



ANNO PRIMO

GEORGII IV. REGIS.

Cap. lxx.

An Act for continuing and amending Three Acts of their Majesties King *George* the Second and King *George* the Third, for repairing the Roads from *Hertford* to *Broadwater*, and from *Ware* to *Walkern*, all in the County of *Hertford*.

[8th July 1820.]

WHEREAS an Act was passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, widening, and keeping in Repair the Roads from the East End of the Town of Hertford, in the County of Hertford, through Watton to Broadwater, and from the Town of Ware, through Watton to the North End of the Town of Walkern, in the said County*: And whereas another Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act made in the Thirtieth Year of the Reign of His late Majesty King George the Second, for amending, widening, and keeping in Repair the Roads from the East End of the Town of Hertford, in the County of Hertford; through Watton to Broadwater, and from the Town of Ware through Watton to the North End of the Town of Walkern in the said County*: And whereas another Act was passed in the Thirty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and Powers of Two Acts passed in the Thirtieth Year of the Reign of His late Majesty King George the*

[Local.] 23 H Second,

30 G. 2. c. 45.
18 G. 3. c. 94.
39 G. 3. c. 18.

Second, and the Eighteenth Year of the Reign of His present Majesty, for amending, widening, and keeping in Repair the Roads from the East End of the Town of Hertford, in the County of Hertford, through Watton to Broadwater, and from the Town of Ware, through Watton to the North End of the Town of Walkern in the said County: And whereas considerable Sums of Money have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be collected upon the said Roads, which Money cannot be repaid, nor can the said Roads be effectually amended and kept in Repair, unless the said Acts be continued for a further Term; and it is expedient that the Tolls thereby granted, and several of the Powers and Provisions therein contained, should be increased, altered, and enlarged: 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 Acts of the Thirtieth Year of the Reign of His Majesty King George the Second, and of the Eighteenth and Thirty-ninth Years of the Reign of His late Majesty King George the Third, and all and every the Authorities, Powers, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein respectively contained and now in force (except such of them as are varied, altered, or repealed), shall be and continue in full force and effect, and shall be applied and put in Execution during the Term hereinafter granted, for amending, widening, improving, and keeping in Repair the several Roads comprized in the said recited Acts, or any of them, in as full and ample a Manner and as effectually to all Intents and Purposes as if all such Authorities, Powers, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things were repeated and re-enacted in the Body of this Act with relation thereto; and that this Act, and the Term and Powers hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies due and owing on the Credit of the said recited Acts, or any of them, and all Interest due and to become due for the same respectively.

Former Acts
continued.

Additional
Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting in and for the County of *Hertford*, together with such other Persons, not exceeding the Number of Ten, as the said Trustees or any Five or more of them shall appoint, shall be and they are hereby appointed additional Trustees for carrying into Execution the said recited Acts and this Act; and they are hereby authorized to act in conjunction with the continuing or existing Trustees appointed in or by virtue of the said recited Acts, or any of them.

Qualification
of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of the said recited Acts and this Act unless he shall be in his own Right, or in the Right of his Wife, seised of or entitled to and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, for some Estate for Life or of Inheritance, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person or Persons so seised of or entitled to a Real Estate of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or possessed of or entitled to a Personal Estate,

or a Real Estate and Personal Estate together of the Value of Four thousand Pounds, over and above what shall be sufficient to pay all his just Debts; and unless such Person shall also take and subscribe an Oath, or being one of the People called *Quakers* an Affirmation, before Two or more of the Trustees (who are hereby authorized to administer the same), in the Form following; (that is to say),

I *A. B.* do swear, That I am in my own Right [*or in the Right of my Wife*] truly and *bonâ fide* seized of or entitled to, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, for some Estate for Life or of Inheritance, of the clear yearly Value of One hundred Pounds above Reprizes; [*and in case of an Heir Apparent*] I *A. B.* do swear, That I am Heir Apparent of *C. D.* who, to the best of my Knowledge and Belief, is truly and *bonâ fide* seized of or entitled to a Real Estate of the clear yearly Value of One hundred and fifty Pounds above Reprizes; [*and in case of Personal Estate or Real and Personal Estate together*], I *A. B.* do swear, That I am truly and *bonâ fide* possessed of Personal Estate, or a Real Estate and Personal Estate together, of the Amount or Value of Four thousand Pounds over and above what will be sufficient to pay all my just Debts; and that I will truly and faithfully execute the Powers and Trusts reposed in me by virtue of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act.*] So help me GOD.

