



ANNO PRIMO

GEORGII IV. REGIS.

Cap. xxix.

An Act to continue and enlarge the Term and Powers of an Act of the Thirty-ninth Year of the Reign of His late Majesty, for making and maintaining the Road from or near *Whiteburn*, in the County of *Berwick*, to the Town of *Kelso*, in the County of *Roxburgh*. [22d June 1820.]

WHEREAS by an Act made in the Thirty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for making and maintaining the Road from or near Whiteburn, in the County of Berwick, to the Town of Kelso, in the County of Roxburgh, to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament*, certain Persons were appointed Trustees for surveying, making, amending, widening, straightening, and keeping in Repair the Road in the said Act mentioned and described: And whereas the said Trustees have proceeded to put the said Act into Execution, and have expended considerable Sums of Money in making and maintaining the said Road, but the same cannot be effectually repaired and kept in Repair, nor the Money owing thereon be paid, unless the said Act be enlarged and amended, and unless Powers be given to levy increased Rates of Toll: 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

39 G. 3. c. 3.

Former Act continued.

[Local.]

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all and every the Clauses, Exemptions, Powers, Authorities, Articles, Rules, Penalties, Forfeitures, Matters, and Things therein contained, (except so far as the same are altered, varied, or repealed by this present Act) shall continue and be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein repeated and re-enacted; and the said additional Term hereby granted, and all the Tolls and Duties by the said recited Act and this Act authorized to be levied, shall be and they are hereby declared to be subject and liable to the Payment of all Sums of Money which have been advanced, whether by Loan, Subscription, or otherwise, or are now due and owing on the Credit of the Tolls by the said recited Act granted, and all such Sum or Sums of Money as shall or may be borrowed for the Purposes of the said recited Act or this Act, and of all Interest due or to grow due for the same respectively.

Rates of
Toll.

II. And be it further enacted, That from and after the passing of this Act the Rates of Toll in and by the said recited Act granted shall cease and determine, and it shall and may be lawful to the said Trustees, or their Collectors or Tacksmen under their Authority, in lieu of the Tolls in and by the said recited Act granted, to take and levy at each of the Gates erected or to be erected by the Authority of the said recited Act or of this Act before any Passage be permitted, any Sum or Sums of Money not exceeding the Tolls and Duties following; that is to say,

For every Horse, Mule, or other Beast whatsoever, (if more than One), drawing any Coach, Berlin, Barouche, Landau, Hearse, Chariot, Chaise, Chair, or other such Carriage, Sixpence:

For every Horse, Mule, or other Beast whatsoever, (if not more than One), drawing any such Carriage, Four-pence:

For every Horse, Mule, Ox, or other Beast whatsoever, if more than Three in Number, drawing any Waggon, Wain, Cart, or other such Carriage, Four-pence:

For every Horse, Mule, Ox, or other Beast whatsoever, if not more than Three nor less than Two, drawing any Waggon, Wain, Cart, or other such Carriage, Three-pence:

For every Horse, Mule, Ox, or other Beast whatsoever, if only One, drawing any Waggon, Wain, Cart, or other such Carriage, Four-pence:

For every Horse, Mule, or Ass, laden or unladen and not drawing, Three-pence:

For every Score of Oxen, Cows, or neat Cattle, or Horses, Mules, or Asses unshod, One Shilling and Eight-pence; and so in Proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, Goats, or Kids, Ten-pence; and so in Proportion for any greater or less Number.

Tolls to be
paid but
once in Six
Miles.

Tickets to
be given on

III. Provided always, That if there are or shall be erected in the Course of any Part of the said Road any Gate or Gates, Turnpike or Turnpikes, at a less Distance from each other than Six Miles, then any Person producing a Ticket to show that the Toll has been paid at any One of such Gates shall not for the same Carriage, or Horse,

or

or other Cattle (unless returning with a new Loading or Fare a Second or more Times), on the same Day, pay any Toll at any other Gate on the said Road, which shall be within Six Statute Miles of the former, at which the Toll denoted by such Ticket shall have been paid; and every Collector or Receiver of the Tolls shall and he is hereby required, upon Payment of any of the Tolls by this Act granted, to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Name or Names of the Gate or Gates freed by such Payment.

