



ANNO TERTIO

# GEORGIIV. REGIS.

\*\*\*\*\*

*Cap. lii.*

An Act for more effectually making, repairing, and improving the Road leading from *Reading* in the County of *Berks*, to *Basingstoke* in the County of *Southampton*. [24th May 1822.]

**W**HEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing, widening, diverting, and improving the Road leading from Reading in the County of Berks, to Basingstoke in the County of Southampton*: And whereas the Trustees have borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be collected upon the said Road, for amending and improving the same, and which Monies still remain due and owing, and the Term granted by the said Act is near expiring: And whereas the said Road cannot be sufficiently amended, widened, improved, and kept in Repair, nor can the Monies so borrowed be repaid, or the Interest thereon be discharged, unless the Term and Powers of the said Act be enlarged: And whereas it would facilitate the Execution of the Purposes aforesaid, if the several necessary Powers and Provisions were comprized in one Act, and the said former Act repealed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the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 from and after the passing of this Act the said recited Act shall be, and the same is hereby declared to be re-  
pealed,

41 G.3. c.59.

Former Act repealed,

[*Local.*]

19 A

and this Act  
to be exe-  
cuted in-  
stead.

Description  
of the Road.

pealed, and that this Act shall from thenceforth commence and take Effect and be put in Execution for and during the Term hereinafter mentioned, for the Purpose of repairing, widening, diverting, and improving the Road leading from the Bottom of a certain Street called *Scivier*, otherwise *Silver Street*, between Premises belonging to the *Blue School*, and a House now in the Occupation of *William Brooker*, in the Parish of *Saint Giles* in *Reading*, in the County of *Berks*, to the Wheeler's Shop on *Shinfield Green* in the said County, and also from the Bottom of the said Street by the *King's Head Pond*, in the said Parish of *Saint Giles*, through a Village called *Three Mile Cross*, and over Two Bridges adjoining to the *Sheepbridge Mill* in the Parish of *Swallowfield*, which are the private Property of *Timothy Hare Altaban Earle* Esquire, (and for the Passage over the said Bridges an Annual Sum is paid him,) to a certain Spot at the Bottom of *Chapel Street* in the Town of *Basingstoke*, in the County of *Southampton*, which joins the *Aldermaston Turnpike Road* in *Basingstoke* aforesaid; and this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the said Tolls, authorized to be taken by the said Act on the said Road, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the Counties of *Berks*, *Southampton*, and *Wilts*, or either of them, together with *Samuel Attharwes*, *William Andrews*, *William Andrews junior*, *Martin Annesley*, *Lancelot Austwick*, *William Appletree*, *George Alloway*, *Frederick Bailey M. D.*, *Bernard Brocas*, *Henry Bird*, *Henry Biggs*, *John Jackson Blandy*, *William Blandy*, *Reverend James Blatch*, *John Boulton*, *Richard Body*, *Benjamin Brooks*, *John Bulley*, *Henry Brownjohn*, *Reverend John Bastard*, *John Balcomb*, *Beauchamp*, *William Champion*, *William Champion junior*, *Benjamin Champion*, *Charles Child*, *William Chute*, *Reverend Thomas Vere Chute*, *Alfred Compigne*, *James Cocks senior*, *Thomas Grint Curties*, *Crowther*, *Joseph Lawrance Darvall*, *Joseph Darvall*, *Henry Deane*, *John Deane*, *Charles Dickenson*, *Reverend Robert Duckinfield*, *Timothy Hare*, *Altaban Earle*, *Reverend William Eyre*, *Peter William French*, *Thomas Frankland*, *David Fenton*, *William Granger*, *George Gilbertson*, *William Garrard*, *Thomas Garrard*, *John Hooke Greene*, *Robert Green*, *Robert Harris*, *John Harris*, *John Hooper*, *William Halhead*, *Henry Thomas Hasker*, *Thomas Hasker*, *Robert Halbert*, *James Hawthorne*, *Charles Hawthorne*, *Joseph Hawthorne*, *George Higgs*, *Reverend George Hulme*, *Samuel Harris*, *Henry Houghton*, *Reverend Henry Hodgkinson*, *Reverend John Hewer*, *John Hoffman*, *James Hawkes*, *Reverend Doctor Jones Archdeacon of Hereford*, *George Purefoy Jervoise*, *John Johnson*, *Thomas Jessee*, *Musgrave Lamb*, *George Lamb*, *Thomas Lander*, *Edward Law*, *Edward Law junior*, *Herbert Lewis*, *John Lamb*, *Edward Lane*, *Charles Shaw Lefevre*, *Charles Shaw Lefevre junior*, *Henry Charles Shaw Lefevre*, *Charles Lyford*, *William Anthony Lewis*, *Thomas Letchworth*, *Lewis*, *Thomas Lawrence*, *Honourable Law*, *Henry Marsh*, *George Mitford*, *John Berkley Monck*, *Thomas May*, *William May* (*Basingstoke*), *Robert Maddock*, *William May* (*Burghfield*), *John Man*, *Richard Maul*, *Charles May junior*, *Thomas May*, *Reverend Henry Hart*

*Hart Millman, Ebenezer Fuller Maitland, Timothy Luff Mullens, James May, John May (Reading), William May (Reading), Jacob Newbery, John Neale, Reverend John Orde, Robert Palmer, Abraham Pole, Captain Purvis, Pineau, John Gwalter Palairret, William Quelch, Romaine D. D. Thomas Ring, Rickford, Henry Randell, Thomas Stokes Salmon, William Blackall Simonds, Blackall Simonds, Henry Simonds, Charles Simonds, Thomas Sowdon, Thomas Frederick Sowdon, William Stone, William Saunders, John Sherwood, Richard Sherwood, Richard Southby, William Stephens junior, George Shackel, Thomas Searle, George Stace, Edward Stephenson, Rowland Stephenson, Thomas Smith, Jonathan Tanner, William Tanner, Thomas Terry, Reverend Townsend, John Taylor M. D. Reverend Richard Valpy D. D. Edward Vines, William Wise D. D., Thomas Edmunds Williams D. D. Thomas Ward, Jacob Walters, William Watlington, Benjamin Williams, William Winkworth, Joseph Whatley, Maurice Workman, Maurice Workman junior, Reverend William Workman, Thomas Workman, Thomas Watts, James Wheble, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for putting this Act into Execution.*

III. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Five in the Whole, to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been hereby named and appointed.

Additional Trustees.

IV. And be it further enacted, That when and so often as any of the Trustees (save and except the Justices of the Peace) hereby appointed, or hereafter to be appointed, by virtue of this Act, shall die or be removed, or by Bankruptcy, Insolvency, or otherwise become disqualified or incapable of acting in the Trusts aforesaid, or by Writing under his or their hand, delivered to the Clerk to the Trustees, shall refuse or decline to act, it shall be lawful for the surviving Trustees, by writing under their hands, to appoint some other fit and proper Person living in either of the before-mentioned Counties, to be a Trustee in the Room of the Trustee so dying, refusing, becoming disqualified, incapacitated, or declining to act; but Notice of the Time, and Place of Meeting for every such Appointment, shall be given by the Clerk to the Trustees, by affixing the same in Writing on all the Turnpike Gates continued or erected by virtue of this Act, at least Ten Days before such Meeting; and every Trustee so elected or appointed, and being qualified as hereinafter mentioned, shall be thereupon invested with the same Powers and Authorities for executing this Act as if he had been named a Trustee in and by this Act.

On Death of Trustees others to be chosen, as also on Disqualification.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall at the Time of acting be in his own Right or in the Right of his Wife seised of or entitled to and in the actual Possession or Receipt of the Rents and Profits

Qualification of Trustees.

Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person or Persons 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, of the clear Yearly Value of Two hundred Pounds above Reprizes, or shall have or be possessed of a Personal Estate or of a Real and Personal Estate together to the Amount or Value of Four thousand Pounds, clear of all Debts and Incumbrances; nor shall any Person be capable of acting as a Trustee in the Execution of this Act, (except at the First Meeting after passing this Act, in administering the Oath hereinafter mentioned,) until he shall have taken and subscribed at some Meeting of the said Trustees to be held pursuant to this Act, at which not less than Three Trustees duly qualified shall be present, an Oath or Affirmation in the Words or to the Effect following :

Oath.

‘ I do swear, [*or, being One of the People called Quakers,*  
 ‘ do solemnly affirm,] That I truly and *bonâ fide* am in my own Right,  
 ‘ or in Right of my 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, of the clear Yearly Value of One  
 ‘ hundred Pounds above Reprizes; (and in case of an Heir Apparent) I  
 ‘ do swear, that I am Heir Apparent of who, to the best of  
 ‘ my Knowledge and Belief is truly and *bonâ fide* 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 of the  
 ‘ clear Yearly Value of Two hundred Pounds above Reprizes; (and  
 ‘ in case of Personal Estate) I do swear, that I am  
 ‘ possessed of a Personal Estate or of a Real and Personal Estate  
 ‘ together of the Amount or Value of Four thousand Pounds clear  
 ‘ of all Debts and Incumbrances, and that I will truly and faith-  
 ‘ fully execute the Powers and Trusts reposed in me by virtue of an Act  
 ‘ passed in the Third Year of the Reign of His Majesty King *George the*  
 ‘ Fourth, intituled [*here set forth the Title of the Act*].’

