



ANNO QUADRAGESIMO OCTAVO

# GEORGH III. REGIS.

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## *Cap. 92.*

An Act for making and maintaining a Road from the *Romford* and *Whitechapel* Road, to or near to *Tilbury Fort*, in the County of *Essex*.

[1st June 1808.]

**W**HEREAS the making and maintaining of a Turnpike Road from the Great Turnpike Road leading from *Whitechapel* in the County of *Middlesex*, to *Romford*, in the County of *Essex*, from a Place at or near to *James Shephard's* late *John Fothergill's* Plantation, in the Parish of *West Ham*, in the said County of *Essex*, situate between the Four and Five Mile Stones on the said Road leading from *Whitechapel* to *Romford* aforesaid, into and through the several Parishes of *West Ham*, *East Ham*, *Barking*, *Dagenham*, *Hornchurch*, *Rainham*, *Wennington*, *Avely*, *West Thorock* otherwise *West Thurrock*, *Gray's Thorock* otherwise *Grey's Thurrock*, *Little Thorock* otherwise *Little Thurrock*, and *Chadwell*, all in the said County of *Essex*, to a Place adjoining to the Ferry Causeway or Landing Place, at or near to *Tilbury Fort* in the said Parish of *Chadwell*; and also a Branch of a Road from the Town of *Avely* aforesaid to *Stifford Bridge*, into and through the several Parishes of *Avely*, *South Ockenden*, and *Stifford*, all in the said County of *Essex*; and the erecting, building, and maintaining of Communication Bridges and Arches over the Rivers, Rivulets, Streams of Water, Sewers, Waters and Watercourses, that may intersect the Course of the said Road and Branch of Road in the several Parishes aforesaid, would be of great Benefit and Advantage to the Owners and Occupiers of Lands and Inhabitants of these Parts and the adjacent Country, and would open a much shorter and better Communication than there is at present

[*Loc. & Per.*]

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between

between the aforefaid Places, and alfo between thefe Places and the Country adjacent and the City of *London*, and would facilitate the Conveyance of the Produce thereof, and alfo the Conveyance of Fish to the *London* Market, and would alfo open a much fhorter and better Communication than there is at prefent between His Majesty's Arsenal at *Woolwich* and *Tilbury Fort*, and would greatly facilitate the March of Troops, and would alfo, in many other Refpects, be of great public Utility; but the fame cannot be done but by the Authority of Parliament; to the End therefore, that the faid Road and Branch of Road may be made, and the Communication Bridges erected and built: May it please Your Majesty that it may be enacted; and be it enacted by the King's moft Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this prefent Parliament affembled, and by the Authority of the fame, That the Right Honourable *John* Lord *Henniker*, the Honourable *Brydges Trecothick Henniker*, Sir *Edward Hulse* Baronet, Sir *Thomas Barrett Lennard* Baronet, the Reverend Sir *Adam Gordon* Baronet, Sir *Richard Neave* Baronet, *Samuel Whitbread*, *Charles Callis Western*, *Richard Baker*, *John Bullock*, *Eliab Harvey*, *Joseph Holden Strutt*, *George Wegg*, *Thomas Barrett Lennard*, *John Barrett Lennard*, *Henry Fanshawe*, *Robert Shuttleworth*, *James Shuttleworth*, *Robert Shuttleworth* the younger, *Samuel Bonham*, *William Wingfield*, *Henry Bonham*, *John Loton*, *Bamber Gascoyne*, *Joseph Cuff*, *Joseph Cuff* the younger, *Charles Hulse*, *Richard Hulse*, *James Scratton*, *Daniel Scratton* of *Brittlewell*, *William Hunt Micklefield*, *William Slaney Hunt*, *John William Adam*, *John Minnett Henniker*, *John Clarkson*, *Henry Hinde Pelley*, *John Henry Pelley*, *Thomas Dickinson*, *William Warren*, *Zachariah Button*, *Joseph Joyner*, *John Curtis*, *John Curtis* the younger, *Aaron Hurrill*, *Thomas Jackson Hunt*, *William Smith* of *Bromley*, *Samuel Weetch*, *John Kershaw*, *Pinson Bonham*, *George Bonham*, *William Manby*, *John Brooks*, *James Sheppard*, *Robert Wilson*, *John Marmaduke Graftan Dare*, *William Smith* of *Barking*, *William Thoyts*, *George Caswell*, *Christopher Tyler*, *William Dearsley*, *Richard Newman*, *Harding Newman*, *William Russell*, *Jackson Barwis*, *William Tolbutt*, *John Tyler*, *Thomas Graves*, *John Cross*, *Godsalve Cross*, *John Button*, *Charles Smith*, *George Davis Carr*, *John Barrington*, *Thomas Neave*, *Thomas Harding*, *John Sylvester*, *Thomas Gardener Bramston*, *Capel Cure*, *Henry Wildman*, *George Johnson*, *James Humphreys*, *John Stanley Smart*, *John Fane*, *Francis Fane*, *Richard Dawson*, *Jeffery Salter*, *John Judd*, *George Button*, *William Walford*, *Crisp Montgomery*, *Godfrey*, *Robert Dixon*, *John Carter*, *Christopher Tower*, *Christopher Thomas Tower*, *Peter Esdaile*, *James Esdaile*, and *William Walter*, Esquires, Sir *Thomas Apreece* Baronet, the Reverend *George Strahan*, the Reverend *John Rose Holden*, the Reverend *Philip Salter*, the Reverend *F. Uskoe*, the Reverend *Richard Roch*, the Reverend *William Morice*, the Vicar of *Barking* for the Time being, the Vicar of *West Ham* for the Time being, the Vicar of *East Ham* for the Time being, the Reverend *Henry Morrice*, the Reverend *Evan Lloyd*, the Reverend *James Thomas Hurlock*, the Reverend *John Forster*, the Reverend *John Fanshawe*, the Reverend *William Reid*, the Reverend *Philip Rasleigh*, the Reverend *Thomas Hulse*, the Reverend *Thomas Catton*, *Archibald Stewart*, *Stephen Arundell*, *Isaac Wilcox*, *William Selby*, *William Parsons*, *Henry Taylor*, *Richard Hallett*, *Dexter Roberts*, *James Gilbee*, *Aaron Cooke Bourne*, *George Cuff*, *Daniel Miller*, *John Biggs*, *William Marden*, *Willis Fitch*, *James Siggs*, *Thomas Smith*, *Thomas Bird*, *James Walker*, *Thomas Ryde*, *John Gee*, *James Richard Hardy*, *Joseph French*,

Trustees.