And if any Person, not being so qualified, shall act as such Trustee contrary to the true Intent and Meaning of this Act, 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 with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on any Person acting as Trustee not being qualified.

IV. Provided always, and be it further enacted, That all Acts done by any Person having been appointed a Trustee, and acting as a Trustee, although he shall not be duly qualified to act in the Execution of the said recited Acts and this Act, shall, previous to his being convicted of such Offence, be as valid and effectual as if such Person had been duly qualified to act in the Execution of this Act.

Acts of unqualified Trustees valid.

V. And be it further enacted, That so much of the said recited Acts as directs or requires any Receivers, Collectors, Surveyors, or other Officers or Persons to account upon Oath, and subjects them to any Penalty for refusing to verify their Accounts upon Oath, and as authorizes any Persons to administer any such Oath, shall be and the same is hereby repealed and made void.

Clause requiring Officers to account on Oath repealed.

VI. 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 the

Same Person not to be Clerk and Treasurer.

the said recited Acts and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts and this Act, or to appoint the Person who has been or may be appointed such Treasurer, or any Partner of such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the said Offices of Clerk and Treasurer, or being Partner of such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said recited Acts 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 Imparance, shall be allowed.

Accounts to
be open to
the Inspection
of Trustees
and Creditors.

VII. 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 the Clerk of the said Trustees 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 Roads, 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 reasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors respectively, 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 Clerk, or any Person who shall have the Care and Custody of the said Book or Books, shall refuse or neglect on Demand to permit such Trustees or Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, the Clerk or Person offending shall forfeit and pay any Sum of Money not exceeding Fifty Pounds.

New Tolls.

VIII. And be it further enacted, That from and after the passing of this Act the several Tolls granted and made payable by virtue of the said recited Acts, or any of them, shall cease, determine, and be no longer paid or payable; and that instead thereof the following Tolls or Duties shall be demanded and taken at each and every Toll Gate or Turnpike to be continued or erected by virtue of this Act before any Horse, Beast, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

For every Horse, Mule, or other Beast, drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, or other such Carriage, the Sum of Sixpence:

And for every Horse drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, the Sum of Ten-pence:

For every Horse, Mule, Ox, Ass, or other Beast, drawing any Waggon, Wain, Cart, Dray, or other such Carriage, not liable to the Toll last mentioned, the Sum of Five-pence:

For

For every Horse, Mule or Ass, not drawing, the Sum of Two-pence:

For every Score of Oxen or Neat Cattle, the Sum of Ten-pence, and so in proportion for any greater or less Number; and for every Score of Calves, Hogs, Sheep or Lambs, the Sum of Five-pence, and so in proportion for any greater or less Number.

IX. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees or any Nine or more of them, at a General Meeting assembled, to lessen all or any of the Tolls or Duties by this Act granted at any Time hereafter, and for such Time as they shall think proper, so as every such Reduction be general, and be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the said Tolls; and such Tolls or Duties so lessened shall be collected, recovered, and applied in the same Manner as the Tolls and Duties hereby granted are directed to be collected, recovered, and applied.

Power to reduce the Tolls with Consent of Creditors.

X. And be it further enacted, That the said respective Tolls shall be and the same are hereby respectively vested in the said Trustees for carrying the said recited Acts and this Act into Execution, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, varied, reduced, assigned, and disposed of in such and the same Manner, and by the same Ways and Means, and with such Remedies for securing and enforcing the due Payment thereof, and with such Penalties for the Nonpayment or Evasion of the same, and with such Powers, Provisions, and Regulations as are contained in the said recited Acts, with respect to the Tolls thereby authorized to be taken, except so far as the same Provisions, Regulations, Remedies, Penalties, and Exemptions are by this Act varied and altered.