Which Oath or Affirmation any One of the said Trustees in their Presence at any such Meeting is hereby empowered to administer.

Particular  
Incapacities  
of Trustees.

VI. Provided also, and be it further enacted, That no Person appointed or to be appointed a Trustee by virtue of this Act shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be concerned in Interest, (except as hereinafter provided,) nor whilst he holds any Place or Employment of Profit under the said Trustees or this Act, nor during the Time he shall keep a Victualling House, or other House of Public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous, or other strong Liquors by retail, or who shall be interested or concerned in the Performance of any Contract under this Act, or who shall be a Lessee or Farmer of the Tolls of any Part or Parts thereof under this Act, or if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath hereinbefore mentioned, or being a Quaker not having made and subscribed the Affirmation hereinbefore mentioned, shall nevertheless presume to act as a Trustee in the Execution of this Act,  
 every

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, Wager of Law, or more than one Imparance shall be allowed, and the Person so sued or prosecuted shall prove that he is qualified, and not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act, which shall be done or performed by any such unqualified or disqualified Person previously to his being convicted of the Offence before-mentioned, shall be thereby impeached or be rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage, or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving any Interest thereout for the same, shall on that Account only be deemed unqualified to act as a Trustee in the Execution of this Act; and any of the Trustees appointed, or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as such Justices of the Peace in the Execution of this Act notwithstanding their being such Trustees, except in such Cases only wherein they shall be personally interested, otherwise than as a Trustee, Mortgagee, Assignee, Lender of Money, or Holder of any Security on the Credit of the Tolls granted by this Act.

Penalty on acting not being qualified.

No Act invalid unless done after Conviction.

Mortgagees may act as Trustees; and Trustees may act as Justices, except where personally interested.

VII. And be it further enacted, That the said Trustees shall meet together at the House known by the Name or Sign of the *George Inn*, in *Reading*, or at some other convenient Place, on the last *Tuesday* in the Month of *June* next after the passing of this Act, or as soon afterwards as conveniently may be, and proceed in the Execution hereof; and the said Trustees shall, after such Meeting shall have been so held, also hold Four Quarterly Meetings in every Year, on the Days and at the Places after-mentioned; that is to say, on the Second *Tuesday* after the Twenty-fourth Day of *June*, at *Basingstoke*, and the Second *Tuesday* after the Twenty-ninth Day of *September*, the Second *Tuesday* after the Twenty-fifth Day of *December*, and the Second *Tuesday* after the Twenty-fifth Day of *March*, at *Reading*, aforesaid; and the said Trustees shall, from Time to Time afterwards, during the Continuance of this Act, adjourn themselves to meet at the same Place or at such other Place or Places upon or near the Side or Sides of the said Road, and not exceeding the Distance of Two Miles from some Part thereof, and at such Time or Times as the said Trustees respectively or the major Part of them present at such Meeting shall appoint, and if there shall not appear at such Meeting a sufficient Number of Trustees to act or to adjourn to another Day (for the Purpose of which Adjournment only Three Trustees shall be sufficient), or in case the Trustees at any Time assembled shall omit to adjourn, or in case it shall at any Time be thought necessary by any Three or more of the Trustees to hold a Meeting of the said Trustees on an earlier Day than the Day to which any Meeting shall have been adjourned, then, and as often as it shall so happen, such Three or more of the said Trustees (or the Clerk to the said Trustees,

Trustees first and other Meetings.

Four Quarterly Meetings fixed.

Manner of Adjournment.

Trustees to pay their own Expences. Allowed for a Room to meet in.

Quorum.

No Order to be revoked without Notice.

Proceedings to be entered in a Book, which shall be Evidence.

Books used under former

being authorized by an Order in Writing, signed by Three or more of the said Trustees,) shall and may call a Meeting of the said Trustees, by Notice in Writing, to be affixed on all the Turnpike Gates then erected upon or across the said Road Ten Days previous to the Time of such Meeting, at such Time as such Three or more Trustees shall think proper, and order, direct, or appoint; and at all the several Meetings the Trustees shall pay and defray their own Expences, except any Sum not exceeding Twelve Shillings and Sixpence *per Diem* for the Use of the Room wherein they shall meet; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, (except in the Cases hereby otherwise particularly provided for,) and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relating to this Act which are directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Trustees who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Three (except in such Cases where any other Number is herein named), and that all Acts, Orders, or Proceedings had, made, or done by or before such Three Trustees, shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and that a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who, in case of an equal Number of Votes upon any Occasion, including such Chairman's Vote, shall have the casting or decisive Vote; and that no Order or Determination at any Meeting of the said Trustees once made, agreed upon, or entered into shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such a Revocation or Alteration shall have been given at a previous Meeting, and entered in the Book of Proceedings of such Meeting, and also by affixing such Notice on all the Turnpike Gates then erected upon the said Road Ten Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Five Trustees at least.

VIII. And be it further enacted, That all Orders and Proceedings of the said Trustees at their several Meetings shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered and signed by the Chairman or by their Clerk, by their Order, shall be deemed to be Originals; which said Book or Books, and also the Book or Books hereinafter directed to be kept for entering and keeping the Accounts of the Receipts and Expenditure of or for the said Road, and for registering or entering Mortgages of the Tolls, and Assignments or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever, and by all Judges, Justices, or others, touching any Thing done, or by the Trustees ordered to be done, in pursuance of this Act.

IX. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said

said recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

Act to be Evidence.

X. And be it further enacted, That the said Trustees shall and may, by Writing under their Hands in the Book of Proceedings, from Time to Time as Occasion shall require, nominate and appoint One or more Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Accountant or Accountants, Collector or Collectors, and such other Officer or Officers as they shall think necessary, and from Time to Time afterwards, when and as they shall think fit, displace and remove any of such Treasurers, Clerks, Surveyors, Accountants, Collectors, or other Officers; and upon such Removal, or when any of them shall die, misbehave, or resign their Office, or be incapable of performing it, they the said Trustees shall or may nominate and appoint another or others in the Stead or Place of such Officer or Officers as they shall think proper to remove, or who shall die, misbehave, or resign his or their Office, or be incapable of performing it; and the said Trustees may, by and out of the Tolls arising by virtue of this Act, allow and pay to such Treasurers, Clerks, Surveyors, Accountants, Collectors, and other Officers, and such other Persons as shall be aiding and assisting them in the Execution of their respective Offices, or that shall be any Ways employed in the Execution of this Act, such Salaries, Rewards, Wages, and Allowances, for their respective Attendance, Care, and Service, as to the said Trustees shall seem reasonable; but no Person shall be appointed to or capable of holding any or either of the above Offices, or any Place of Profit under this Act, during the Time he shall sell any Wine, Cider, Perry, Ale, Beer, or Spirituous Liquors by retail.

Appoint-ment of Clerks and other Officers.

Power to displace,

and appoint others.

Salaries.

XI. And be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Act so repealed shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced, or be removed by the said Trustees in Manner aforesaid, or be incapable of executing them, and shall be subject to the like Rules and Regulations and Pains and Penalties in all respects whatsoever as if they had been appointed under or by virtue of this Act.

Present Officers to continue.

XII. 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, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed their Treasurer, by virtue of the said recited Act or of this Act, 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 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

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

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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Treasurer,  
&c. to give  
Security.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his or their Office, before such Treasurer enters upon his Office; and if they shall so think proper shall and may also take such Security from their Surveyor, or any other Officer or Person to be appointed or continued under or by virtue of this Act; and if any Treasurer, or such Surveyor, or other Officer or Person from whom Security shall be required, shall act in the Execution of his Office before he shall have given such Security as aforesaid, such Treasurer, Surveyor, or other Officer shall forfeit and pay any Sum not exceeding Fifty Pounds, to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Trustees, in  
case of Death  
of any Col-  
lector, or his  
becoming  
insolvent,  
to appoint  
temporary  
Collectors.

