



ANNO PRIMO

GEORGIIV. REGIS.

Cap. lxxii.

An Act for continuing the Term, and enlarging the Powers of an Act of His late Majesty, for making a Road from *Swindon* to *Knighton*, and from *Liddington* to *Burderop*, in the County of *Wilts*.

[8th July 1820.]

WHEREAS an Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from Swindon to or near Knighton Farm, in the Parish of Ramsbury, and from Liddington to the Road leading from Swindon to Marlborough, in the County of Wilts*: And whereas the Trustees acting under and by virtue of the said recited Act have proceeded to put the same in Execution, and have made the said Roads at a very heavy Expence, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls by the said Act granted, which Money still remains due and owing, and cannot be paid off, nor can the said Roads be properly and effectually amended, widened, improved, kept in Repair, and completed, unless the Term granted by the said Act be further continued, and some of the Powers and Provisions thereof altered, amended, and enlarged; and it is expedient that the Tolls by the said Act authorized to be taken should be altered or increased; but such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: 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,

[Local.]

23 Z

54 G.3. c.50.

Said Act further continued.

assembled, and by the Authority of the same, That the said recited Act, and all and every the Tolls, Duties, Powers, Provisions, and Clauses therein contained, (except such as are varied, altered, or repealed) shall be and continue in full Force and Effect, and shall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject, nevertheless, to the Alterations and Variations herein contained, and which shall commence and take Effect on the passing of this Act, which said Term, and the Tolls, Duties, Powers, and Clauses hereby continued, granted, and enacted, are hereby made subject and liable to the Payment of all Sums of Money now due and owing, as well upon the Credit of the said Roads as on any other Security given or entered into on account of or for the Use thereof, and all other Monies owing on account of the said Roads, and also of such other Sum or Sums of Money as shall be borrowed for the Purposes of the said recited Act, and the Interest due and to grow due for the same respectively.

New Trustees.

II. And be it further enacted, That all and every His Majesty's Justices of the Peace for the Time being acting for the said County of *Wilts*, shall be and they are thereby added to and joined with the Trustees appointed in or by virtue of the said recited Act, for putting the same and this Act in Execution.

Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act, whilst he holds any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Act and this Act, or either of them, nor in any Case wherein he shall be personally interested otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath, or being one of the People called *Quakers*, an Affirmation, in the Words or to the Effect following; (that is to say),

Oath.

‘ I *A. B.* 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 the Right of my Wife] in the actual Possession and Enjoyment or Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes [*or*, am possessed of a Personal Estate alone, [*or*, Real and Personal Estate together, to the Amount or Value of Four thousand Pounds [*or*, am Heir Apparent of *A. B.* who to the best of my Knowledge is possessed of a Real Estate in Lands, Tenements,

ments, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds. ' So help me GOD.'

And if any Person unqualified by any of the Causes aforesaid, or not being qualified as herein-before mentioned, shall nevertheless presume to act contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and if the Person so prosecuted shall not prove that he is so qualified, he 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 the said recited Act and this Act, or either of them; any thing in the said recited Act contained to the contrary thereof notwithstanding: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said Act and this Act, or either of them, (although not duly qualified) previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

IV. And be it further enacted, That all Acts to be done relative to the Execution of the said recited Act and of this Act, or either of them, shall and may be done and executed by the Majority of the Trustees who shall be present at the respective Meetings to be holden in pursuance thereof respectively, the whole Number present of such Trustees not being less than Three; and all Acts, Proceedings, Matters, and Things so done shall be as good, valid, and effectual as if the same had been done by all the Trustees named in or appointed under or by virtue of the said recited Act and this Act, or either of them.

Three Trustees to be a Quorum.

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

Books of Account to be kept, and to be open to the Inspection of Trustees and Creditors.

VI. Pro-

Trustees not
to administer
Oaths on ve-
rifying Offi-
cers Ac-
counts.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer, Collector of the Tolls, Surveyor, or other Officer or Officers, now appointed or hereafter to be appointed under or by virtue of the said recited Act and this Act, or either of them, for the Purpose of verifying his or their Accounts.