Tolls how to be recovered and applied.

XI. And whereas divers Sums of Money have been subscribed for the express Purpose of repairing the Road from *Watton* to the North End of *Walkern* aforesaid, which is now in a ruinous State; be it therefore enacted, That the said Trustees shall, and are hereby required to expend or cause to be yearly expended and applied the Sum of Seventy Pounds for and towards the Repair of the said Road from *Watton* to the North End of *Walkern* aforesaid, until the said Road shall to the Satisfaction of the Subscribers of the aforesaid Sums be in good and perfect State of Repair.

70l. to be yearly applied in repairing the Road from Watton to Walkern.

XII. And be it further enacted, That so much of the said recited Act of the Thirtieth Year of the Reign of His said late Majesty King *George* the Second, as directs or requires that a separate Account shall be kept of the Tolls collected on the said Road leading from the Stone at *Watton* to the North End of *Walkern* aforesaid, shall be and the same is hereby repealed.

Clause requiring separate Accounts of the Tolls from Watton to Walkern repealed.

XIII. And be it further enacted, That all Exemptions granted by the said recited Acts, or any of them, from the Tolls and Duties thereby granted or made payable, shall cease, and in lieu thereof the several Exemptions from Tolls herein-after mentioned, shall be allowed; that is to say, that no Toll shall be demanded or taken for any Horse or Carriage attending His Majesty, or any of the Royal Family; nor for any Horse or Carriage passing through any of the Turnpikes or Toll Gates, erected or to be erected upon or on the Sides of the said Roads, when employed

General Exemptions from Tolls.

in carrying or conveying Stone, Bricks, Timber, Wood, Heath, Gravel, or other Materials to be used in or about the said Roads, or any of the Highways in the Parishes, Townships, Districts, or Places which are liable to perform Statute Duty upon the said Roads, or returning empty when so employed; or when employed in carrying or conveying Hay, Corn in the Straw, or other Produce of Lands, not sold or disposed of, nor going to be sold or disposed of, but passing to be laid up in the Houses, Barns, Yards, or Lands of the Owners thereof, or any Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of Lands, or any Lime, Chalk, Dung, Compost, or Manure to be used or laid upon Lands, or returning empty when so employed; nor for any Horses, Mules, Asses, or Cattle going to or returning from work in cultivating the Lands within the same Parishes, Townships, Districts, or Places, or any of them; nor for any Horses, Mules, Asses, or Cattle going to or returning from Pasture on any Commons or other Grazing Grounds, or Watering Place, or Blacksmiths Shops to be shod or farried, or having been shod or farried; nor for any Horse or other Beast of Draught, or Carriage employed in carrying or conveying any Furze, Peats, Turf, or Heath for Fuel, or returning empty having been so employed; nor shall any Toll be paid by any Clergyman or Minister going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worship, or when visiting his sick Parishioners, or upon any other Parochial or Ministerial Duty, or by any other Person or Persons going to or returning from his, her, or their Parochial Church or Chapel, or from any Person going to or returning from his or her usual 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 when attending the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, Districts, or Places; nor for any Horses or Carriages, of whatsoever Description, 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 the same, or on returning from conveying the same; or for the Horses of Soldiers on March or on Duty, or Carriages or Horses, or other Beasts, employed in carrying the Arms or Baggage of any such Soldiers; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulation appointed for such Corps respectively at the Time of claiming such Exemption; 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 Carriage, Horse, or other Beast, employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; nor for any Horse or Carriage employed in carrying or conveying any Elector or Electors to or returning from voting at any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Hertford* on the Day or Days of any such Election, or on the Day before or Day after any such Election shall begin and be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud

whatsoever, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded, every such Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, nor less than Forty Shillings.