XIV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls under this Act shall die, become insolvent, misbehave, abscond, or absent himself, neglect his Duty, or be incapable of performing it, it shall be lawful for any Three or more of the said Trustees, (although not assembled at a Meeting to be held pursuant to this Act,) by Writing under their Hands, to displace such Collector or Receiver, and to nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, in the Room or Stead of the Collector or Receiver who shall so die or be discharged, to continue until the Trustees shall, at a Meeting holden in pursuance of this Act, appoint a Collector or Receiver of such Tolls in his or her Stead or Room, which Person so nominated and appointed shall have the like Powers and Authority, and shall be answerable, and accountable, and removeable, in the same Manner, in all respects, as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and if any Collector or Receiver of the Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife, or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver, who shall die or be discharged, or any Stranger, Intruder, or other Person being in Possession thereof, shall refuse to deliver up the Possession of any Toll-Gate, Toll-House, or Building, or the Appurtenances thereto belonging, to be continued or set up by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose, under the Hand or Hands of any One or more of the said Trustees, although not assembled at a Meeting, (or by their Clerk, Treasurer, or Surveyor for the Time being,) or if any Lessee or Farmer of any of the Tolls arising by virtue of this Act shall retain and keep Possession of any such Toll-Gate, Toll-House, Building, or Premises, after the End of his, her, or their Lease or Term therein, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County, Liberty, or Place wherein such Toll-Gate, Toll-House, Building, or Premises shall be situate, upon Application made by the said Trustees, or any Three or more of them, or by any  
Person

Any Justice  
by Warrant  
may remove  
any Gate-  
keeper or  
his Family  
refusing to  
quit after  
Notice.



Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable, or other Peace-Officer, within the same County, Liberty, or Place, with such Assistance as shall be necessary, to enter such House, or Building, or Premises, in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any of them, or any Person they shall appoint for that Purpose, into the Possession thereof.

XV. And be it further enacted, That every Officer and other Person who shall be appointed or continued under or by virtue of this Act shall, from Time to Time, when thereunto required by the said Trustees, by Notice in Writing to him or them respectively given or left at his or their usual Place of Abode, or within Seven Days next afterwards, make out and deliver to such Trustees, or to such Person or Persons as they shall appoint to inspect and examine the same, a true and perfect Account in Writing, under his or her Hand, of all Monies which shall have been by him or her had, collected, or received; and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him or her to the said Trustees, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any Officer or Person shall neglect or refuse to render or deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in Manner and within the Time aforesaid, or shall neglect or refuse, on such Requisition as aforesaid, to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, Matters, and Things in his or their Custody or Power, relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Trustees, then and in every such Case, Complaint being made by the said Trustees where such Neglect or Refusal shall happen, or by any other Person or Persons on their Behalf, of any Neglect or Refusal, to any Justice of the Peace for the County, Liberty, or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required by Warrant under his Hand and Seal to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the Trustees might have done, and if, upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person to the said Trustees, the said Justice may and he is hereby authorized, upon Nonpayment thereof within such Time as such Justice shall direct by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies,

Officers to  
account, or  
be punished.

Justices may  
grant War-  
rants against  
Officers, and  
levy Ba-  
lances by  
Distress.

For want of  
Distress, to  
commit the  
Offenders to  
Prison.

and the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose; or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Matters, and Things, as aforesaid, to be by him delivered over to the said Trustees, then and in any of the Cases aforesaid, the said Justice is hereby authorized and required by Warrant under his Hand and Seal to commit such Officer or other Person to the Common Gaol or House of Correction for the County, Liberty, or Place, where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account as aforesaid and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies that shall appear to be in the Hands of or owing from him or her to such Trustees, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made or until he or she shall have compounded with the said Trustees for such Money and Charges, and pay the Composition Money to such Trustees or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees are hereby empowered to make, and shall have delivered up as aforesaid such Books, Papers, Writings, Tools, Matters, and Things, as aforesaid, or have given to the Trustees Satisfaction in respect thereof: Provided always, that no Person who shall be committed for want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months.

Accounts to  
be kept of  
Receipts and  
Disburse-  
ments.

XVI. 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 for the Time being to the said Trustees, 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 for 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 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, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect such Book or Books, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

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

XVII. And be it further enacted, That the said Trustees may and shall in all Cases sue or be sued in the Name of any One of the said Trustees, or of their Clerk, and that no Action which shall be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Trustees, or any of them, by virtue or on Account of this Act, or any Thing

Thing done, contracted for, or omitted to be done, in pursuance of this Act, or by any Officer or Person acting under the same, in relation to the said Road, in the Name of such Trustee or Clerk, shall abate or be discontinued by the Death, Removal, or Act of such Trustee or Clerk, without the Consent of the said Trustees; but that One of the said Trustees, or the Clerk of the said Trustees for the Time being, shall always be and be deemed the Plaintiff, Prosecutor, or Defendant, in every such Action or Indictment, as the Case may be; and that every such Trustee or Clerk, in whose Name any Action, Indictment, or Suit, shall be commenced, preferred, prosecuted, or defended, in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act all such Costs, Charges, Damages, and Expences, as he shall be put unto, or become chargeable with, by reason of his being so made Plaintiff, Prosecutor, or Defendant therein as aforesaid, such Trustee or Clerk having an Order in Writing from the said Trustees, giving Directions for or consenting to the commencing, prosecuting, or defending such Action, Indictment, or Suit.

XVIII. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace under or by virtue of this Act, by reason of being a Trustee of the said Road, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer or Clerk, or Surveyor, or other Officer under this Act, or an Inhabitant of any Township, Parish, Tything, or Place, through which the said Road doth or shall pass, nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be rejected or liable to be questioned or set aside.

Trustees  
may be Wit-  
nesses.

XIX. And be it further enacted, That all the present Turnpike-Gates with the Toll-Houses, and their respective Bars, Rails, Gardens, Outlets, and Appurtenances, upon and across or on the Side or Sides of the said Road, shall be continued until removed by Order of the said Trustees; and the said Trustees shall and may as they shall think proper, continue or remove all or any of the Turnpikes, Toll-Gates, Bars, Chains, and Toll-Houses, with their respective Appurtenances already erected on the said Road, and also may erect and set up or cause to be erected and set up any other Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Road, and upon the Side or Sides thereof, and also in, upon, or across any Lane or Way leading into or out of the same, and may also continue, erect, or provide a Toll-House with suitable Out-buildings and Conveniences at or near each and every such Toll-Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll-Gates or Toll-Houses or any of them as they the said Trustees shall think expedient, and also may take in and inclose from any Common or Waste Land on the Side or Sides of the said Road near or whereon any Turnpike House hath been by virtue of the said former Act or in virtue of this Act shall be erected or built, a Garden-Spot to each Turnpike-House not exceeding in Quantity One-eighth Part of an Acre.

Power to  
erect or con-  
tinue Turn-  
pikes and  
Toll Houses.

XX. And

Toll-Gates  
and Turn-  
pike-Houses  
vested in  
Trustees.

XX. And be it further enacted, That the Right and Property in all the Turnpikes, Toll-Gates, Toll-Houses, and Buildings, and the Bars, Chains, Posts, Rails, Fences, and other Conveniences, with their Appurtenances thereunto belonging already erected or made upon or by the Sides of the said Road, or which shall be erected or made by virtue of this Act, and to or in all Materials for building and repairing the same, and for repairing or making the said Road, or any Bridges, Docks, or Drains therein, and Parapets or Walls on the Sides thereof, and all Mile-Stones and Direction-Posts already or hereafter to be erected or set up on or by the Sides of the said Road, and also to and in all the Lamps, Lamp-Posts, Lamp-Irons, Cotton, Oil, and Furniture for lighting the said Turnpike and Road, or any Part thereof, and of and in all Working Tools, Implements, Utensils, Instruments, Materials, the Scrapings of the said Road and other Things whatsoever which shall be got, collected, or provided for any the Purposes or under the Authority of this Act, shall be and every of them and every Part and Parcel thereof respectively is and are hereby vested in the said Trustees, and they the said Trustees are hereby authorized and empowered to sell and dispose of the same or any of them when and as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons, or shall dig up, break, pull down, damage, steal, take away, spoil, injure, or destroy any of such Turnpikes, Toll-Gates, Toll-Houses, Conveniences, Appurtenances, Materials, Articles, or Things aforesaid, or any of them, or any Part or Parts thereof respectively, or disturb the said Trustees or any of their Agents or Servants in the Possession thereof, in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll-Gates, Toll-Houses, Conveniences, Appurtenances, Materials, Articles, or Things, to be the Property of the Clerk or Treasurer for the Time being to the said Trustees.

Power to  
take Tolls.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, their Farmers, Lessees, Tenants, or Renters, or any other Person or Persons continued, or to be appointed by virtue of this Act Collector or Collectors thereof, to demand and take, at each and every Turnpike or Toll-Gate continued or to be erected by virtue of this Act, and from the Owner or Owners of or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage, of whatsoever Description hereinafter enumerated, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same (subject to the Provisions and Restrictions hereinafter contained,) the following Sums or Tolls respectively, as the said Trustees shall appoint and order; (that is to say,)

Tolls.