*French, Richard Cozens, William Parrott, Joseph Joyner the younger, John Thompson, William Glenny, Thomas Page, North Surridge, Thomas Mansford, Edward Burres, John Lambert, John Lambert the younger, Wasley Sterry, John Snelgrave,* and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, altering, repairing, and improving the said Road and Branch of Road, and for otherwise putting this Act in Execution.

II. And be it further enacted, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands, to elect one other Person to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads at least Seven Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act into Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

On the Death of Trustees others to be chosen.

III. 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 be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of any Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate of One 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 Affirmation, in the Words or to the Effect following; (that is to say),

Qualification of Trustees.

‘ 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 the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Fifty Pounds above Reprizes [*or, an Heir Apparent of a Person seized of such an Estate of the clear Yearly Value of One hundred Pounds, [or, possessed of a Personal Estate of the Amount of One thousand Pounds]*]; and that I will truly, faithfully, and impartially execute the Trusts reposed in me as Trustee by virtue of an Act, passed in the Forty-eighth Year of the Reign of King George the Third, intituled [*here insert the Title of this Act*] according to the best of my Skill and Judgment, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

Oath.

‘ So help me GOD.’

And if any Person, not being so qualified, shall presume to act as such Trustee, contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than

Penalty on Persons not qualified acting.

than one Imparance shall be allowed ; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act.

Declaring that all Acts of the Trustees, previous to Conviction, shall be valid.

IV. Provided nevertheless, That all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous 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.

Mortgagee may act.

V. Provided always, and be it further enacted, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified, or be defeated from acting as a Trustee in the Execution of this Act: Provided also, that all such Trustees as are Justices of the Peace for the said County of *Essex*, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees being Justices may act.

Trustees may sue and be sued in the Name of their Clerks.

VI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue or in pursuance of this Act in the Name or Names of their Clerk or Clerks for the Time being ; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, nor by the Act of the said Clerk or Clerks, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action.

Four general Meetings at least in the Year.

VII. And whereas great Inconveniencies may arise from the want of frequent General Meetings of the said Trustees for putting this Act in Execution ; be it further enacted, That the said Trustees shall hold Four General Quarterly Meetings at least in every Year ; and that the said Trustees, or any Five or more of them, shall meet together and hold the First General Meeting at the House of *William Parsons*, known by the Sign of the *Bull Inn* in *Barking*, on the Second *Saturday* next after the Day whereon this Act shall receive the Royal Assent, or so soon after as conveniently may be, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act ; and all other such General Meetings shall be held at *Barking*, *Stifford*, *Aveley*, or the Town of *Grays*, all in the said County of *Essex*, and at such Houses as shall be resolved on by the said Trustees at the last General Meeting ; and the said Trustees at such General Meeting, or any Five or more of them, shall and may adjourn from Time to Time, or appoint separate Meetings to be held upon any Part of the said Road, for putting this Act in Execution ; and if it shall happen that there shall not appear at any Meeting which shall be appointed by the said Trustees a sufficient Number of the said Trustees to act at such Meeting, and to adjourn

adjourn to any other Day, then and in such Case the Clerk or Clerks to the said Trustees, by Notice in Writing under his or their Hand or Hands, to be fixed on all the Turnpike Gates to be erected by virtue of this Act at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where the said Meeting of the said Trustees was last appointed to be held, upon that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; but no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon; and no Adjournment shall be made, or any Meeting appointed to be held at any Time later than Two of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held, and no Adjournment shall be made by the said Trustees for a longer Space of Time than Three Calendar Months; and the said Trustees at all their Meetings shall defray their own Charges and Expences.

Hours of Meeting.

Trustees to defray their own Expences.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting shall be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon receiving an Order in Writing signed by Five or more of the acting Trustees, although not assembled at any Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof, by affixing Notices on all the Turnpike Gates, and advertising the same Once at least in One of the Newspapers printed in the County of *Essex*, Ten Days at least before such Meeting, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice) and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Meetings on Emergencies.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, at any General Meeting, by any Writing or Writings under their Hands, shall and may appoint One or more Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the said Tolls, Surveyor or Surveyors of the said Roads, and also such other Officer or Officers as the said Trustees or any Five or more of them shall think necessary to employ in the Execution of this Act, and shall and may from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in the Room of such of them as shall be removed, or shall die or resign; and out of the Monies to arise by virtue of this Act, may pay such Salaries and make such Allowances to all and every such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as to the said Trustees, or any Five or more of them, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under the said Trustees who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail.

Trustees may appoint Officers.

Victuallers not to hold Places of Profit.

X. And be it further enacted, That the said Trustees shall and they are hereby required to take such sufficient Security as they or any Five or more

Trustees to take Security from Officers.

more of them shall think proper, from the Treasurer or Treasurers and other Officers to be appointed for the Purposes of this Act, for the due Execution of their respective Offices.

Officers to  
account.

