



ANNO QUINQUAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. xlvi.

An Act for continuing and amending an Act of His present Majesty, for repairing the Road from *Stamford*, in the County of *Lincoln*, through *Oakham*, to the Great North Road, in the Parish of *Greetham*, in the County of *Rutland*. [16th June 1817.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for repairing, altering, and improving the Road leading from the Great North Road, in the Town of Stamford and County of Lincoln, through the Town of Oakham, to the Great North Road aforesaid, at or near a House called The Cross Guns, in the Parish of Greetham, and County of Rutland*: And whereas the Trustees appointed in and by virtue of the said Act have proceeded to put the same in Execution, but the said Road cannot be properly amended, improved, and kept in Repair, unless the said Act, which is near expiring, be continued for a further Term; and it is expedient that some of the Powers and Provisions of the said Act should be altered, amended, and enlarged, and that some further Powers and Authorities should be granted for more effectually repairing and improving the said Road: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Thirty-fifth Year of the Reign of His present Majesty, and all and every the Tolls, Authorities, Powers, Privileges, Provisions, Regulations, Penalties, Clauses, Matters, and Things therein contained and now in force (except so far as any of them are

35G.3.c.152.
Recited Act continued.

[Local.] 13 A varied,

varied, altered, or repealed), shall be and continue in full force, and be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were herein particularly repeated and re-enacted; but this Act and the Tolls hereby granted shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit or Security of the said recited Act, and of all Interest due and to grow due thereon respectively.

Power to
appoint
additional
Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any of their Meetings to be holden in pursuance of the said recited Act or this Act, to elect any additional Number of Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of the said recited Act and this Act; and such Trustees so elected shall be and are hereby invested with the same Powers and Authorities for executing the said recited Act and this Act as if they had been named and appointed such Trustees in and by this Act.

Accounts to
be kept of
Receipts and
Disburse-
ments.

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

Same Person
not to be
Clerk and
Treasurer.

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

V. And be it further enacted, That from and after the Commencement of this Act all Exemptions from Tolls granted by the said recited Act shall cease and be no longer allowed, and that in lieu thereof the several Exemptions from Toll herein-after mentioned shall be allowed; (that is to say), that no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the Road, or any of the Highways within the Parishes, Townships, or Hamlets in which any Part of the said Road lies; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, or conveying to be sold, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners; or for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying and conveying, having been employed only in carrying or conveying, any Ploughs, Harrows, or Implements of Husbandry, or any Lime, Dung, Mould, or Compost to be used for the Manurance or Improvement of Lands; or any Furze, Peats, Turf, or Heather for Fuel; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod and farried; or from any Person going to or returning from his or her proper Parochial Church or Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty; or for any Horse, Cattle, or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers upon the March or on Duty, or any Horses, Cattle, Beasts, or Carriages conveying their Arms or Baggage; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Cart, Carriage, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him or them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Horse or Carriage carrying or conveying any Person or Persons going to vote, or returning from voting at any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Lincoln* and *Rutland*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and

Exemption
from Tolls
repealed,
and others
granted.

if

if any Person or Persons shall in any fraudulent or collusive Manner whatever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; one Moiety whereof shall go to the Informer, and the other Moiety thereof shall be applied for the Purposes of the said Act and this Act.

Exemption
from Toll in
certain Cases.

VI. Provided also, and be it further enacted, That no Toll shall be demanded or taken at the Toll Gate now erected in the Parish of *Cottesmore* of any Person or Persons being Parishioners or Inhabitants of the Parish of *Cottesmore*, in the said County of *Rutland*, except for Beasts, Horses or Carriages employed in the Conveyance of Coal, Coke, Goods, Wares, or Merchandize.

Exempting
Carriages
conveying
King's
Stores, &c.
from Penalties for Overweight.

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

For settling
Disputes
concerning
Tolls.