Clerk not
to be the
Treasurer,
and vice
versâ.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Act and this Act, or either of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Act and this Act, or either of them; and if any Person shall act in both the said Capacities of Clerk and Treasurer for the Purposes of the said Act and this Act, or either of them; 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 the said recited Act and this Act, or either of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered 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 Impar lance, shall be allowed.

Repealing
former Tolls
and granting
new ones.

VIII. And whereas the Tolls granted by the said recited Act have been found insufficient for the Purposes thereby intended, be it therefore enacted, That the same shall and are hereby declared to be repealed; and that upon, from, and after the passing of this Act, the following Sums of Money shall be demanded and taken, as the Tolls at the Gates and Turnpikes now erected and set up, or which during the Continuance of this Act shall at any Time be erected and set up, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through any such Toll Gate or Turnpike, or Toll Gates or Turnpikes respectively; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Gig, Curricule, Hearse, Calash, Marine, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Nine Inches or upwards, and flat Surfaces, and not deviating more than One Quarter of an Inch therefrom, and with Nails countersunk so as not to rise above the Tire, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Six Inches or upwards, and less than Nine Inches, with flat Surfaces, and having the Nails countersunk, so as not to rise above the Tire, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, having narrow Wheels (the Sole or Bottom of the Fellies being

being of less Breadth than Six Inches) or having the Sole or Bottom of the Fellies of all or any of the Wheels thereof of the Breadth of Six Inches or upwards, and less than Nine Inches, and not perfectly flat Surfaces, and not having the Nails countersunk as aforesaid, or having the Sole or Bottom of the Fellies of all or any of the Wheels thereof of the Breadth of Nine Inches or upwards, and deviating more than One Quarter of an Inch from a flat Surface, and not having the Nails countersunk as aforesaid, the Sum of Sixpence :

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score; and so in proportion for any greater or less Number; and,

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

Which said respective Sums shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be levied and recovered in such and the same Manner as the several Tolls granted and made payable by the said recited Act are thereby directed to be levied and recovered, and may be applied in such Manner as therein mentioned.

IX. Provided always, and be it further enacted and declared, That none of the Tolls by this Act granted shall be demanded or taken for or in respect of any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing of the Turnpike Roads, or any of the Roads or public Bridges in the Parishes in which the said Turnpike Roads are situated; or for the building or repairing any Toll House or Toll Houses, erected or to be erected upon the said Roads, or on the Side or Sides thereof, or any Part thereof; or Hay, Grass, Turnips, Patatoes, or other Fodder, Straw or Corn in the Straw, not sold or disposed of, or passing for that Purpose, but passing to be placed or laid up in the Buildings or on the Premises of the Owner or Owners thereof; or Dung, Mould, or Compost of any Kind whatsoever, to be employed in Husbandry, but for no other Purpose; or for or in respect of any Carriage, Horse, Cattle, or Beast employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, not sold or disposed of, or passing for that Purpose; or for any Horses or Cattle belonging to and the Property of any Person or Persons residing in any of the Parishes in which the said Roads are situated, going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried; or from any Person going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or from any Clergy-

[Local.]

24 A

man

man going to or returning from visiting any sick Person, or upon 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, provided he does not go beyond his own Parish; or for any Horse, Beast, Cattle, or Carriage employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either in conveying or returning back from conveying the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family; or for any Horses, Beasts, Cattle, or Carriage attending any Soldiers on their March or on Duty, or attending them laden with their Arms or Baggage, or which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of for or belonging to His Majesty, or His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise and Review, provided that such Persons are in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Horse, Cart, Waggon, or other Carriage employed in the Conveyance of any Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast, or Carriage carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Wilts*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Hay and
Manure not
exempt, un-
less drawn in
Waggons of
a certain
Description.