XI. And be it further enacted, That all such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, and also all Persons appointed by Justices of the Peace to be Surveyors of the Roads in any of the Parishes or Places through which the said Road and Branch of Road lead, and all other Persons who shall receive any Money to be laid out in the Repair of any Part of the said Road or Branch of Road, or who shall have the Direction or Management of such Repairs, shall, as often as required by the said Trustees, or any Five or more of them, render and give to the said Trustees, or any Five or more of them, or to whom they shall appoint, a true, exact, and perfect Account in Writing under their respective Hands, of all Monies which they shall respectively to the Time of rendering such Accounts have received, paid, or disbursed, by virtue of this Act, or by reason of their respective Offices or otherwise, and shall also produce proper Vouchers for all their Payments and Disbursements, and shall verify all such Accounts upon Oath, if thereunto required by the said Trustees or any Five or more of them (which Oath the said Trustees, or any Five or more of them, or any Justice of the Peace, is and are hereby required and empowered to administer), and in case any Money so received shall remain in his or their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and in case any such Clerk, Treasurer, Receiver, Collector, Surveyor, or other Officer or Person, shall not give in and verify such Account, and make such Payment as aforesaid, or shall not deliver up the Vouchers for the same, or shall not deliver to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint, within Ten Days after being thereto required by any Five or more of the said Trustees, all the Books, Papers, Writings, Tools, Matters and Things in their Hands, Custody, or Power, relating to the Execution of this Act, or which they shall have disposed of without the Consent and Approbation of the said Trustees, or any Five or more of them, that then any Justice of the Peace for the County where such Officer shall dwell, shall and may make Enquiry of and concerning such Default as aforesaid in a summary Way; and if such Clerk, Treasurer, Receiver, Collector, or other Officer or Person, shall be convicted before such Justice of any of the Offences aforesaid, either upon his own Confession or by the Testimony of one or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to administer) such Justice may commit the Party to the common Gaol of the County wherein such Offender shall then reside, there to remain without Bail or Mainprize until he or they shall have made a perfect Account, verified as aforesaid, and Payment of what shall be due thereon, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and have paid such Composition Money (which Composition the said Trustees, or any Five or more of them, are hereby authorized and empowered to make and receive) and shall also have rendered and given up to the said Trustees, or to such Person or Persons as they or any Five or more of them shall direct, all Books, Papers, Writings, Tools, Matters, and Things aforesaid, or make Compensation for the same, to the Satisfaction of Five or more of the said Trustees (which

Power to  
compel an  
Account or  
Payment.

Compensation the said Trustees, or any Five or more of them, shall and may receive and take): Provided always, that no Person who shall be committed as aforesaid, shall remain in Prison for a longer Space of Time than Three Calendar Months.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time cause to be erected and set up such and so many Turnpikes or Toll Gates in, upon, across, or on the Side or Sides of any Part or Parts of any new Road or new Roads in the Line of the said Road or Branch of Road, and across the End of any Lane or Way leading into, from, or out of the same new Road or new Roads, and also a Toll House to each Gate or Turnpike, with suitable Outbuildings thereto; and also may inclose from the said Road and Branch of Road convenient Garden Spots to the said Toll Houses, as they or any Five or more of them may judge proper, and may cause any such Turnpikes, Toll Gates, Toll Houses or other Buildings, from Time to Time to be taken down, removed, or altered, as they or any Five or more of them shall judge proper: Provided nevertheless, that no Turnpike Gate or Gates shall be erected upon or across any of the present Roads, Lanes, or Ways within the several Parishes herein-before mentioned.

Trustees may erect Toll Houses, &c.

XIII. And be it further enacted, That the several and respective Tolls following shall be demanded and taken of the Person or Persons attending any Horse, Cattle or Carriage herein-after mentioned, at each and every of the Turnpike or Toll Gates to be erected as aforesaid, by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint for that Purpose, before any Horse, Cattle, or Carriage shall be permitted to pass through any Gate or Gates, Turnpike or Turnpikes, erected on the said Roads.

Power to take Tolls.

For One Horse or Beast of Draught drawing any Coach, Chariot, Chaise, Berlin, Landau, Calash, or Pleasure Carriage, the Sum of Sixpence: Tolls.

For Two Horses or other Beasts of Draught drawing any Coach, Chariot, Chaise, Berlin, Landau, Calash, or Pleasure Carriage, the Sum of Nine-pence:

For Three or Four Horses or other Beasts of Draught drawing each and every such Carriage, the Sum of One Shilling:

For Five or Six Horses or other Beasts of Draught drawing each and every such Carriage, the Sum of One Shilling and Sixpence:

For Two Horses or other Beasts of Draught, drawing abreast any Cart or other such like Carriage, with Wheels of the Breadth of Six or less than Nine Inches, in the Fellies thereof, the Sum of Nine-pence:

For Two or more Horses or Beasts of Draught drawing any Waggon, Wain, or other such like Carriage, with Wheels of less Breadth than Six Inches in the Fellies thereof, the Sum of One Shilling and Sixpence:

For One Horse or other Beast of Draught, drawing any Cart or other such like Carriage, the Sum of Sixpence:

For One or more Horse or Horses or other Beast or Beasts drawing any Dray or other such like Carriage, the Sum of One Shilling:

For every Waggon, Wain, Cart, or other such like Carriage, with Wheels of Six Inches or more, and drawn by more than One Horse or other Beast of Draught, the Sum of One Shilling:

For every Waggon, Wain, Cart, or other such like Carriage, with  
Wheels

Wheels of Nine Inches or more, and drawn by more than Two Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence :

For every Horse; Mare, Gelding, Mule or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Drove of Oxen, Cows, 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 Sixpence *per* Score, and so in Proportion for any greater or less Number.

Tolls vested  
in Trustees.

XIV. And be it further enacted; That the said respective Tolls hereinbefore granted shall be and are hereby vested in the said Trustees, and shall be applied in such Manner as herein-after mentioned; and it shall be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time nominate and appoint, to demand, collect, and take the Tolls hereby granted and made payable; and if any Person subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for any Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain the Cattle or Carriage upon which such Toll is by this Act imposed, or any of the Goods or Chattels of the Person so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining (which it shall be lawful to do) shall not be paid within the Space of Three Days, the Person or Persons so seizing and distraining shall and may sell the Cattle, Carriages, or Goods so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges of seizing, distraining, and selling the same shall be deducted.

No Toll to  
be taken for  
crossing the  
Road.

XV. Provided always, and be it enacted, That no Person shall be liable to pay Toll at any Toll Gate erected or to be erected across or on the Side of the said Road or Branch of Road, or be subject to any Penalty for any Carriage, Horse or Beast, which shall only cross such Road or Branch of Road, and shall not pass above One hundred Yards thereon.

Tolls to be  
taken but  
once a Day  
for passing  
and repassing  
between the  
Whitechapel  
Road and  
the West  
Side of the  
River Roding.