For every Horse or Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Hearse, Chaise, Curricule, Calash, or other such Carriage with Four Wheels, if drawn by Six Horses or Beasts of Draught, the Sum of Four-pence; if drawn by Five or Four Horses or Beasts of Draught, the Sum of Four-pence Halfpenny; and if drawn by Two or Three Horses or Beasts of Draught, the Sum of Sixpence:  
For every Horse or Beast of Draught drawing any Chaise or Chair, with Two Wheels, the Sum of Sixpence:  
For every Horse or Beast drawing any Waggon, Wain, Cart, or other such Carriage, if drawn by One Horse or Beast of Draught, the Sum  
of

of Four-pence; and if drawn by Two Horses or Beasts of Draught, the Sum of Eight-pence; and if drawn by Three Horses or Beasts of Draught, the Sum of One Shilling; and if by Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence:

And for every Carriage loaden with Timber, if drawn by Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and for every additional Horse or Beast of Draught, the further Sum of Two-pence:

And for every Horse, Mule, or Ass, loaden or unloaden, and not drawing, the Sum of One Penny Halfpenny:

And for every Drove of Oxen or Neat Cattle, the Sum of One Shilling per Score; and so in Proportion for any greater or less Number:

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

Which respective Sums of Money hereby authorized to be taken as Tolls vested aforesaid shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed.

XXII. And be it further enacted, That if any Person subject or liable to the Payment of any of the said Tolls shall, after Demand made thereof, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing upon or in respect of which any such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements, (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast,) or any Carriage in respect of the Horses or Cattle drawing the Carriage for which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay, and if the Toll, or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Ten Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the overplus Money arising by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

XXIII. And be it further enacted, That the said Trustees shall and they are hereby authorized and empowered from and after the passing of this Act to demand and take, or cause to be demanded and taken, at any Toll Bar or Gate erected on either of the said Bridges at *Swallowfield*, or within Two Miles of the same, on the said Road, as an additional Toll, any Part of the several and respective Tolls by this Act authorized or allowed to be taken at any of the Toll-Gates erected by virtue hereof, not exceeding One Half Part thereof; and such last-mentioned Toll shall be demanded, levied, and recovered with the like Powers and Authorities as the other Tolls are authorized to be collected, levied, and recovered, and shall be applied and disposed of in the Manner hereinafter directed: Provided nevertheless, that no

unlawful  
with  
any  
business  
of the  
said  
Trustees

and for want  
of Payment  
to be levied  
by Distress.

Toll at  
either of the  
*Swallowfield*  
Bridges, or  
within Two  
Miles.

such

Carriages with any Grain, going to or returning from Sheep-bridge Mill, exempt.

such last-mentioned Toll shall be paid or payable for or in respect of any Horse, Ass, or Beast going to or returning from a certain Mill called *Sheepbridge Mill*, near to the said Bridges, laden with any Corn or Grist to be ground, or having been ground thereat, or returning from the said Mill having carried such Corn or Grist thereto, or for any Waggon, Wain, Cart, or other Carriage drawn by One or more Horse or Beast of Draft going to the said Mill with Corn, or returning from the said Mill with Flour or Meal, or returning from having there deposited such Corn or Grist, or going to the said Mill for the Purpose of taking up any Corn or Grist, or going from the said Mill with any such Corn, Flour, or Meal.

Charging Chalk with Toll.

XXIV. And whereas great Quantities of Chalk, intended not only for manuring Lands but for various other Purposes are carried from the Towns of *Reading* and *Basingstoke*, or Places in the Vicinity thereof, upon and over the said Road, and although the Exemption from Toll granted by Law for such Carriages as are laden with Chalk extends only to such Chalk as is used for manuring Lands, yet it is difficult for the Gatekeepers to know for what Uses the same is intended: And whereas in regard to the great Demand upon the greatest Part of the said Road, as also other adjoining Roads for Chalk, and the great Injury which the said Road sustains by the constant Draught thereon, in Carts and Waggons with narrow Wheels, it has become highly expedient and just that such Carts and Waggons should be made to contribute in a reasonable Degree to the Support of the said Road; be it therefore enacted, That Toll shall be demanded and taken at the Toll-Gates on the said Road for Carts and Waggons loaded with Chalk at the Rate of One Half Part of the Toll which the said Carts or Waggons would severally be liable to pay if loaded with any other Goods or Commodities, and so that, nevertheless, such Toll shall not be charged upon any Cart loaded with Chalk, having the Fellies of the Wheels of the Breadth of Six Inches or more, and not being drawn by more than Three Horses, or by more than Four Oxen, or other Beasts of Draught, nor upon any Waggon loaded with Chalk, having the Fellies of the Wheels of the Breadth of Six Inches or more, and not being drawn by more than Five Horses or Six Oxen or other Beasts of Draught, any Exemption granted by any Law or Statute now in Force to the contrary notwithstanding.

To prevent the Trustees from levying an increased Toll upon Horses drawing Waggons on account of the Breadth of the Wheels.

XXV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Lessee or Lessees of the said Tolls, to demand, take, or levy any further or higher Tolls than are hereby granted for any Horses or Beasts of Draught drawing any Waggon, Wain, or Cart for or on account of the Wheels thereof being of less Breadth than Six Inches, any Thing in an Act made in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain, amend, and reduce into One Act of Parliament the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, or for other Purposes*, or any other Act to the contrary notwithstanding.

Tolls to be paid once a Day.

XXVI. Provided always, and be it further enacted, That no Person or Persons who shall have paid any Toll for passing through any Turnpike or Toll-Gate already erected, and by this Act continued, or to be erected by

by virtue hereof, upon and across or on the Side or Sides of the said Road, shall be liable to the Payment of any further or other Toll for afterwards passing or repassing, at any Time or Times, through the same Turnpike or Toll-Gate, with the same Horse, Beast, or Cattle, if laden or unladen and not drawing, and if drawing with the same Horse, Beast, Cattle, and Carriage, on any One Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night,) such Person or Persons so having paid Toll producing a Note or Ticket denoting the Payment thereof.

XXVII. Provided always, and be it enacted, That no more than Three full Tolls in the Whole shall be demanded or taken of or from any Person for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing and repassing in One Day, (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night,) through all the Gates erected or to be erected on the whole Line of the said Road (save and except Stage Coaches, Caravans, and other Public Carriages, and Post Chaises, and also except the Toll to be taken at or near the Bridges at *Swallowfield* as herein directed).

Three full Tolls on the whole Road.

XXVIII. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all Stage Coaches, Caravans, and other such Public Carriages, licensed or not licensed, for every Time of passing and repassing upon the said Road, on the same Day, to be computed as aforesaid; and that the said Tolls shall be payable for or in respect of all Post Chaises and other Carriages travelling for Hire, for passing and repassing upon the said Road on the same Day, (the Day to be computed as aforesaid,) every Time a Ticket shall be produced denoting a new Hiring; provided always, that all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Road, shall, on returning without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll free, although such Horses, Chaise, or Carriage, shall not have passed through such Turnpike on the same Day.

Stage Coaches, Post Chaises, &c. to pay every Time of passing upon a new Hiring.

XXIX. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof shall and he is hereby required 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 thereon the Name of the Gate at which such Payment is made, and also the Names of the several and respective Gates (if any) freed by such Payment.

Tickets to be printed denoting Payment of Toll.

XXX. And be it further enacted, That a Table of the Tolls payable under the said Act and this Act shall be affixed on all the Toll-Houses erected or to be erected on the said Road, and the Name of the Turnpike-Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Table of Tolls to be put up.

XXXI. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by any Justice

Disputes to be settled by a Justice.

Justice of the Peace for the County or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses, (which Oath every such Justice is hereby authorized and empowered to administer,) and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, (which Warrant every such Justice is hereby empowered to issue,) and the Overplus (if any) after Payment of such Costs and the Costs of such Distress and Sale shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Penalty for  
evading  
Tolls.

XXXII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, Private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Road, (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family, Servant, or Servants,) or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid, shall knowingly or wilfully permit or suffer any Person or Persons not being of his, her, or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, Private Passage, Land, Ground, or Place, in order or with intent thereby to evade the Payment of the said Tolls, or any of them, or any Part thereof, or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except a Collector of the Tolls) any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, for the Purpose of evading the said Tolls, or any of them, or shall forcibly or fraudulently pass through any Turnpike or Toll-Gate with any Horse, Carriage, Cattle, or Beast, without Payment of Toll, or shall take off, or cause to be taken off, any Horse, Beast, or Cattle from any Carriage, or after having passed through any Turnpike or Gate shall put on an additional Horse or Beast to any such Carriage, or shall unload, or cause to be unladen, any Goods, Merchandize, or other Things, from or out of any Carriage, with intent to evade Payment of any of the said Tolls, all and every such Person or Persons so offending in any of the Cases aforesaid, shall, for each and every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Two Pounds, over and besides such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

Exemption  
for Royal  
Family.

XXXIII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Tolls any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

General  
Exemptions.