Payment of
Toll.

IV. Provided always, and be it enacted, That for all Waggon, Wain, Cart, or other such Carriages which shall travel with Broad Wheels of the Description after specified, there shall only be demanded and taken One-half only of the Tolls and Duties herein-before charged on such Waggon, Wain, Cart, and other Carriages respectively; provided every such Waggon, Wain, Cart, or other Carriage with Two Wheels, shall have the Soles or Bottoms of the Fellies of all the Wheels thereof of the Breadth of Five Inches at least, and be cylindrical, that is to say, of the same Diameter on the Inside next the Carriage as on the Outside, and in every intermediate Part between the Inside and Outside, so that when such Wheels shall be rolling on a flat or level Surface the whole Breadth thereof shall bear equally on such flat or level Surface; and provided that the opposite Ends of the Axletrees of such Waggon, Wain, Cart, or other Carriage, so far as the same shall be inserted in the respective Naves of the Wheels thereof, shall be horizontal, and in the Continuance of One straight Line without forming any Angle with each other, and so that in each Pair of Wheels belonging to such Carriage the lower Parts when resting on the Ground shall be at the same Distance from each other as the upper Parts of such Pair of Wheels, and further having the Nails sunk level with the Rings on the Wheels; and provided every such Waggon, Wain, Cart, or Carriage with Four Wheels, the Wheels thereof being cylindrical as before-mentioned, shall have the Axletrees thereof of such different Lengths that the fore and hind Wheels shall roll only One single Surface or Path of Seven Inches and One Half wide at least on each Side of such Waggon, Wain, Cart, or Carriage; provided also, that every Person claiming the Privilege so granted to Broad-wheeled Carriages shall permit the same to be examined and measured by any Person appointed by the said Trustees or concerned in the Collection of the said Tolls or Duties.

Broad
Wheels to
pay a smaller
Sum.

V. And be it further enacted, That if any Dispute shall happen concerning any Tolls due or the Charges occasioned by any Distress made under the said recited Act or this Act, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls or the Charges of the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County 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 of a Witness or Witnesses (which Oath such Justice

For settling
Disputes
concerning
Tolls.

Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall assess and award such Costs to be paid by either Party to the other of them as to the said Justice shall appear just and reasonable; all which Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Effects of the Party liable to pay the same, by Warrant under the Hand 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.

Further
Exemptions
from Toll.

VI. And be it further enacted, That for and notwithstanding of any Thing in the said recited Act contained to the contrary, no Tolls or Duties shall be demanded or taken in virtue of the said recited Act or of this Act, for any Horses or Carriages attending His Majesty, or any of the Royal Family; nor shall any Tolls or Duties be demanded or taken for any Carriages or Horses carrying any Person or Persons to or from their Parochial Church or Chapel; or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, within their own Parish, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Carriage, Horse, or other Cattle carrying any Clergyman upon his ministerial Duty within his own Parish; nor for any Horses or Carriages employed in conveying the Mails of Letters or Expresses, under the Authority of His Majesty's Postmaster-General, either when employed in conveying, or in returning after having conveyed the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls or Duties by virtue of an Act made in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels, carrying the Mail in Scotland, and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post-Office from the Payment of such Tolls*; nor shall any Toll be demanded 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; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty, nor for any Horses, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or returning from carrying or conveying the same; nor for any Horse or Horses furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him or them in going to or returning from the Place appointed for and on the Days of Exercise; provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps respectively; nor for Carts, Carriages, or Waggon travelling
with

with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same.

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

Exempting
Carriages
with Stores.

