose of Conviction and Punishment according to Law.

Directing
the Form of
Conviction.

LVIII. And be it further enacted, That all and every Justice and 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, or to the like Effect; (that is to say,)

to wit. } **BE** it remembered, That on the _____ Day of _____
in the Year of our Lord _____
A. B. is convicted before me [or, us] _____ of
His Majesty's Justices of the Peace for the _____ by virtue
of an Act passed in the Fifty-first Year of the Reign of His Majesty King
George the Third, intituled, [*here set forth the Title of this Act, and specify
the Offence, and Time and Place when and where the same was com-
mitted, as the Case shall be*]. And I the said Justice, [or, We the said
Justices] do adjudge him, [her, or them] to forfeit and pay for the same
the Sum of _____ . Given under my [or, our] Hand and
Seal [or, Hands and Seals] the Day and Year first above written.

Persons ag-
grieved may
appeal to
Quarter Ses-
sions.

LIX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, (except in such Cases where any Judgment, Order or Determination is hereby mentioned or declared to be final, binding or conclusive), such Person may, within the Space of Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at any General Quarter Session of the Peace to be holden for the County, Liberty or Place wherein the Cause of Appeal shall arise, every such Appellant first giving or causing to be given Ten Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Three Days next after such Notice, entering into a Recognizance before some Justice of the Peace for such County, Liberty or Place, with Two sufficient Sureties conditioned to try such Appeal, and to abide by the Order of, and pay such Costs as shall be awarded by the Justices at such Session; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as the said Justices shall think proper; and the Determination of such Session shall be binding and conclusive to all Intents and Purposes.

LX. And

LX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that when any Distress shall be made for any Sum or Sums of Money to be levied by this Act, the Distress itself shall not be deemed to be 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 other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in an Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall have been made by or on the Behalf of the Party distraining before such Action brought.

Proceedings
not to be
quashed for
want of
Form, &c.

LXI. And be it further enacted, That if any Action or Actions, Suit or Suits shall be brought against any Person or Persons for any Thing done in pursuance of this Act, or in Relation to the Matters herein contained, such Actions and Suits and every of them shall be commenced within Six Months next after the doing of every Matter or Thing for which such Action or Actions, Suit or Suits shall be so brought, and not afterwards, and shall be brought, laid and tried in the County or Place where such Matters or Things shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits shall be so brought was done in pursuance and by Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions, Suit or Suits, or if upon any Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgment shall be given for the Defendant or Defendant therein, then and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Limitation
of Actions.

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

[*Loc. & Per.*]

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LXIII. And

Public Act.

3634.

51° GEORGII III. Cap. 158.

Commence-
ment and
Continuance
of this Act.

LXIII. And be it further enacted, That this Act shall commence and take Place upon the said Twenty-fourth Day of *June* next after the passing thereof; and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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