VIII. And be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Quantity of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County or District wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Quantity of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors
to deliver
Tickets spe-

IX. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall, on Receipt of such Tolls, deliver or tender to the Person or Persons paying the same a Ticket or Tickets denoting such Payment;

Payment, and specifying and naming therein the Gate or Gates to be freed or exempted from Toll by such Payment. cifying the Gates freed thereby.

X. And be it further enacted, That every Toll Collector, being appointed either by the said Trustees or by any Lessee or Lessees of the Tolls 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 some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same 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 this Act or the Orders and Regulations of the said Trustees, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Act and this Act directed to be recovered and applied. Regulations as to Toll Collectors.

XI. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of the said recited Act and this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, 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 there *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 or Profits of the said Lands or Hereditaments, in the Purchase 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. Application of Money when amounting to 200l.

paid affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and 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 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 and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so to be purchased, in case such Purchases or Settlements were made.

When less
than 200l.
and above
20l.

XII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 or Profits of the Lands 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, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to 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 or more Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Trustees (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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When under
20l.

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

Guardian or Guardians, Committee or Committees, to or for the Use and Benefit of such Person or Persons so entitled respectively.

XIV. 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 or Hereditaments to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, 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 and 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 a good Title, &c.

XV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, 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 any such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person and Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise as to the Title to Money.

XVI. Pro-

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

XVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Clauses in the former Act for getting Materials repealed.

XVII. And be it further enacted, That so much of the said recited Act as authorizes the Surveyor appointed by the said Trustees, and such other Person or Persons as shall be employed by such Surveyor, to cut, gather, dig, take, and carry away any Furze, Heath, Stone, Gravel, Sand, or other Materials proper or convenient for repairing the said Road, in, upon, out of, and from any Lands or Grounds therein mentioned, and as respects the making of Compensation and Satisfaction for the Damages occasioned thereby, shall be and the same is hereby repealed and declared void.

Power to get Materials.

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

Materials not to be taken

XIX. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons under Authority of the said recited

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

from inclosed
Grounds
without an
Order of Two
Justices.

XX. Provided always, and it is hereby enacted, That nothing in the said recited Act or this Act contained shall authorize the said Trustees or any of them to alter the Line or Direction of the Road comprized in the said recited Act and this Act, so as to deviate more than One hundred Yards from the present Line or Direction of such Road, without the previous Consent of the Owner or Owners of the Lands or Tenements through which such Deviation shall be made, whether such Owner or Owners be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, Fee Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or without the previous Consent of the Husbands, Trustees, Guardians, Committees, or Attornies of or for such Owner or Owners, such Consents to be respectively testified under the Hands of the consenting Parties.

Road not to
be carried
through pri-
vate Lands
without Con-
sent.

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

Gates to
swing in-
wards.

XXII. And be it further enacted, That if any Person shall ride upon any Footway or Footpath already made or hereafter to be made adjoining

Penalty on
Persons
damaging
the
Footpaths.

[Local.]

the said Road, or shall lead or drive any Horse, Cattle, or Swine, or any Carriage, on any such Footway or Footpath, or shall cause any Damage to be done thereto, every Person so offending shall forfeit and pay for the First Offence any Sum not exceeding Ten Shillings, and for the Second and any subsequent Offence any Sum not exceeding Forty Shillings.

Statute
Work.

XXIII. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Road shall be and the same is hereby repealed; and that from and after the Commencement of this Act, 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 or Parts thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, or by their Order, or by the respective Surveyors of the Highways of any Parish, Township, or Hamlet through which the said Road passes), yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, 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 any such Parish, Township, or Place respectively, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Twenty Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute 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 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 do 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 Surveyors or Surveyor 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 or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized to be recovered;

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 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 such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said 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, Townships, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

XXIV. And be it further enacted, That all the Charges and Expences attending the obtaining and passing this Act shall be paid and payable out of the Money already raised by virtue of the said recited Act, or out of the first Money to be raised by virtue of this Act, in preference to any other Payment whatsoever. Paying the Expences of this Act.

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

XXVI. And be it further enacted, That this Act shall commence upon the Twenty-fourth Day of *June* One thousand eight hundred and seventeen, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Continuance of the Act.

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