VIII. Provided always, and be it enacted, That if any Person shall claim and take the Benefit of any of the Exemptions from Toll herein-before mentioned, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on
claiming Ex-
emptions
where not
entitled
thereto.

IX. And be it further enacted, That all and every Collector, whether a Lessee of any of the said Tolls or appointed by the said Trustees to collect any of the Tolls by the said recited Act or this Act granted, 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, at the Time of his beginning to collect such Tolls, 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 continue to collect such Tolls; 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 said recited Act or this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer or shall in any wise 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 said 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

For prevent-
ing Toll Col-
lectors from
taking undue
Tolls.

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through

through any Turnpike or Toll-Gate, or shall make Use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices to whom any Complaint shall be made shall adjudge; and such Penalty shall be levied, recovered, and applied as other Penalties and Forfeitures are by the said recited Act directed to be levied, recovered, and applied.

Trustees not to administer Oaths on verifying Collectors' Accounts.

X. And be it further enacted, That nothing in this Act contained shall extend to authorise or empower the said Trustees, or any of them, to administer any Oath or Oaths to any Collector or Receiver of the Tolls by this Act granted for the Purpose of verifying his Accounts; any Thing in the said recited Act contained to the contrary notwithstanding.

Proceedings to be entered in a Book.

XI. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of the said recited Act and this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books being signed by the Preses of the Meeting shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings touching or concerning any thing done in pursuance of this Act; and that such Book or Books shall at all the said Meetings, and at all other seasonable Times, be open and liable to the Inspection of all and every the said Trustees, and of the Creditors on the Tolls by the said recited Act and this Act granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in Proportion for any greater Number of Words.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XII. 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 the said recited Act and 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 or Clerks 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 the Meetings of the said Trustees, and at all other seasonable Times, be open to the Inspection of the said Trustees, and of any Creditor or Creditors on the Tolls by the said recited Act and this Act 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 Clerks shall refuse to permit or shall not permit the said Trustees or such Creditors or any of them 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, to be levied, recovered, and applied as other Penalties and Forfeitures are by the said recited Act directed to be levied, recovered, and applied.

XIII. And be it further enacted, That all Clerks, Treasurers, Collectors, Overseers, Surveyors, and other Officers and Persons to be chosen and appointed by the said Trustees under the said recited Act and this Act, shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing, under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid or disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect, to produce or deliver up such Accounts and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Accounts in Manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Trustees, and such Justices are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Officer or Officers, Person or Persons to be brought before them, and upon his, her, or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, (which Oath or Oaths such Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons shall not appear before the said Justices, unless for some sufficient Excuse alleged, at the Time

Officers to
account.

Proceedings
against them
in case of
Neglect.

and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to procure and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of this Act, or to the said Turnpike Road, then and in either of the Cases aforesaid such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands, to commit such Officer or Officers, Person or Persons to the Common Gaol or House of Correction of the County, Town, or Place where such Offender shall be or reside, there to remain until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, and which Composition the said Trustees are hereby empowered to make, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees; provided always, that no Person who shall be so committed for want of sufficient Distress shall be detained in Prison, by virtue of this Act, for a longer Space of Time than Six Calendar Months.

Offices of Clerk and Treasurer not to be held by the same Person.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the 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 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 by virtue of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of 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, to be recovered by summary Complaint before the Justices of the Peace at their Quarter Sessions of the County where the Offender may reside.

For Prevention of Nuisances.