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

Carriages employed on His Majesty's Service not to be subject to Regulation for Overweight.

XV. Provided always, and be it enacted, That no Toll or Duty shall be demanded or taken at the said Gate or Turnpike to be erected at the South-east End of *Watton Wood Hall Park*, upon the Road leading from thence to the Town of *Hertford*, from any Person who shall pass through the said Gate or Turnpike with Carriages or Cattle from *Hertford* to *Sacomb*, or from *Sacomb* to *Hertford* aforesaid.

Persons to pass from Sacomb to Hertford Toll-free.

XVI. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken from any Person or Persons for passing and repassing the same Day with the same Horse or Horses, Cattle, Beast or Beasts, or Carriage or Carriages, through all the Toll Gates or Turnpikes erected or to be erected upon the said Roads.

Number of Tolls taken.

XVII. Provided always, and be it further enacted, That all Waggons, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Exemptions by 55 Geo. 3. not to be affected.

XVIII. And be it further enacted, That if any Dispute shall happen concerning the Amount of the Tolls due, or the Charges occasioned by 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, until the Amount of the Toll due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case may happen), shall 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, and shall determine the Quantity of the Tolls due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them, as he shall think just and reasonable; and in case of Nonpayment thereof on Demand,

For settling Disputes concerning Tolls.

such

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

Collectors
to deliver
Tickets
gratis.

XIX. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall, on Receipt of such Tolls, deliver to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate or Gates to be freed from Toll by such Payment.

Regulation
as to Toll
Collectors.

XX. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Lessees to collect the Tolls payable at any Turnpike Gate to be continued or erected by virtue of this Act, shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or in some other conspicuous Part of the Toll House or Toll Gate immediately on his or her beginning to collect such Toll or coming on Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall collect such Toll, or 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 and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall demand and take a greater or less Toll than directed or authorized by this Act, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall 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 Tolls, and naming and specifying the Toll Gate or Toll Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, Traveller or Travellers, or shall make use of any scurrilous or abusive Language to any Passenger or Traveller, 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.

Regulations
as to Mort-
gagees in
Possession.

XXI. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Toll Houses and Buildings, shall seek to obtain the Possession of the said Tolls, Toll Gates, Toll Houses and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of such Tolls and Premises to obtain such Possession; but the Person or Persons who shall obtain the Possession thereof shall not apply the Tolls, which may consequently be recovered by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Toll Houses and Buildings, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

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XXII. Provided always, and be it further enacted, That the said Trustees in widening, diverting, shortening, varying, turning, or altering the said Roads, shall not deviate more than One hundred Yards from the Line or Course of the present Roads, without the Consent and Approbation in Writing first had and obtained of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Restraining the Trustees from deviating more than One hundred Yards.

XXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or to any Tenant for Life or Lives, or for any other particular Estate, such Money shall, in case the same shall amount to 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 said Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, 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 or Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such or the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or 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 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 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 said Lands, Tenements, and Hereditaments, to be purchased by virtue of the said recited Acts or this Act, in case such Purchase or Settlement were made.

Application of Compensation when amounting to 200l.

XXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments taken, purchased, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity,

Application where the Compensation is less than 200l. and exceeds 20l.

[Local.]

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Incapacity, or seised of such particular Estate as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified 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, 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 Trustees to be nominated by the Person or Persons making such Option, and approved of by any Five or more of the said 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 same may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Where Compensation is under 20l.

XXV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall not exceed 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 or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Acts and this Act, or any of them, 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 the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful 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 said Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments [describing them], subject to the Order, Controul, or 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 Interests, of the Person or Persons making Claim thereunto, and to make such other

Order in the Premises as to the said Court shall seem meet 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXVII. 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 said Accountant General of the Court of Chancery in pursuance of the said recited Acts and this Act, for the Purchase of Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons; or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall 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 some Estate or Interest therein.

Persons in Possession presumptively entitled.