XVI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collector of the said Tolls to demand or take any more than One Toll in 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, from any Person or Persons whomsoever, for or in respect of the same Horse, Beast, or other Cattle, or Coach, Chariot, Chaise, Calash, Berlin, Landau, or Pleasure Carriage, Waggon, Wain, Cart or Dray, or any other Carriage, of what Nature or Description soever, passing and repassing through the same, or any other Gate or Gates, Turnpike or Turnpikes, on such Parts of the new Road as are situate between the Road leading from the *Whitechapel* Road, near to *James Sheppard's*, late *John Fothergill's*, Plantation, and the West Side of the *River Roding*.

Tolls to be  
taken but  
once a Day,  
for passing  
and repassing

XVII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collector of the said Tolls to demand or take any more than One Toll in any one Day, such Day to be computed from Twelve of the Clock at Night to Twelve  
of



of the Clock of the next succeeding Night, from any Person or Persons whomsoever, for or in respect of the same Horse, Beast, or other Cattle, or Coach, Chariot, Chaise, Calash, Berlin, Landau, or Pleasure Carriage, Waggon, Wain, Cart, or Dray, or any other Carriage, of what Nature or Description soever, passing and repassing through the same, or any other Gate or Gates, Turnpike or Turnpikes, on such Parts of the said Roads as are situate on the new Road leading from *Cockermouth Corner to Rainham Bridge*.

on certain Parts of the Road between Cockermouth Corner and Rainham Bridge.

XVIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collector of the said Tolls to demand or take any more than one Toll in any one Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night, from any Person or Persons whomsoever, for or in respect of the same Horse, Beast, or other Cattle or Coach, Chariot, Chaise, Calash, Berlin, Landau, or Pleasure Carriage, Waggon, Wain, Cart or Dray, or any other Carriage, of whatever Nature or Description soever, passing and repassing through the same, or any other Gate or Gates, Turnpike or Turnpikes, on such Parts of the said Roads as are situate on the new Road leading from the Town of *Aveley* to near the Ferry Causeway or Landing-place near to *Tilbury Fort*, all and every such Person and Persons producing a Ticket, denoting that the said respective Toll has been paid in that Day on such Part of the said Road respectively, which Ticket the said Collector or Collectors, at each and every of the said Gates or Turnpikes, is and are hereby required on Demand, to deliver *gratis*, on Payment of such Toll respectively; and in Default thereof, such Collector or Collectors for every such Offence shall forfeit and pay any Sum not exceeding Twenty Shillings, One Moiety thereof to be to the Use of the Informer, and the other Moiety to be paid to the Treasurer or Treasurers, to be applied to the Use of the said Road.

Tolls to be taken but once a Day, for passing and repassing between Aveley and Tilbury Fort.

XIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his, her, or their being so appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

Toll Bar Keepers competent Witnesses.

XX. And be it further enacted, That if any Person owning, renting, or occupying any Lands, Tenements, or Hereditaments, near or adjoining the said Road or Branch of Road, shall go or pass with any Cattle or Carriage through or over any such Lands, Tenements, or Hereditaments, or through any Gate, Passage, Inclosure, Place, or Way, in order or with Intent to avoid the Payment of any of the Tolls hereby granted, or shall knowingly or willingly permit or suffer any other Person to go or pass with any Cattle or Carriage through or over any such Lands, Tenements, or Hereditaments, in order or with Intent that the Payment of the said Tolls or any Part thereof should be avoided; or if any Person shall go or pass with any Cattle or Carriage through or over any such Lands, Tenements, or Hereditaments, or through any Gate, Passage, Inclosure, Place, or Way, in order or with Intent to avoid the Payment of the said

Penalty on Persons evading Tolls.

Tolls or any Part thereof; or if any Person shall give to or receive from any Person, other than the Collector of the said Tolls, any Note or Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forge, counterfeit, or alter any such Note or Ticket, or make use of any such forged, counterfeited, or altered Note or Ticket, knowing the same to have been forged, counterfeited, or altered, whereby the Payment of the said Tolls or any Part thereof shall be avoided; or if any Person shall forcibly pass through any of the Turnpikes to be erected as aforesaid, with any Carriage or Cattle, without Payment of the Tolls due for the same, or shall take off or cause to be taken off any Horse or other Cattle from any Carriage, or shall claim and take the Benefit of any of the Exemptions from Toll granted by this Act, not being entitled to the same; or if the Owner or Hirer of any Carriage, Cattle, or other Person being the Driver or Rider thereof, having travelled on the said Road or Branch of Road or any Part thereof, shall drive or turn out of the same into any other Road, in order or with Intent to avoid paying any of the said Tolls, and shall afterwards return into or on the said Road or Branch of Road or any Part thereof, with such Cattle or Carriage, or shall do any other Act whatsoever in order or with Intent to avoid the Payment of the said Tolls or any Part thereof, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, of which said Penalty One Moiety shall go to the Informer, and the other Moiety to the Clerk or Clerks of the said Trustees, to be applied to and for the Benefit of the said Road and Branch of Road.

Power to  
lessen and  
vary the  
Tolls.

XXI. 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, vary, or alter all or any Part or Parts of the Tolls hereby granted, at all, any, or either of the said Turnpikes, and to raise the same again, so as they do not exceed the Tolls by this Act granted, and so as such Reduction or Alteration be made with the Consent of the several Persons who shall be entitled to the Five-sixths Parts of the Money then due on the Credit of the Tolls; but no such Reduction shall be made unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpike Gates then erected across the said Roads, at least Fourteen Days before the Meeting for making such Reduction or Alteration; and such Tolls so lessened, varied; or altered, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Trustees em-  
powered to  
compound for  
the Tolls.

XXII. And be it further enacted, That the said Trustees or any Five or more of them may and they are hereby authorized and empowered, from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons for any Horses, Cattle, Beasts, or Carriages, passing through any of the said Turnpikes or Toll Gates, so that no Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition Money shall be paid One Year in Advance, otherwise such Composition shall be void.