X. Provided always, and be it further enacted, That no Exemption from Toll shall be allowed for or in respect of any Horse, Cattle, or Beast drawing or employed in any Waggon, Cart, or other such Carriage, carrying or conveying any Hay, Dung, Mould, Compost, or Manure of any Kind, unless the Sole or Bottom of the Fellies of all the Wheels of such Waggon, Cart, or other such Carriage, shall be of the Breadth of Six Inches, or of Nine Inches, or of Sixteen Inches or upwards, and be cylindrical; (that is to say) of the same Diameter on the Inside next the Carriage as on the Outside, so that when such Wheels shall be rolling on a flat or level Surface, the whole Breadth thereof shall bear equally on such flat or level Surface; and provided that the opposite Ends of the Axletrees of such Waggon, Cart, or other such Carriage, so far as the same shall be inserted in the respective Naves of the Wheels thereof, shall be horizontal, and in continuance of one straight Line, without forming any Angle with each other, and so that in each Pair of Wheels belonging to such Carriage the lower Parts, when resting on the Ground, shall be at the same Distance from each other as the upper Parts of such Pair of Wheels.

For settling
Disputes

XI. And be it further enacted, That if any Dispute shall happen or arise about the Amount of the Tolls due, or the Charges of making, keeping,

keeping, or selling any Distress, it shall be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may be) until the Amount of the Tolls due, and the Charges of the making, keeping, and selling the Distress, be ascertained by some Justice of the Peace for the said County of *Wilts*, or for the Division or Place wherein the Turnpike or Toll Gate shall or may be situate; who upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses; which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by 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, rendering the Overplus (if any) upon Demand; after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

concerning
Tolls.

XII. And be it further enacted, That upon Payment of the Tolls granted by this Act, 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 and specified thereon the Names of the several and respective Gates freed by such Payment.

Tickets to be
provided de-
noting Pay-
ment of
Toll.

XIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act and this Act, or either of them, and also all and every Lessee, when he shall be the Collector of the Tolls himself, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately after coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or either of them, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder, any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Tolls, and naming and specifying the Gate

Toll Collec-
tors to put
up their
Names.

Gate or several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum, not exceeding Forty Shillings, for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, and applied, in such and the same Manner as other Penalties are by the said recited Act directed to be levied, recovered, and applied.

Powers for Trustees to take Possession of Toll Houses on Breach of Contract by Lessee of Tolls.

XIV. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Act and this Act at the Turnpike Gates on the said Roads, or either of them, shall be demised or let to farm to any Person or Persons in pursuance of the said recited Act or this Act, or the Act of the Thirteenth Year of the Reign of His said 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, and for other Purposes*, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him, her, or them, either by taking a greater or less Toll in respect of any Kind of Carriage, Waggon, Cart, Horse, Beast, or other Cattle, than those demised or let to him, her, or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or any Instalment thereof, shall be in Arrear and unpaid for the Space of Fourteen Days next after any of the Days or Times whereon the same shall become due and ought to be paid, pursuant to such Demise or Contract, and the Toll House or Toll Houses appertaining to such Turnpike Gate or Gates shall be in the Possession of any such Lessee or Lessees, Farmer or Farmers, or Person or Persons by him, her, or them appointed to collect the Tolls thereat, then and in any of the said Cases it shall be lawful for the said Trustees, if they shall think proper, to vacate and determine such Demise and Contract, giving Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Toll Houses at such respective Turnpike or Turnpikes, and such Lease or Contract shall from that Time be utterly void to all Intents and Purposes, (save as to the Covenant for Payment of the Rent to the Day of such Notice being delivered); and in case such Lessee or Lessees, Farmer or Farmers shall not, on Service of such Notice as aforesaid, deliver the Possession of the Toll House or Toll Houses, and the Turnpike Gate or Gates, with the Appurtenances so demised or let to him, her, or them, it shall be lawful for any Justice of the Peace of the said County of *Wilts*, or of the Division or Place wherein such Toll House or Toll Houses, and Turnpike Gate or Gates shall or may be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses and Premises, in the Day-time, and to remove the Person or Persons who shall be found therein, together with their Goods, out of such House or Houses, and to put such Person or Persons into the Possession thereof, as the said Trustees shall appoint,

XV. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Roads comprised in the said recited Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners and Occupiers, or the reputed Owners and Occupiers, for the Time being, of the Lands and Grounds which may be affected by any such Diversion or Alteration; any thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Trustees not to deviate more than One hundred Yards from the Line of the old Road. without Consent of Owners, &c.