XXVIII. 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 the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

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

XXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads for the Time being, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, to gather, dig, take, and carry away any Stones, Gravel, Sand, or other Materials proper for repairing the said Roads, out of and from any Commons and Waste Grounds, Common Rivers and Brooks, in any Parish, Township, or Place in or through which the said Roads lie or pass, 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 the Pits so that the same may not be dangerous to Passengers or Cattle; and in case

Surveyor to get Materials for the Road.

case such Materials cannot be conveniently had in such Commons or Waste Grounds, Common Rivers or Brooks, within convenient Distances, then to dig, gather, take, and carry away 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 Roads lie or pass, not being a Garden, Yard, Orchard, Paddock, or Plantation, or any Nursery for Trees, making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and 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 Commons, Waste Grounds, Common 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.

Persons not to take Materials from private Grounds without Notice.

XXX. 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 Acts and this Act, or any of them, to dig, gather, take, and carry away any Materials for repairing and amending the said Roads, in or from any inclosed or private Grounds or Quarries, without the Consent of the Owners of such Grounds or Quarries, until after Fourteen 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 or 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.

Gates not to swing into the Road.

XXXI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Roads shall be made and hung to open and swing inward towards such Field or Ground, and not towards the said Roads; and that it shall be lawful for the said Trustees or any Five or more of them to order all such Gates as are now erected or may be hereafter erected and open and swing outward towards the said Roads, to be altered and made to open and swing inward, as they the said Trustees shall think proper, save and except such Gates, the hanging Posts whereof respectively shall be so far removed from the Centre of the said Roads, so that no Part of such Gates respectively shall when opened swing or hang over any Part of the said Roads; and if any Occupier or Occupiers of the Lands upon which the Gate or Gates is or are or shall be constructed so as to open and swing outward towards the said Roads shall (after Fourteen 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 inward) refuse or neglect to

to make such Alterations, every such Owner or Owners, Occupier or Occupiers, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XXXII. And be it further enacted, That if any Person or Persons shall ride or drive any Horse or other Cattle, or any Cart or other Carriage, or hale, draw, carry, pass, or wheel any Hurry, Truck, or Wheelbarrow, on any Footway or Causeway adjoining to the said Roads, or shall cause any Damage to be done to the Footway or Causeway adjoining to the said Roads, or shall cause any Damage to be done to the Hedges, Fences, Breast-walls, Posts, Rails, or Paling set up along the Side of or upon such Footway, or shall in or upon any Part of the same Roads, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, House, Building, Butcher's Shop or Shambles into the said Roads, or shall in any Part or Parts of the said Roads, or in any exposed Situations near thereto, burn, dress, or sweep any Piece or Pieces of Cork, or hoop, fire, cleanse, wash, or scald any Cask or Casks, or hew, saw, or cut or cause to be hewn, sawn, or cut any Stone, Wood or Timber, or shoe, farry or bleed, any Horse, Mule, or Ass, except in the Case of Accidents; or if any Person shall hale or draw or cause to be haled or drawn upon any Part of the said Roads any Tree or Piece of Timber, or any Stone, otherwise than wholly upon Wheeled Carriages, or shall suffer any Part of any Tree, or Piece of Timber or Stone which shall be carried upon Wheeled Carriages, to drag on any Part of the said Roads to the Prejudice thereof respectively; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person shall turn or suffer any Horse, Ass, Beast, or Swine to be turned or to be or remain upon the said Roads to graze or depasture on the Sides thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other such Carriage under his or their Care; or if any Person shall make or assist to make any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games, on any Part or Parts of the said Roads to the Annoyance of any Passenger or Passengers; or if any Person or Persons, after having blocked or stopped any Carriage whatsoever in going up a Hill or any other rising Ground, shall leave or permit or suffer to be or remain in the said Roads, or any Part thereof, the Stone or other Thing made use of in blocking or stopping such Carriage; or if any Person shall leave any Waggon, Wain, Cart, or other such like Carriage, in, upon, or on the Side of any Part of the said Roads longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or in case the same shall not during such Time be drawn up or placed as near to the Side of the Road as conveniently may be, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever on any Part of the said Roads, or