XXIII. Pro-

XXIII. Provided always, and it is hereby declared; That no Toll shall be demanded or taken for the Passage of any Horse or other Beast drawing any Cart, Waggon, Wain or other Carriage, through any of the Turnpikes to be erected by virtue of this Act, laden with or empty, and going for or returning, having been laden the same Day with Stones, Gravel, or other Materials for making or repairing of the said Road or Branch of Road, or any Part or Parts thereof respectively, or for any Horse or other Beast drawing any Cart, Wain, Waggon, or other Carriage, laden with Hay, or Corn in the Straw only, or other Produce from or to any of the Lands in the Occupation of the respective Inhabitants of the several Parishes in which the said Road or Branch of Road lie, or any neighbouring Parishes, and to be laid up in the Houses, Barns, Outhouses, or Yard of such Inhabitants; nor for any Horse, Beast, or other Cattle drawing any such Carriage belonging to such Inhabitants respectively, going empty for the Purpose of loading such Hay or Corn in the Straw only, or other Produce, or laden with Seed to be sown, or returning empty having been laden therewith on the same Day; nor shall any Toll or Duty be demanded or taken for any Carriage laden with Dung or other Manure to be used for the Improvement of Land (Lime and Chalk excepted); nor shall any Toll or Duty be demanded or taken from any Rector, Vicar, Curate, or any other Person or Persons residing in any of the said Parishes through which the said Road or Branch of Road leads, who shall pass through any Turnpike or Toll Gate to or from their proper parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or on *Christmas Day* or on *Good Friday*; or for any Cattle or Carriage conveying the Corpse, or going to or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road or Branch of Road lie; nor shall any Toll be demanded or taken at any Turnpike to be erected by virtue of this Act, for any Horse or Cattle going to or from Water, or to or from any Pasture, or going to or returning from being shod or farried; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for such Horse as is or shall be used only to ride on by the Owner or Driver of any Waggon, Cart, or Carriage, provided such Horse pass through the said Turnpike or Turnpikes with such Waggon, Cart, or Carriage; nor shall any Toll be demanded or taken for the Horses of any Soldiers that are upon their March, or for Carts, Carriages, or Waggons attending them, or for their Arms and Baggage; nor shall any Toll be demanded or taken for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Volunteer Infantry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps, at the Time of claiming the Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes: Provided always, that during the Continuance of this Act, all Horses, Beasts, or other Cattle drawing Coaches and Passengers on Horseback, shall pass and repass Toll-free on the Day or Days on which there shall be an Election for a Knight or Knights of the Shire to serve in Parliament for the said

Persons and Things exempted from Toll.

Passengers on Election Days for Knights of the Shire for Essex exempted.

County





in all Courts of Law and Equity and elsewhere, as Evidence of such original Assignments or Mortgages, and Transfers, in the same Manner, to all Intents and Purposes, as if such original Assignments or Mortgages, and Transfers, were produced.

Purchasing  
Messuages,  
&c. for Road.

XXVII. And be it further enacted, That for the Purpose of opening and making the said Road and Branch of Road, it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby fully authorized and empowered to treat and agree for the Purchase of all Houses, Buildings, Erections, Tolls, Grounds, Lands, Tenements, and Hereditaments situate on or along the Line of the said Road or Branch of Road, or such and so many thereof as the said Trustees or any Five or more of them shall agree to purchase, and also to treat or agree for the Loss or Damage which the Owners of and Persons interested in any such Houses, Buildings, Erections, Tolls, Grounds, Lands, Tenements, or Hereditaments, shall or may any way sustain or be put unto by the opening and making of the said Road or Branch of Road; and upon Payment of such Sum or Sums of Money as shall be agreed upon for such Purchase or Purchases as a Satisfaction for such Loss or Damage, or as shall be adjudged or assessed in the Manner herein-after mentioned and described, it shall and may be lawful for the said Trustees or any Five or more of them to cause all such Houses, Erections, and Buildings whatsoever, or such or so many or so much thereof as they shall deem necessary, to be taken down, and the Ground whereon such Houses, Erections, and Buildings now stand, and the other Grounds, Lands, Tenements, and Hereditaments so to be purchased, or any Part or Parts thereof, to be laid into the said Road or Branch of Road, and that such Parts of the Lands or Grounds as shall be so laid into the said Road or Branch of Road, shall, when so laid in, be deemed and taken as a Public Highway, and used as such for ever afterwards.

In Cases  
where the  
Road shall be  
cut through  
any Land, the  
Trustees to  
purchase such  
Land, &c.

XXVIII. Provided always, and be it further enacted, That in all Cases where the said intended Road shall be proposed to be made and cut through any Close or Parcel of Land, and such Close or Land would by the making of the said Road be separated or divided into Two or more Parcels of Land, each or either being of a less Quantity than Two Acres, lying together, then and in every such Case, and also in all Cases where the Property of any Person or Persons, which may be wanted for the said Road, shall be less than Two Acres of Land, or by being used or taken for the Purposes of this Act, would be reduced to a less Quantity of Land than Two Acres lying together, the said Trustees shall and are hereby required (on the Application of the Owner or Owners, or Person or Persons for the Time being entitled to the Rents and Profits thereof) to purchase not only the Part of every such Close or Parcel of Land which shall be required by the said Trustees for the Purposes of this Act, but also such Piece of Land less than Two Acres lying together (except in respect to any such Piece of Land less than Two Acres, which shall adjoin to other Land of the same Owner, and with such other Land would make the Quantity of Two Acres lying together) in like Manner as they the said Trustees are empowered to purchase any other Lands necessary for the Purposes of this Act, and to pay, apply, and dispose of the Purchase Money at the same Time and in the same Manner as the Purchase Money for that Part of any such Close  
or

or Parcel of Land which may be required for making the said Road, would by virtue of this Act be payable or applicable.