XXXIV. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act of or from any Surveyor engaged  
in



in executing the Powers of this Act, nor from any Person or Persons for any Horse or Horses or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage carrying, or conveying, or going empty, to fetch, carry, or convey, or returning empty from or after having been used in the carrying or conveying only on the same Day any Stones, Bricks, Tiles, Timber, Wood, Lime, Gravel, Mortar, or other Materials for repairing or improving the said Road, or any Public Road or Highway lying within any or either of the Parishes, Hamlets, or Places in which the said Road hereby directed to be repaired is situate; or for the building or repairing any present or any future Bridge or Bridges, or any Turnpike-House, Toll-Gate, Drain, or Fence, upon or on the Sides of the said Road, or any of them, by or under the Order or Authority of the said Trustees or any of them; or carrying or conveying any Seed for being immediately used in seeding Lands within any or either of the Parishes, Hamlets, or Places in which the said Road hereby directed to be repaired is situate, or any Hay, Grass, Straw, or Corn, or Pulse in the Straw only; or any Turnips, Potatoes, Milk, Furze, or Wood, for the Use of the Owners, (such Owners being Inhabitants of some or One of the said Parishes, Hamlets, or Places,) and not for Sale or not sold or disposed of, and not passing to such Owners on a previous Sale thereof to them but passing to be laid up or placed in the Houses, Outhouses, Barns, or Yards, or on the Lands of such Owners, or for their Use; or for any Horse, Beast, or other Cattle or Carriages carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed in carrying or conveying, on the same Day any Ploughs, Drags, Harrows, or other Implements of Husbandry; or for any Horse, Beast, or other Cattle or Carriage carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Mould, Dung, Soil, or other Manure or Compost (except Chalk) to be used in manuring or improving of Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from any Pasture or any common Watering Place, or going to be or returning from being shod or farried; or from any Person or Persons residing in any Parish, Hamlet, or Place in which the said Road lies going to or returning from his, her, or their proper Parochial Church or Chapel; or from any Person or Persons going to or from his, her, or their usual Place of Religious Worship, tolerated by Law on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or going to, attending, or returning from attending the Funeral of any Person who shall die and be or to be buried in any such Parish, Hamlet, or Place; or from any Minister going to or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Mare, Gelding, or other Beast, upon which any Person shall ride to and from any Lands in his, her, or their own Occupation, only situate in any of the Parishes, Hamlets, or Places in which the said Road lies; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying after having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or employed in carrying or conveying

[*Local.*]

19 E

conveying

conveying or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same employed in conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other Public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for any Horses or Carriages employed only in carrying or conveying any Vagrant or Vagrants sent by legal Passes, or any Prisoner in Custody under any legal Warrant, or returning empty after having been so employed; or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Berks, Wilts, or Hants*, during the Time of such Election, or on the Day before or Day after the Day whereon such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Exemption  
for Carriages  
conveying  
the King's  
Stores from  
carrying  
Overweight.

XXXV. 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, or Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the 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 any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls may  
be lessened  
and raised  
again.

XXXVI. And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen or reduce all or any Part or Parts of the Tolls hereby granted at all or any or either of the said Toll-Gates or Turnpikes, and to raise the same again to any Sum or Sums of Money not exceeding the respective Sums or Tolls by this Act granted; but no such Reduction shall at any Time be made unless the Person or Persons who shall be entitled to Five-Sixth Parts at the least of the Money then due on the Credit of the said Tolls shall, by Writing  
under

under his, her, or their Hand or Hands, consent thereto; and no Alteration shall be made in the said Tolls but at a Meeting of the said Trustees, to be especially called for that Purpose; and unless Ten Days Notice at the least of the Time and Place of holding such Meeting shall be affixed upon all the Turnpikes or Toll-Houses then erected or standing upon the said Road, and also inserted in some Newspaper circulated in the Neighbourhood of the said Road; and such Tolls so lessened, or reduced, or raised again, as aforesaid, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

XXXVII. And be it further enacted, That the said Trustees may and are hereby empowered from Time to Time, when and as they shall think fit, to compound and agree for any Term not exceeding One Year at any One Time, with any Person or Persons, for any Carriages, Horses, Beasts, or Cattle travelling on the said Road, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Beasts, or Cattle, to be applied as the Tolls in respect whereof such Composition shall be made are directed to be applied, but all such Composition Money shall be paid in advance, and in Default thereof the Agreement for making such Composition shall be void.

Trustees  
may com-  
pound for  
Tolls.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees (upon Ten Days Notice thereof to be given in Writing by affixing the same upon all the principal Gates or Turnpikes then erected upon or across the said Road) from Time to Time to let or lease and demise, or agree to let or lease and demise, the Tolls by this Act granted, or any Part or Parts of such Tolls, for any Terms not exceeding Three Years at a Time, for the best Price that upon Public Bidding or upon Tender can be had or gotten for the same, payable at such Times to such Person or Persons, under such Conditions and Agreements, and with such Surety or Sureties for the Payment thereof, and in such Manner as the said Trustees shall think fit, and the Money arising thereby shall be applied in such Manner as the Tolls so let or leased are under this Act directed to be applied; and when such Tolls shall be put up to Auction the said Trustees may, if they think proper, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for less than an adequate Value; any Thing in any other Law or Statute to the contrary hereof notwithstanding; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees, or any Three or more of them, to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let; any Thing in any Law or Statute to the contrary notwithstanding; and the Rents or Money arising by such letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Trustees  
may let  
Tolls.

XXXIX. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof by this Act granted, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other

Lessees, or  
Persons ap-  
pointed by  
them, may  
collect the  
other  
Tolls.

other Person or Persons as he or they shall for that Purpose authorize or appoint to demand and take the said Tolls so leased, demised, let, or farmed, with the like Powers for Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls, continued as aforesaid, or appointed by the said Trustees, or any of them, is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions for Misconduct as any Collector of the said Tolls, continued as aforesaid, or appointed by the said Trustees or any of them is subject or liable to.

Penalty on Renters, &c. taking greater or less Toll.

XL. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls, shall demand and take or cause to be demanded and taken from any Person or Persons, any Toll not authorized by this Act to be taken, or a greater or less Toll than what is authorized to be taken by or under this Act, or by or under any Order of the Trustees made under the Powers of this Act, such Lessee, Farmer, or Renter shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Two Pounds, and also his Contract for renting the Tolls, if the said Trustees shall think fit to vacate the same; and every such Collector not being the Lessee, Farmer, or Renter shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings, such Forfeitures respectively to be recovered in Manner hereinafter mentioned.

Toll-Collectors to post up their Names.

XLI. And be it further enacted, That every Toll-Collector being a Lessee or Renter of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees, Renter or Renters, to collect the Tolls payable at any Turnpike or Toll-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 of the Toll-House, immediately over the Door thereof; and where there shall be a Toll-Gate without a Toll-House, on the Top-Rail of the said Toll-Gate, immediately upon his or her beginning to collect thereat, on coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of 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 or 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 or her Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the Gate at which such Payment shall have been made, and also the Toll-Gate or Toll-Gates freed by such Payment,

ment, or shall unnecessarily detain any Passenger or Passengers, Traveller or Travellers, or shall make use of any scurrilous, abusive, or blasphemous Language to any Passenger or Traveller, then and in every such Case every such Toll-Collector shall forfeit and pay any Sum not exceeding Five Pounds nor less than Two Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied: Provided also, that if any Person or Persons shall at any Time wilfully break in Pieces, tear down, obliterate or destroy the Board, or the Name or Names of any such Collector as aforesaid thereon painted or written, or shall assault, obstruct, hinder, or molest any Collector, or any Surveyor, or other Person or Persons who shall be by or under the Order or Authority of the Trustees employed on the said Road, in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds.

XLII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Fourteen Days next, after any of the Days on which the same ought to be paid, or in case such Lease or Agreement shall in any other Manner or for any other Cause become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County, Liberty, or Place, where the Toll-Gate or Toll-House shall be situate, and he is hereby required upon Application made to him by the said Trustees, or their Clerk, Treasurer, or Surveyor, or by any other Person authorized by Writing under their Hands, by Warrant under his Hand and Seal, to order any Constable, or other Peace Officer, with such Assistance as shall be necessary to enter upon and take Possession of any or every such Toll-House or Toll-Houses, Toll-Gate, Bar, Chain, or Weighing Engine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof, and that thereupon it shall be lawful for the said Trustees, (if they shall think fit,) to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls, to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes whatsoever, (save only as to the Obligations, Covenants, or Agreements, for Payment of the Rent or Rents thereby reserved or other unperformed or broken Obligations, Covenants, or Agreements on the Lessees' Part,) as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls, Toll-Houses, Gates, and Appurtenances, again to any other Person or

Enabling Trustees to take Possession of Toll-Houses in case of Non-performance of the Terms of the Lease.

[Local.]

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Persons,

Persons, or cause the said Tolls to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

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

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

Form of Mortgage.

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

Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered and numbered progressively in a Book or Books to be kept and provided for that Purpose by the Clerk or Treasurer to the said Trustees; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any such Mortgage or of any Mortgage, Order, or other Security heretofore made or given under the Authority of the said recited Act of the Forty-first Year of the Reign of His said late Majesty, or any other Act or Acts of Parliament for repairing the said Road, or any Part thereof, or who shall be entitled to the Money thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit, in and to the said Mortgages, Warrants, Orders, or other Securities respectively, and the principal Monies and Interest thereby secured to any Person or Persons whomsoever, by Indorsement on the Back of such Mortgages, Warrants, Orders, or other Securities, in the Words or to the Effect following; (that is to say,)

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

‘ Executors,

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

' A. B. '

' Witness C. D. '

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

Memorial of Transfer to be registered.