XV. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on or drive or lead any Horse, Beast, Cattle, or Carriage, over or upon any Footpath or Causeway made or to be made on the Side or Sides of the said Road or any Part thereof, or shall wilfully or negligently damage or destroy any of the Fences, Walls, or Gates on the Sides of the said Road, and belonging thereto; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the Footpaths or Causeways belonging thereto; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any plough upon any

Part of the said Road, to the Prejudice or Injury thereof; or if any Person or Persons shall wilfully displace or remove any of the Materials for making or repairing the said Road, or whereof the said Road shall be made, or if any Person or Persons shall haul or draw or cause to be hauled or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon a wheeled Carriage, to drag upon any Part of the said Road to the Prejudice or Injury thereof, or if any Person or Persons shall allow any Timber, Iron, or other solid Matter, (excepting Machinery framed or put together or any Article of Metal cast in one Piece,) to project or extend more than One Foot over the Wheels of the Waggon, Cart, or other Carriage whereon the same shall be drawn and transported; or shall draw or transport on any Part of the said Roads upon any Cart or other Carriage with less than Four Wheels any Timber or other Matter exceeding Twenty-four Feet in Length; or if any Person or Persons shall after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, leave or suffer or permit to be and remain on any Part of the said Road, the Stone or other Thing used in such blocking or stopping; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up or damage the said Road, or any Part thereof, or the Fences or Hedges on either Side thereof; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Beast, Pig, or Swine to graze or to be and remain loose on the said Road; or if any Person driving any Coach, Chaise, or Waggon, Cart, or other Carriage upon the said Road and meeting another Coach, Chaise, Waggon, Cart, or other Carriage shall not keep his Carriage on the left or near Side of the said Road; or if any Person or Persons shall in any Manner wilfully prevent any other Person from passing him, her, or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Person shall erect any Lime-Kiln or Brick-Kiln, or shall make or assist in making any Fire or Fires whatsoever, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever in the open Air within Sixty Yards of the Centre of the said Road; or play at Football or any other Game or Games whatsoever on any Part of the said Road to the Annoyance of Persons travelling thereon; or if any Person or Persons shall leave on any Part of the said Road any Waggon, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, without some reasonable Cause to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed in order to his, her, or their Conviction, and save and except with regard to such Waggon, Cart, or other Carriage during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the Road as conveniently may be, in, upon, or on the Side of the Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person or Persons shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, or make any Pit or Hole on any Part of the said

[*Local.*] 8 S Road,

Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hinderance, or Prejudice of any Person or Persons travelling thereon, or shall do any other Damage or Injury to the said Road or any Part thereof, every Person so offending (besides removing the Nuisance) shall for every such offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, and applied as other Penalties and Forfeitures are by the said recited Act directed to be levied, recovered, and applied.

Gates not to swing into the Road.

XVI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Road, and so near to the same that by opening outwards such Gates can encroach upon and obstruct any Part of the said Roads, shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the Road; and that it shall be lawful for the said Trustees to order all such Gates so situated as are now erected or may hereafter be erected and open and swing outwards towards the said Road, to be altered and made to open and swing inwards, or else to be removed; 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 outward towards the said Road, shall (after Ten Days Notice from the Surveyor of the said Road requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards, or to remove such Gate or Gates to such a Distance from the said Road that they cannot by swinging outwards hang over or obstruct any Part of the said Road) refuse or neglect to make such Alterations, or after such Alterations shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Former Act continued.

XVII. And be it further enacted, That the whole Clauses, Powers, Provisoos, Penalties, Forfeitures, Matters and Things in the said recited Act contained, in so far as the same are not altered or repealed by this present Act, shall subsist and be effectual, and shall be applied to the Purposes of this Act, so far as the same are respectively applicable, in the same Manner as if the Clauses, Matters and Things herein contained had made Part of the said recited Act.

Expence of this Act.

XVIII. And be it further enacted, That the Expence of procuring and passing this Act shall be paid out of the first and readiest of the Tolls and Duties received and levied under and by virtue of the said recited Act and this Act.

Public Act.

XIX. 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.

Its Commencement and Endurance.

XX. And be it further enacted, That this Act shall commence from and after the passing of this Act, and that all the Clauses, Powers, Provisoos, Penalties, Forfeitures, Matters and Things in the said recited Act

Act contained, so far as not altered or repealed by this Act, together with this Act, shall continue from thenceforth during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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Printers to the King's most Excellent Majesty. 1820.

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