XXIX. And whereas by reason of the Purchases which the said Trustees, or any Five or more of them, are hereby empowered and required to make, by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road or Branch of Road, they may happen to be seized of some Piece or Pieces of Ground, and of some Piece or Parcel of old Road or Roads over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, or Piece or Pieces of old Road or Roads, either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

XXX. And be it further enacted, That out of the Monies arising by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place, pay all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto; and the Remainder of such Monies shall from Time to Time be applied in paying for the Houses, Lands, Grounds, and Tolls to be purchased under this Act, and in making such Compensations as are herein directed to be made, and in erecting Turnpikes and Toll Houses, and making, repairing, widening, diverting, and amending the said Road and Branch of Road, Bridges, and Arches, and paying the Principal and Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Application of the Tolls and Money borrowed.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Road and Branch of Road hereby authorized to be made is intended to pass, and to stake out the same in such Manner as the said Trustees or any Five or more of them shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds, respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damages that shall be done to the Land or Ground on the Sides of the said Road and Branch of Road, whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out any such Road and Branch of Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Three Pounds; and that all such Parts of the said Lands or Grounds as shall be so laid into the said Road or Branch of Road, shall, when so laid into the said Road or Branch of Road, be deemed and taken as a public Highway, and used as such for ever after.

Power to enter Lands and make the Road.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower

Road not to be begun to be made until

the Owners of  
the Lands  
shall be paid  
their Purchase  
Money.

empower the said Trustees, or any of them, or their Surveyor or Surveyors, or any other Person or Persons, to begin to make the said intended Road or Branch of Road in, upon, through, or over any private Lands, Grounds, or Hereditaments, until the Owner or Proprietor, and every Person interested therein, shall be paid and satisfied the Purchase Money to be agreed upon or adjudged, or assessed in the Manner herein mentioned, for such private Lands, Grounds, or Hereditaments to be taken for the Purposes of this Act, or such Purchase Money shall be paid into the Bank of *England* in the Name of the Accountant General of the Court of Chancery, in the Manner and subject to the Conditions, Orders, and Restrictions by this Act directed, where Persons cannot be found to treat with, as the Case may be.

Surveyors to  
get Gravel,  
&c.

XXXIII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees or any Five or more of them, is and are hereby empowered to cut, dig, gather, take and carry away any Furze, Heath, Gravel, Sand, or other Materials, proper for the making and repairing of the said Road and Branch of Road, and the Bridges, Walls, and Fences in or upon the same, in, upon, or out of or from any Waste Grounds, Commons, or uncultivated Lands, Rivers, or Brooks in any Parish, Hamlet, or Place in which any Part of the said Road and Branch of Road lie, or in any adjacent Parish, Hamlet, or Place, to be used in the making and repairing of the said Road and Branch of Road, without paying any thing for the same; and provided there shall be no other safe and convenient Way to carry such Materials, to cart and carry the same over the Lands and Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) making Satisfaction as hereinafter mentioned, such Surveyor or Surveyors or other Person or Persons filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Gravel, Sand, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, contiguous to that Part of the said Road and Branch of Road therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of the said Trustees or any Five or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any such Materials as aforesaid, in, upon, or out of or from and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Gravel, Sand, and Materials, and for carrying the same, or the Materials gotten in any Waste Ground, Commons, or uncultivated Lands, Rivers, or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees or any Five or more of them shall think reasonable; and in case of any

Difference



Difference between the said Trustees or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers or any or either of them, concerning the said Damages, the Justices of the Peace for the County, Liberty, District or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County, Liberty, District or Place, next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Place of Abode, shall hear, settle, and determine the Matter of the said Damage, and the Costs attending the hearing and determining the same; whose Judgment and Order therein shall be final and conclusive to all Parties.

Justices to determine Differences.

XXXIV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away Gravel or other Materials for making or repairing the said Road or Branch of Road, Bridges, Walls, and Fences, out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear for himself or herself or his or her Agent before the said Trustees or any Five or more of them, or any Two or more Justices of the Peace acting for the said County, Liberty or District, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his or her Agent shall attend pursuant to such Notice, the said Trustees or any Five or more of them, or such Justices, if they respectively shall so think proper, shall and may authorize such Surveyor or Surveyors, or other Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to the said Trustees or any Five or more of them, or such Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, before the said Trustees or such Justices as aforesaid, then and in such Case the said Trustees or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his or her Agent had attended.

Notices to be given to Occupiers of Lands, before Materials are taken for repairing the Roads.

XXXV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order in Writing for that Purpose from the said Trustees or any Five or more of them) to make Causeways in and upon and to communicate with the said Road or Branch of Road, and also by Order in Writing of Five or more of the said Trustees to build and erect Fence Walls and Railings on the Sides or Banks of any Rivers, Rivulets, Creeks, or Streams of Water adjoining or contiguous to the said Road or Branch of Road and Bridges, and also to make any Ditches in, under, or upon the said Road or Branch of Road, and in, upon, under, and through any Grounds lying contiguous thereto, in order to conduct the Water from off the said Road or Branch of Road, not being the Ground whereon any House or Outbuilding stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a

Surveyors may make Causeways, Bridges, &c.

House, or any inclosed Ground planted and set apart as a Nursery for Trees, and also by Order of any Five or more of the said Trustees to build, erect or repair, and keep in Repair any Bridge or Bridges, Arch or Arches, Trunk or Trunks, Fence Wall or Walls, Railing or Railings, upon any Part or Parts of the said Road or Branch of Road, and across any Canals, Rivers, Rivulets, Streams of Water, Watercourses, Sewers, Ditches, or Drains therein or contiguous thereto, making such Recompence to the Owners and Occupiers of private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Five or more of them; and in case of any Difference concerning such Damages, the Justices of the Peace for the said County, at the General Quarter Sessions of the Peace next after such Differences shall arise, and on such Notice to be given as last-mentioned, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but that no Satisfaction shall be made for doing and performing any of the Works aforesaid upon or through any Waste Ground, Common, or uncultivated Land.

Fencing of  
Commons,  
&c.

XXXVI. And whereas some Part or Parts of the said Road or Branch of Road may lead over or by the Sides of Open Fields, Commons, or Waste Grounds, whereby the Payment of Tolls may be evaded, in order therefore to prevent such Evasion, be it enacted, That the said Trustees or any Five or more of them may cause Fences and Ditches to be erected and made over such Parts of such Open Fields, Commons, or Waste Grounds, as they shall think necessary, in order to prevent Payment of the Tolls being evaded; and if any Person or Persons shall pull down or in anywise displace or carry away any such Fence or any Part thereof, or shall in anywise fill in or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Expences of replacing the same.