Creditors to have no Preference.

Trustees not personally liable for Money borrowed.

XLIV. And be it further enacted, That the said Trustees shall and may if thereunto required receive in and cancel all or any Mortgages, Warrants, Orders, or other Securities, now standing out, that were made by virtue of the said former Act, and give and execute a Mortgage or Mortgages in lieu thereof respectively, in the Form hereinbefore directed, or as near thereto as the Case will admit of, the Person or Persons requiring such new Mortgage or Mortgages paying the Expences thereof.

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

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

No Mortgage for more than 100*l.*

XLVI. And

Ejectment may be supported by One Mortgagee, but without Prejudice to the rest.

XLVI. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll-Gates, Bars, Chains, Toll-Houses, and Buildings, shall seek to obtain Possession of such Tolls, Toll-Gates, Bars, Chains, Toll-Houses, or 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, without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession, but such Person or Persons who shall so obtain the Possession thereof shall not apply the Tolls which may consequently be received 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 Premises *pari passu*, and in Proportion to the several Sums which shall be then due to them as such Mortgagees.

Persons owing Money shall continue liable, and all Bonds, Contracts, &c. to remain in full Force.

XLVII. And be it further enacted, That all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said former Act, shall be liable to the Payment thereof to the Trustees for executing this Act, and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons, to or with the Trustees for executing the said former Act shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on Account of and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts and Agreements, made and entered into by the said Trustees for executing the said former Act, shall so far as the same are not altered or avoided by this Act remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Stipulations thereof respectively, the Repeal of the said former Act or any Law to the contrary notwithstanding.

Application of Tolls and Money borrowed.

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

Trustees restrained from taking down Dwelling-Houses or Buildings.

XLIX. Provided also, and be it further enacted, That the Powers and Authorities hereby given for altering and improving the said Road shall not extend, or be construed to extend, to authorize or empower the said Trustees to deviate more than One hundred Yards from the present Line of the said Road, or to take or pull down any Dwelling-House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Park, Planted Walk or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof



thereof respectively without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

L. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owner of and Persons interested in any Houses, Buildings, Lands, Tenements, Hereditaments, and Premises, with their Appurtenances, which they shall deem necessary to purchase, for the Purpose of widening, diverting, altering, and improving the said Road for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right; and to and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees all or any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be good, valid, and effectual, to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever; any Law, Statute, Usage, Custom, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

Trustees  
may purchase for the  
Improvement of the  
Road

LI. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations, Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given or left in Writing, at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises shall for the Space of Thirty Days next after such Notice given or left as aforesaid neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall

Where Persons interested neglect or refuse to treat.

Damages or Value to be assessed by a Jury.

Trustees to issue Warrants to the Sheriff to impanel Juries.

Trustees may impose Fines on Sheriffs and Juries, as also Witnesses making Default.

be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County, Liberty, or Place wherein such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises do lie; and in order thereto the said Trustees are hereby empowered and required, from Time to Time, as occasion shall require, to summon and call before such Jury, and examine upon Oath all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premises, which Oath the said Trustees, or any or either of them, are and is hereby empowered to administer; and such Trustees shall by ordering a View or otherwise use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises, and after the said Jury shall have inquired of and assessed such Damage, and Recompence they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination thereon shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Idiots, Lunatics, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever, and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants in Writing, signed by any Five or more of them, to the Sheriff of the County wherein such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Stander's-by or that can be speedily procured to attend that Service to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall without sufficient Excuse refuse or neglect to appear, or appearing shall refuse to be sworn

and

and examined, or to give Evidence, so that no one Fine be more than Ten Pounds on any such Sheriff or Deputy, nor more than Five Pounds on any other Person for one Offence.

LII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning or returning the said Jury or Juries as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any such Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury or Juries as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or Losses, or Damages as aforesaid; then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, Liberty, or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, (who is hereby required to examine and settle the same,) and shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed such Damages, and shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by the Ways and Means hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

How the Expences of Juries and Witnesses are to be borne and paid.

Absentees not liable to Expences.

LIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in Manner by this Act directed, (as the Case may be,) and upon such Payment to such Parties or Persons,

Money assessed and charged for Land, &c. how to be paid.

or

Old Roads  
may be stopt  
and sold.

or their Agents, or into the Bank of *England*, and after Thirty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises, then such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises respectively shall and may be taken and used for the Purposes of this Act; and such Lands, and the Scite of such Houses, Buildings, Tenements, Hereditaments and Premises shall be laid into and made Part of the said Road in such Manner as the said Trustees shall direct, and shall be repaired and kept in Repair by the said Trustees by the same Ways and Means as any other Part of the said Road is or ought to be kept in Repair; and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road shall be completed the Lands or Grounds constituting any former Roads or Road, or so much or such Part or Parts thereof as in the Judgment of the said Trustees may thereby become useless or unnecessary, shall or may be stopped up and discontinued as Public Highways, (unless leading over some Moor, Heath, Common, uncultivated Land or waste Ground, or to some Church, Mill, Village, Town or Place, Lands or Tenements, to which such new Road or Roads doth not or do not immediately lead, and which may therefore be deemed proper to be kept open either as a Public or Private Way or Ways for the use of any Inhabitant at large or any Individual or Individuals,) and shall be vested in and shall and may be sold and conveyed by the said Trustees in the Manner hereinafter mentioned for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances, being executed by the said Trustees or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the County, Liberty, or Place wherein such Road shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever; or it shall be lawful for the said Trustees, instead of making such Sale as aforesaid, to give up to the Owners or Proprietors of any adjoining Lands, Tenements, or Hereditaments whose Building, Land, or Ground shall be had or taken for the Purposes of this Act, any Part or Parts of the present or old Roads in lieu and in Exchange for the same, in such Way and Manner as such Trustees and Owners or Proprietors shall agree upon and think fit.

When any  
Part of the  
old Roads  
are to be  
sold; the  
First Offer to  
be made to  
the original  
or adjoining  
Owner.

LIV. Provided always, and be it further enacted, That the said Trustees before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid to any other Person or Persons, shall first offer the same to the Person or Persons of whom the same shall have been so purchased to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Liberty, or Place where such Ground is situate, (who are hereby respectively empowered to take such Affidavit,) or by some Person or Persons no way interested in the said Piece or Parcel of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was

not

not agreed to by the Person or Persons to whom the same was made, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed, with respect to disputed Value of Premises, to be taken and used in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner hereinbefore directed, with respect to such Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is hereinbefore directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads hereinbefore directed to be sold.

LV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trust for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account 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 and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, in the Purchase or Redemption of the Land-Tax, or in or towards the Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Pre-

Application of Compensation Monies for Land, &c. if amounting to 200*l.*

mises 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 or Settlement shall be existing, undetermined or capable of taking Effect; and in the Meantime and until such Purchase shall be made the said Money shall by Order of the said High Court of Chancery upon Application thereto be vested 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 or Interest 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, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement was made.

Where less than 200%. and amounting to 20%.

LVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to 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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant-General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be applied at the like Option to Two or more Trustees to be nominated by the Person or Persons making such Option, and approved of by Two or more of 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 and Produce arising thereon and therefrom may be applied in any Manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20%.

LVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next hereinbefore 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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

LVIII. And

LVIII. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under or by virtue of the Power 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 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 any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises be not known or discovered, then and in every such Case it shall 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 High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, (describing them,) subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sum 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 said 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 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 therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

LIX. 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 High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or of any Estate, Right, Title, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased in pursuance of this Act for the Purposes aforesaid; 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 any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Houses, Buildings, Tenements, Hereditaments, and Premises according to such Possession, until the contrary shall be shown to the Satisfaction of the said High 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 be made appear to the said Court that such Possession was a wrongful Possession, and that

In case of disputed Titles.

some

some other Person or Persons was or were lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid to the Trustees.

LX. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of any other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of 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 out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to get Materials.

LXI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees and all such Persons as he or they shall appoint to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Road, or building, rebuilding or repairing any present or future Toll-House or Toll-Houses on or by the Sides thereof, or any Bridge or Bridges thereon, out of any Common, River, or Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place, and to haul and carry away any such Materials when got over any Common or Waste Lands without paying any Thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks, wherefrom such Materials shall be taken, or railing or fencing off such Pits, or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, and such Damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for the said Surveyor or Surveyors and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person or Persons where the same may be had or found, in any Parish, Hamlet, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, or Place, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable, and also to land on and carry through or over any inclosed Lands or Grounds, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House,) or on, through, or over any open Land or Common, any Stone or other Materials for making or repairing the said



said Road, or for building or repairing any present or future Toll-House or Toll-Houses, on or by the Sides thereof, from any River, Stream, or Canal in any Parish, Hamlet, or Place, in which the said Road lies; or in any adjoining Parish, Hamlet, or Place, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials such Sum or Sums of Money as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County, Liberty, or Place wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages and the Costs attending the hearing and determining the same.