For prevent-
ing Nuisances.

on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Roads; or if any Person or Persons at any Fair or Fairs, Statute or Statutes to be hereafter had or holden, or at any other Time or Times shall put or place or cause to be put or placed upon or near to the said Road, or any Part thereof, or upon or near the Footpaths adjoining thereto, any Swing or Swings, Shew or Shews, or any Erection or Building for public Amusement, or any Stall or Stalls for the Sale of Goods, or erect or build any Booth, Hut, Shed, or other temporary Building whatsoever, during the Time and Continuance of any Fair or Fairs, Statute or Statutes, or shall pen or impound any Hogs, Pigs, Sheep, or other Cattle for Sale or Shew, or otherwise, in and upon the said Road, or any Part thereof, or the Footpaths near or adjoining thereto, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon, every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Shillings, and such Penalty shall be recovered, levied, and applied in Manner by the said recited Acts, or any of them, provided for the Recovery and Application of Penalties.

Regulations
as to Per-
formance
of Statute
Duty.

XXXIII. And be it further enacted, That so much of the said recited Acts as relate to the Performance of Statute Duty or Labour on the said Roads shall be and the same is hereby repealed; and 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 Roads, or any Part 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, upon Application made to them by the said Trustees or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part and Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants and Occupiers of Lands, Tenements, Woods, Tithes, or Hereditaments, within the respective Parishes, Townships, or Places in which the said Roads lie; and also what Proportion of Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall by him, her, or them, be paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Fourteen 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 Duty 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 or may be directed by any Law or Statute now in force for the Repairs of the public Highways; and out of such Lists the said Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, 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 upon such Parts of the said Roads, as the said Trustees or any Five or more of them, 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 proper to the Surveyor or Surveyors of every such Parish or Place, to be by him or them paid over 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 Acts, or any of them, 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 usual Place or Places of Abode, for that Purpose, by any Surveyor or Clerk 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 or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss 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 Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the 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, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the Highways of any Parish through which the said Roads pass (the previous Consent of the Parishioners assembled in Vestry being first duly obtained) to enter into a Contract in Writing on Behalf of their Parish, with Five or more of the said Trustees, for the Repair and Maintenance of all or any Part of the said Roads within their respective Parishes, for any Term not less than One Year or more than Three Years, and the said Trustees are hereby empowered to enter into such Contract accordingly.

XXXV. And be it further enacted, That if any Action or Suit be brought against any Person or Persons for or relating to any Matter or Thing done in pursuance of this Act, such Action or Suit shall be commenced,

menced within Six Calendar Months next after the doing the Matter or Thing for which such Action or Suit shall be so brought, and not afterwards, and shall be brought, laid, and tried in the County or Place where such Cause of Action shall arise, and not in any other County or Place; and that the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial which shall be had thereupon, and that the Matter or Thing for which such Action shall be so brought was done in pursuance and by the Authority of this Act; and if the Matter or Thing shall appear to have been so done, or if any Action or Suit shall not have been 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 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 Suit shall become Nonsuit, or suffer a Discontinuance of such Action or Suit, or if upon any Demurrer or Demurrers in such Action or Suit, Judgment shall be given for the Defendant or Defendants therein, then and in any 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 other Cases by Law.

General
Issue.

Treble Costs.

Expences of
this Act.

XXXVI. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, with lawful Interest upon any Sum or Sums of Money which shall be advanced for the Payment thereof, shall be paid out of the Money already collected or received, or out of the first Monies to be collected or received by virtue of the said recited Acts and this Act upon the said Roads, in preference to all other Payments whatsoever.

Commence-
ment and
Continuance
of this Act.

XXXVII. And be it further enacted, That this Act shall commence and take effect upon the Day the same shall receive the Royal Assent, and shall be and continue in force from thenceforth for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Public Act.

XXXVIII. 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.

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