Walls and  
Fences to be  
made where  
the Road  
shall be cut  
through in-  
closed Lands,  
&c.

XXXVII. And be it further enacted, That in all Cases where any inclosed Land shall be cut through for the Purposes of this Act, the said Trustees shall make or cause to be made proper Walls or Quickset Fences where necessary, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining, and shall keep the Quickset Fences so to be made in good Order and Repair for the Term of Three Years from the Time that such Quickset Fences shall have been made or planted, or in the Compensation to be made, as well to the Owners and Occupiers of such Land, the making and so keeping in Repair such Fences, Gates, and Arches, Dykes or Ditches, as the Case shall require, shall be taken into Consideration, and an Allowance made for the same.

Trustees to  
make Com-  
pensation for  
Tolls on a  
certain Bridle  
or Drift Road  
leading from  
Wall End to  
Barking  
Mills.

XXXVIII. And whereas there is a private Bridle and Drift Road leading from *Wall End* in the said Parish of *East Ham*, to and over Three several Bridges adjoining to *Barking Mills*, and the several Persons through whose Lands the said Road passes, and the several Persons who repair the said Road and the Bridges thereon, receive Toll for Horses and other Cattle passing along such Road: And whereas after the making of that Part

Part of the said intended Road and Communication Bridges from *Wall End* aforesaid to *Barking Quay*, by virtue of this Act, the said Bridle and Drift Road will become useless; be it therefore enacted, That Compensation for such Tolls shall be made to the several Persons respectively interested therein, out of the Monies to be raised, received, or collected by virtue of this Act, except to the Owners and Tenant of *Barking Mills*, such Compensation to be agreed upon or adjudged and assessed in Manner by this Act directed, in regard to Lands to be taken by the said Trustees or any Five or more of them for making the said intended Road, and to be paid to the Person or Persons entitled to the same, or into the Bank of *England* (as the Case may be) before that Part of the said intended Road between *Wall End* aforesaid and *Barking Quay* shall be begun to be made; and as a Compensation to the said Owners and Tenant of the said Mills, for their respective Interests in the said Tolls, the said Trustees from and after they shall begin to make that Part of the said intended Road between *Wall End* aforesaid and *Barking Quay*, shall maintain and repair the said Drift and Bridle Road, and a Bridge called *Hand Trough Bridge*, and also the said Three Bridges adjoining to the said Mills, until such Part of the said intended Road from *Wall End* aforesaid to *Barking Quay*, and the necessary Communication Bridges shall by virtue of this Act be completed; and when and so soon as such Part of the said intended Road and Communication Bridges shall be completed, the said Trustees shall no longer be obliged to maintain and repair the said Bridle and Drift Road, or any Bridge which shall not be used for the Purpose of the said intended Road; and such Bridges as shall be used for the Purpose of the said intended Road shall thenceforth become public Bridges, and shall be used and enjoyed as such for ever afterwards, and so soon as the said Trustees shall have made such Compensation for the said Tolls, the said Tolls shall vest in the said Trustees; and from and after that Part of the said intended Road between *Wall End* and *Barking Quay* and the necessary Communication Bridges shall be completed, the said Bridle and Drift Road shall be no longer used as such, and the Person or Persons now liable to repair the said Bridge called *Hand Trough Bridge*, shall be at Liberty to take down the same for his or their own Use and Benefit, and from and after the taking down the same Bridge, the Lands over which such Bridle and Drift Road as heretofore passed shall remain in the Occupation and Possession of the present Occupiers and Possessors as they now are, and exonerated from such Bridle and Drift Road over the same.

XXXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their own proper Costs and Charges, under the Direction and Inspection, and to the Satisfaction of the Commissioners of Sewers, or their Surveyor or Surveyors, to cause all or any Sewers or Drains which shall be and lie in or near the intended Line of the said Road or Branch of Road, to be filled or stopped up, arched over, widened, or otherwise altered as they shall think necessary for making or completing the said Road or Branch of Road; so as they the said Trustees, or any Five or more of them, do and shall, previous to their stopping up the same, make and build, and they are hereby authorized and required to make and build, in lieu of the said Sewers and Drains so to be filled or stopped up, other good Sewers and Drains of sufficient Depth and Width for carrying off the Water from the Lands and Premises adjoining or near to the said Road or Branch of Road, and as

Power to arch  
over, fill up,  
or alter Sew-  
ers or Drains,

and to build  
new ones  
under the Di-  
rections of  
the Commis-  
sioners of  
Sewers.

serviceable

Such Sewers to be vested in and under the Direction of the Commissioners of Sewers.

serviceable and convenient in all Respects as the Sewers or Drains so to be filled or stopped up; and all such and so much of the said Sewers and Drains as shall be so made in lieu of the present Sewers, that are now under the Direction of the Commissioners of Sewers, shall, immediately upon their being made, become vested, and be and remain under the immediate Direction of the Commissioners of Sewers for the several Districts through which the said Road or Branch of Road shall pass, who shall have and exercise the Powers and Authorities already vested in them as Commissioners upon and over the same: Provided always, that nothing in this Act contained shall extend or be construed to extend to alter, restrain, enlarge, or make void the Powers and Authorities of His Majesty's Justices and Commissioners of Sewers for the said Districts through which the said Road or Branch of Road shall pass, and that their Powers and Authorities shall remain, extend, and be over the whole of those, as the same would have been in case this Act had not been made.

Surveyors may remove Nuisances.

**XL.** And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them) to remove and prevent all Nuisances on any Part of the said Road or Branch of Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road or Branch of Road, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining 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 lop, top, plash, or cut down any Trees, Shrubs, or Bushes, growing or to grow on the said Road or Branch of Road, or in the Hedges or Banks adjacent thereto respectively, not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, and to take and carry away the same in case the Owners or Occupiers of the Premises shall, for the Space of Ten Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, top, plash, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Nuisances, in such Manner as the said Trustees or any Five or more of them, or the said Surveyor or Surveyors shall require; the Charges whereof (to be settled by the said Trustees or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and shall be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after Removal of any of the said Nuisances any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Restraining the Trustees from using a certain covered Way belonging to Barking Mills.