LXII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons acting under the Authority of this Act to dig, gather, get, take, or carry away any Materials for making or repairing the said Road out or from any inclosed Land or Ground until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County, Liberty, or Place where the Lands from whence such Materials are intended to be taken shall lie, to shew cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer,) make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his or her Agent had attended.

Notice to be given before Materials taken from private Lands.

LXIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to contract and agree with any Person or Persons whomsoever for the Purchase or Demise from him, her, or them, of and to hold any Land or Ground for the Purpose of digging Stones, Gravel, or Materials therefrom, for the Repair or Use of the said Road, and at any Time afterwards to sell the Land or Ground so purchased by Public Auction or Tender; provided always, nevertheless, that the entering into any such Contract or Agreement as last aforesaid shall not be compulsory against any Person or Persons unwilling to enter into the same.

Power to contract for Land to get Materials.

[Local.]

19 I.

LXIV. And

Penalty on taking away Materials raised by the Surveyor.

LXIV. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered for the repair or use of the said Road, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit which shall have been made or opened for the Purpose of getting Materials for making or repairing the said Road, or any other the Purposes of this Act, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of the Land in which such Pit shall be made as to Materials for his own private Use only, and not for or on Sale,) every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Two Pounds, beside paying for the Materials so taken away.

No Flood-gates or Obstructions in Water-courses to be made so as to injure the Road.

LXV. And be it further enacted, That if any Person shall erect or place any Sluice, Dam, Floodgate, or other Obstruction in any Brook or Watercourse, whereby or by means whereof the said Road or any Part thereof shall be flooded, damaged, or injured, or rendered unsafe, or shall make, lay, or open any Ditch, Drain, Pipe, or Watercourse into the said Road, or shall deepen or widen any Ditch, Drain, Pipe, or Watercourse, already made into or on the Side of the said Road, or shall inclose or take in any Ditch, Drain, Pipe, or Watercourse lying in the Outside of his, her, or their Paling, Hedges, or other Fences, or take, remove, or carry away any Stone, Sand, Drift, Mud, Dirt, or Scrapings from off the said Road, or from off the Sides thereof, or from any Place or Places where the same shall have been laid or deposited by the said Trustees, or any Person or Persons employed by them, or shall dig up, take, or carry away any of the Turf, Sod, or Soil, being on the Side or Sides of the said Road, within the Distance of Twenty Feet from the Centre of the said Road; without Licence or Consent in Writing for that Purpose first had and obtained from the said Trustees, then and in every such Case it shall be lawful for the Surveyor to the said Trustees, and the several Workmen to be employed by him, to give Ten Days Notice thereof to the Owner or Occupier, or Owners or Occupiers of such Sluice, Dam, Floodgate, or other Obstruction to take down and remove such Sluice, Dam, Floodgate, or other Obstruction, and also to stop, fill up, and destroy, or fence any of such Ditches, Drains, Pipes, and Watercourses, and to pull down and remove the Buildings, Walls, Paling, or other Fences so inclosing such Ditches, Drains, Pipes, or Watercourses; and in case the same shall not be taken down or removed at the Expiration of the said Ten Days, then it shall be lawful for the said Trustees to take down or remove the same at the reasonable Costs and Expences of such Owner or Owners, or Occupier or Occupiers; and in case the said Owner or Owners, or Occupier or Occupiers shall refuse or neglect, for the Space of Five Days, to pay such Costs and Expences, then such Costs and Expences shall and may be levied and recovered by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the County, Liberty, or Place where the Offence shall be committed, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) on Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; and the Person erecting such Sluice, Dam, Floodgate, or other Obstruction, or making, opening,

Nor any Person to take Stone, Sand, Drift, or Scrapings off the Road without Licence.

opening, deepening, widening, or inclosing such Ditch, Drain, Pipe, or Watercourse, or taking, removing, or carrying away any such Stone, Sand, Drift, Mud, Dirt, or Scrapings, or digging up, taking, or carrying away any such Turf, Sod, or Soil, without such Licence or Consent as aforesaid, or causing or procuring the same so to be done, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds nor less than Two Pounds, over and above the Costs and Charges of taking up and removing such Sluice, Dam, Floodgate, or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse, or pulling down or removing such Buildings, Walls, or other Fences as aforesaid, and the Value of such Road Scrapings.

LXVI. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to any Drain, Watercourses, or other Conveniences made or hereafter to be made by the Proprietor or Proprietors of the *Reading Waterworks*, his, her, or their Agent or Workmen, under, across, or by the Sides of the said Road, or any Part or Parts thereof, for collecting or conveying Water to or from any Land Drain or Land Drains, Reservoir or other Receptacle, or to the opening any Ground under, across, or by the Sides of the said Road for the Purpose of laying down any Pipe or Pipes for receiving or conducting Water to or for the Supply of any House or Houses, Reservoir or Reservoirs, or to the Repairs or cleansing the said Drains, Watercourses, and Pipes, as the same may from Time to Time be thought necessary, so that the same shall not be injurious to the Road or incommodious to the Passengers, the said Proprietor or Proprietors continuing to enjoy all his, her, or their present Rights and Privileges, to as full an Extent as if this Act had not been made.

Reading  
Waterworks  
not to be  
affected.

LXVII. And be it further enacted, That if any Person shall encroach upon the said Road by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence, (except Turnpike Houses or other Buildings erected by order of the said Trustees,) or on any commonable or waste Land, within Fifteen Feet of the Centre of the said Road, any Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds, to such Person as shall give Information of the same, and the said Trustees shall order the same to be pulled down and removed; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the County, Liberty, or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath, (which Oath any such Justice or Justices is and are hereby empowered to administer,) to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up the Ditches aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Penalty for  
erecting  
Incroach-  
ments on the  
Side of the  
Roads.

LXVIII. And be it further enacted, That no Door or Gate of or to any Building, Yard, Park, Paddock, Field, or Inclosure whatsoever, shall hereafter be made to open into or towards any Part of the said Road or the Footpath belonging thereto, or be suffered to continue so to open, except the hanging Post thereof shall be so far removed from the Centre

Gates to  
open in-  
wards.

of

of any such Part of the said Road, so that no Part of such Door or Gate shall project over any Part of the said Road, or any Footpath belonging thereto, and the Occupier or Occupiers of every such Building, Yard, Park, Paddock, Field, or Inclosure having any Door or Gate opening outwards, contrary to the meaning of this Act, shall within Twenty-one Days after Notice to him, her, or them, given either personally or in Writing from the Surveyor of the said Road, cause such Door or Gate to be hung so that no Part of the Door or Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in Default thereof, the Surveyor of the said Road is hereby authorized to cause the Door or Gate to be hung according to the Directions of this Act, and the Person or Persons guilty of such Neglect or Default shall upon Complaint made to any Justice or Justices of the Peace acting in and for the County, Liberty, or Place where such Neglect shall happen, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct to defray the Expence of making the Alteration and hanging such Doors or Gates, and shall also forfeit and pay a further Sum of Money not exceeding Forty Shillings, nor less than Twenty Shillings, for his, her, or their Neglect therein to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

For removing other Annoyances and Nuisances.

LXIX. And be it further enacted, That it shall be lawful for the said Trustees or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things, being laid on any Part of the said Road or upon Open Common or Waste Land, within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owners thereof shall neglect to remove the same for the Space of Three Days after Notice in Writing, signed by the Surveyor of the said Road, given to such Owners for that Purpose, or in case the Owners are not known, after a like Notice affixed for Seven Days on the nearest Turnpike Gate; and it shall and may be lawful to and for the said Trustees or their Surveyor, or such Person or Persons as he or they shall appoint, from Time to Time to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourse or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and at proper Seasons of the Year to cut down or lop any Branches of Trees, Shrubs, or Bushes growing in or over the said Road, or in the Hedges or Banks adjacent thereto respectively, (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Tree being an Ornament or Shelter to a House,) and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Five Feet from the Surface of the Ground, in case the Owners or Occupiers of the Premises shall for the Space of Fourteen Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors neglect to lop, cut down, or remove such Branches, Shrubs, or Bushes, or to cut and reduce such Hedges, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances in such manner as the said Trustees or their said Surveyor or Surveyors shall require, the Charges whereof to be settled by any Justice

or

or Justices of the Peace of the County, Liberty, or Place, where the same shall happen, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are hereinafter directed to be recovered and applied; and if, after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Two Pounds.

LXX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying in the said Road, or by the Side thereof (except on such Parts of the said Road as pass over any Common or Waste Land) it shall and may be lawful to and for the Surveyor, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the common Pound of the Hundred, Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of One Shilling to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days next after such impounding, it shall and may be lawful to and for the said Trustees to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same shall appear to have been on Demand.

Surveyors to impound Cattle straying on the Road.