XVI. And be it further enacted, That all Waggons, Carts, and other Carriages having the Wheels of the Widths and Descriptions, and the Axletrees fixed, as mentioned and set forth in and by an Act, passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be allowed an Abatement of One Fourth Part of the Tolls by this Act granted.

Abatement of Tolls in certain Cases.

XVII. 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 the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall 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 Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

An Action of Ejectment may be supported by one Mortgagee.

XVIII. And be it further enacted, That all Gates to be hereafter placed in any Field or Ground adjoining any Part of the said Roads shall be made and hung to open and swing inward towards such Field and Ground (and not towards the said Roads), and it shall be lawful for the said Trustees, or any Five or more of them, to order all such Gates (save and except such Gate or Gates, the Hanging-post or Hanging-posts whereof shall be so far distant from the Centre of the said Road so as when such Gate or Gates shall be opened the same or any Part thereof shall not swing or open on or into any Part of the said Road) as are now erected or may hereafter be erected, and open and swing outward towards the said Roads, to be altered and made to open and swing inward, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be erected so as to open and swing outward towards the said Roads, shall (after Ten Days Notice from the Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and make the same to open and swing inward), refuse or neglect to make such Alteration, or after such Alteration shall have been once made shall again alter the same,

Gates not to open or swing into the Roads.

every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For getting
Materials to
repair the
Road.

XIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road out of or from any Commons or Waste Grounds, common River, Brook, or Pit, in any Parish, Township, or Place in which any Part of the said Road shall lie, or in any adjoining Parish, Township, or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing-off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County or Place in which the said Road doth lie, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to an House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken or carried away, or over which the same, or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the said Trustees or any Five or more of them shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; any thing in the said recited Act contained to the contrary hereof notwithstanding.

Notice to be
given to Oc-
cupiers of
inclosed
Lands be-
fore Mate-
rials are
taken there-
from.

XX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of the said recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any one or more Justice or Justices of the Peace acting for the County or Place where such Premises shall lie, to show Cause why such Materials

Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justice or Justices, by his or their Order or Orders, to authorize such Surveyor or other Person or Persons, to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as he or 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; any thing in the said recited Act to the contrary notwithstanding.

XXI. Provided also, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied, and applied in Manner by the said recited Act mentioned.

Penalty on taking away Materials got by Surveyor.

XXII. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Roads; or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze, or be and remain loose on the said Roads, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path formed upon or on the Side of or adjoining the said Roads, or shall drive any Horse, Beast, Cattle, or Swine, or any Carriage upon or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person driving any Pigs or Swine upon the said Roads shall suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage upon the said Roads, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage shall not keep his Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Roads, or play at Football or any other Game or Games on the said Roads, or on any Part or Parts thereof, or on any Footway or Path adjoining thereto, to the

For preventing Nuisances, &c.

Annoyance

Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident) upon or on the Side of the said Roads, without a proper Person in the 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 thereof, as near to the Side of the said Roads as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Matter or Thing used in such blocking; or shall scrape off any Soil or other Thing from the said Roads, or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof, without Leave of the said Trustees, or any Three or more of them, or their Surveyor or Surveyors; or if any Person shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; or if any Person or Persons shall wilfully commit any Nuisance or Annoyance upon the said Roads, or on the Side or Sides thereof, every Person so offending in any or either of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered before any Justice or Justices of the Peace for the County or Place wherein the Offence shall or may be committed, and applied in like Manner as any other Penalty is directed to be levied, recovered, and applied by the said recited Act.

Expences of
this Act how
paid.

XXIII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the Trustees of the said Roads, or any Three or more of them, from and out of any Monies already received by virtue of or under the said recited Act, or from or out of the first Monies to be received by virtue of or under the same, after the passing of this Act, in preference to any other Payment whatever.

Public Act.

XXIV. 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 this Act.

XXV. And be it further enacted, That the Term granted by the said recited Act shall upon the passing of this Act cease and determine; and the said recited Act (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act shall from thenceforth commence, continue, and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.