LXXI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, or shall release or attempt to release any Horse, Cow, Ass, Swine, or other Live Stock or Cattle which shall be impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, (and which Oath the said Justice is hereby authorized and empowered to administer,) be committed by such Justice by Warrant under his Hand and Seal to the Common Gaol or House of Correction of the County or Place wherein

Punishment of Persons guilty of Pound Breach.

[Local.]

19 K

the

the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Power to  
make Cause-  
ways,  
Bridges, &c.

LXXII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and such Persons as he or they shall appoint by order of the said Trustees, to make and keep in Repair, or cause to be made and kept in repair, any Footpath or Causeway for the Use of Foot Passengers in, upon, or on the Sides of the said Road, in such Manner as they shall think proper, and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the said Road, or across any of the Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Road (not being the Scite or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees,) to be made Use of by all Passengers, Cattle, and Carriages, as a Public Highway, whilst the old Road, Bridge, Culvert, or Arch is new building, making, repairing, or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds, respectively for the Damages they shall or may thereby sustain as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and such Trustees, that then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the County, Liberty, or Place wherein such Grounds shall be situate, on Six Days Notice in Writing, being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Mile Stones  
and Direc-  
tion Posts to  
be erected.

LXXIII. And be it further enacted, That the said Trustees shall cause Stones or Posts to be set up or placed in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place, and also such Direction Posts at the several Roads leading out of the said Road, or at any Crossing, Turnings, or Terminations thereof, with such Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees shall think proper; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Posts or Stones, or shall obliterate, deface, spoil, or destroy all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, and be thereof convicted before any Justice of the Peace for the County, Liberty, or Place where such Stones or Posts shall be so as aforesaid erected, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Penalty on  
damaging  
them.

Penalty on  
Persons  
committing  
Nuisances.

LXXIV. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Road made or set apart for the Use or Accommodation of Foot Passengers; or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description

scription upon any such Footpath or Causeway; or shall cause any Injury to be done to the same, or the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Wall, or other Building or Erection made by the said Trustees under the Authority of this Act, or repaired or repairable by them; or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in Part upon wheeled Carriages to drag or trail upon the said Road to the Prejudice thereof; or shall in or upon the said Road or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or shall make or assist in making any Fire or Fires commonly called Bonfires; or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Fire-work whatsoever; or fly any Kite within Eighty Feet of the Centre of the said Road; or bait or run for the Purpose of baiting any Bull; or play at Foot-ball, Tennis, Fives, Cricket, or any other Game or Games upon the said Road, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, or Cart, (except in case of Accident) upon the said Road, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading the same as near to one Side of the Road as conveniently may be, with or without any Horse or Beast of Draught, harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, or on any waste Land adjoining within Thirty Feet of the Centre thereof, or the Footpaths or Causeways adjoining; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon the said Road or Footpaths from any House, Building, Erection, Lands or Premises adjacent thereto; or if any Person driving any Horse or other Beast on the said Road carrying Iron in Bars or Rods, Basket, Pannier, or any other Matter or Thing, shall place such Bars or Rods, Basket, Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Road; or if any Hawker, Higler, Gipsej, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Sides of any Part of the said Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop, situate near the said Road, and having a Window or Windows fronting the said Road, shall not by good and close Shutters every Evening after it becomes Twilight bar and prevent the Light from such Shop shining into or upon the said Road; or if the Surveyor of the said Road, or any Undertaker or Contractor for the Repairs thereof, or any Person acting by or under his or their Authority, shall lay or cause to be laid upon the said Road, or the Sides thereof, any Heap of Stones or other Materials for the Repair thereof, or of any Part thereof, and shall permit or suffer the same to remain longer than shall be necessary for spreading or  
laying

laying such Stones or Materials over or upon the said Road; or if any Person driving any Pigs or Swine upon the said Road shall suffer such Pigs or Swine to root up or damage the said Road, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize shall ride on the Shafts or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same upon the said Road, without having some proper Person immediately on the Side of and attending to guide such Horses or Beasts of Draught thereof, and if any such Person meeting another Coach, Chaise, Waggon, Cart, or other Carriage shall not keep his or her Carriage on the Left or Near Side of the said Road, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care upon the said Road; every Person offending in any of the Cases aforesaid shall, for each and every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings, over and above such Damages occasioned thereby.

Statute  
Labour.

Justices to  
apportion  
yearly  
Statute La-  
bour, and  
Payment of  
Composition  
Money.

LXXV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending the said Road, shall be and remain liable thereto in like Manner in every respect as they now are or have heretofore been, and it shall be lawful for any Two or more Justices of the Peace in and for the Counties of *Berks*, *Hants*, and *Wills*, or the Borough of *Reading*, or Town of *Basingstoke*, respectively, and they are hereby required and empowered upon Application made to them by the Treasurer, Clerk, or Surveyor of the said Road, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Hamlets, and Places in or through which the said Road doth or shall lie, lead, or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, 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 be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place to bring Lists before the said Justices at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Hamlet, 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 are or may be directed by any Law or Statute in Force or Effect for the Repairs of the Public Highways, and out of such Lists the said Justices shall and  
may



may allot, appoint, and order, such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-Time or Harvest), and on such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors shall, from Time to Time, order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for the Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such Parishes, Hamlets, and Places, respectively 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 this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose by any Surveyor 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 Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in Force or Effect for Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on any Part of the said Road, 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 so found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as 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 such Forfeitures shall be paid to the Treasurer of the said Trustees and applied towards amending the said Road, and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and 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 Ten Pounds nor less than Five Pounds.

LXXVI. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate for the Repairs or Statute Work to be by him, her, or them done on the said Road, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets, or Places in which the said Road doth or shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute Work or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road, which Composition

Trustees  
may com-  
pound for  
Statute  
Work.

[Local.]

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Money

Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer of the Trustees in advance, on or before the Twenty-ninth Day of *September*, or on such Day as the respective Surveyors are appointed in each and every Year, or otherwise such Person or Persons, Bodies Politic or Corporate, or Inhabitants and Occupiers within such Parish, Hamlet, or Place shall not be permitted to compound for that Year; and all such Composition Money shall be applied for the Purposes of this Act; and that every such Surveyor of the Highways, who shall pay any such Composition Money, shall be reimbursed the same in like Manner as Surveyors of the Highways are by the Laws in being to be reimbursed the Money by them laid out and expended in buying Materials for the repairing of any other Highway or Highways.

Trustees  
may contract  
for Repairs.

LXXVII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract and agree with any Person or Persons for amending, widening, making, improving, and keeping in repair the said Road, or any Part thereof, for erecting Mile and Direction Stones or Posts thereon, the building of Turnpike Houses, making of Fences, raising Materials, or for doing any other Work to be performed, or necessary to be done, in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper, and that all Contracts and Agreements entered into by them the said Trustees, or their respective Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer in pursuance of their Order, with any Workmen, or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons making the same, his, her, or their Executors or Administrators, and that Actions and Suits shall and may be maintained thereon, and Damages and Costs recovered against the Party or Person, Parties or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Road, or any other Matter or Thing to be done by virtue of this Act, and which, by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any such Action or Suit against any such Party or Person, Parties or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Persons  
liable to re-  
pair the  
Roads or  
Bridges to  
continue so.

LXXVIII. And be it further enacted, That all Bodies Politic and Corporate, and other Persons whatsoever, who by any Law, Custom, or Usage or otherwise are or shall be liable to the Repair of any Part or Parts of the Roads or Bridges by this Act intended to be repaired, or to pay any Sum or Sums of Money for or towards the Repair thereof, shall notwithstanding this Act remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof as they respectively were liable to do or pay.

In case of  
Nonpayment

LXXIX. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by

by any Justice or Justices of the Peace in pursuance of the Directions of this Act, as or by Way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or any Person or Persons acting by or under their Authority; and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace; which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by Way of Compensation or Satisfaction, for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods vested in Trustees or their Treasurer.

LXXX. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County, Liberty, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus, if any, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient

Recovery of Penalties and Forfeitures.

Distress



the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on the Behalf of the Party distraining before such Action brought.

LXXXIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act for which a particular Method or Relief hath been already appointed, such Person or Persons may, within Six Calendar Months next after such Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County, Liberty, or Place in which the Cause of Complaint shall arise, as the Case may be, unless such Complaint shall arise within Thirty Days preceding such Sessions, in which Case such Appeal may be brought at the following Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice in Writing of his, her, or their Intention to bring such Appeal and of the Matter thereof to the Respondent or Respondents and to the Clerk or Clerks of the said Trustees, and within Ten Days after such Notice entering into a sufficient Recognizance before some Justice of the County, Liberty, or Place (as the Case may be), with Two sufficient Sureties conditioned to try such Appeal and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at liberty, or otherwise may ratify or confirm the same with such Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of such sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County, Liberty, or Place (as the Case may be) wherein the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Persons aggrieved may appeal to the Quarter Sessions.

Limitation  
of Actions.

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

General  
Issue.

Treble Costs.

Public Act.

LXXXVI. 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.

Commence-  
ment and  
Continuance  
of Act.

LXXXVII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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