**XLI.** Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Trustees or any of them, or any other Person or Persons, to take down or remove a certain covered Way or Passage out of and from a certain Granary belonging to *Barking Mills*, in the Occupation of *William Smith of Barking*, to and into the said Mills, save and except the said Trustees shall out of the Monies to be raised, received, or collected by virtue of this

this Act, erect and build or cause to be erected and built another covered Way or Passage out of and from the said Granary to and into the said Mills, of the like Dimensions, and as commodious to the Owner and Occupier of the said Mills, and as substantial as the present covered Way or Passage, any thing herein contained to the contrary thereof in anywise notwithstanding.

XLII. Provided always, and be it enacted, That in case the said Trustees shall take down or remove or cause to be taken down or removed any Part of the said Granary, then and in such Case the said Trustees shall and they are hereby required forthwith, out of the Monies to be raised, received, or collected by virtue of this Act, as a Satisfaction to the Owners and Proprietors of such Granary, well and sufficiently to support and strengthen or cause to be supported and strengthened the Foundation of the Remainder of the said Granary, and to inclose or cause to be inclosed with Weather Boarding the Space which shall be left open after such Part of the said Granary shall be taken down or removed; and the said Trustees shall also forthwith make, erect, and finish, or cause to be made, erected, and finished, in a substantial and workmanlike Manner, out of the Monies to be raised, received, or collected by virtue of this Act an additional Story over the Remainder of the said Granary, of the same Scale and Dimension as the Part which will remain of the present upper Story of the said Granary, with a proper Roof and Floor thereto; and after the same shall be so completed, the Owners or Occupiers of the said Granary shall maintain and repair the same.

In case a certain Granary shall in part be used, the Remainder thereof to be maintained and supported by the Trustees.

XLIII. And be it further enacted, That it shall be lawful for the Owners or Proprietors of *Barking* Mills, or the Tenants or Occupiers thereof, to make and lay upon, over, and across the said intended Road an Iron Railway from the said Mills to the Granary opposite thereto, for the Purpose of conveying Corn and other Things to and from the said Granary and Mills; provided such Railway shall not in any Manner obstruct the free Use of the said Road, or project more than One Inch above the Level of the said Road.

Enabling the Owners or Occupiers of *Barking* Mills to make a Railway across the Road opposite to the said Mills.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and they are hereby authorized and empowered to make and repair, and from Time to Time to widen, divert, shorten, vary, turn, and alter the Course or Path of any Part or Parts of the said Road or Branch of Road; and that such Road and Branch of Road and every Variation may be of any Width not exceeding Sixty Feet, through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments, not exceeding Forty Feet, inclusive of the Ditches and Fences on each Side thereof, not being the Scite of or Ground whereon any House or Houses stand, or Planted Walk, Yard, Garden, Park, Paddock, or Avenue to any House, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damages they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting,

Trustees may make and divert the Road.

turning, or altering the Course or Path of any Part or Parts of the said Road or Branch of Road through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life and Fee Tail General or Special, Husbands, Guardians, Trustees, or 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 their Cestuique Trusts, whether Femes Coverts, Infants, 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 and interested in any such Lands or Hereditaments, to contract with the said Trustees or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary in anywise notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Restraining the Trustees from deviating more than Forty Feet from the Line laid down in the Plan.

XLV. And whereas a Map or Plan, describing the Line of the said Road and the Lands through which the same is intended to be carried, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Essex*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making, widening, diverting, shortening, varying, turning, or altering the said Road, shall not deviate more than Forty Feet from the Line described in such Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, such Consent to be kept in the Office of the Clerk of the Peace for the said County of *Essex*.

Trustees may make the Road through the Lands of Persons omitted in Book of Reference, &c.

XLVI. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said

faid County of *Essex*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake; such Certificate to be annexed to and deposited with the said Book of Reference in the Custody of the said Clerk of the Peace.

XLVII. And be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, 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 Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands and Hereditaments through which any Part of the said Road and Branch of Road is intended to be made, widened, diverted, turned or altered, shall, for the Space of Two Calendar Months 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 be prevented from treating, then and in every such Case the said Trustees or any Five or more of them shall cause such Damage, Value, or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County, District, or Place wherein such Lands or Hereditaments do lie, and in order thereto the said Trustees or any Five or more of them, 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 any one or more of the said Trustees is and are hereby empowered to administer), and such Trustees or any Five or more of them 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 enquired of and assessed such Damages and Recompence, they the said Trustees or any Five or more of them shall thereupon order, adjudge, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes, against the Persons and Parties whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees or any Five or more of them are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve on Juries, to appear before such Trustees or any Five or more of them, 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

Where Persons interested neglect or refuse to treat, the Damages and Recompence to be settled by a Jury.

Verdict of the Jury to be final.

Trustees empowered to issue Warrants to the Sheriff to impanel a Jury.

required

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 or any Five or more of them shall and they 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 Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees or any Five or more of them 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, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who 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 Verdicts, 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 refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence; so that no one Fine be more than Twenty Pounds on any one Person for one Offence.

Jury may be challenged.

Trustees may impose Fines on Sheriffs making Default, or on Jury, or on the Witnesses.

In Cases where the Road shall be diverted, the first Offer for the Sale of the old Road shall be made to the Owners of the Lands adjoining.

XLVIII. Provided always, and be it further enacted, That wherever the Course of any Part of the said Road or Branch of Road shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by the Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Treasurers, Clerk or Clerks to the said Trustees, and tender the Conveyance of such old Road, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or should refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit to be sworn before a Master in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County, Liberty, District, or Place where such old Road shall be, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such old Road, as the Case may be; and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed



agreed to, or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road or Branch of Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is laying immediately adjoining to his, her, or their Land respectively, in Manner aforesaid: Provided also, that if such Owner or Owners respectively shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons, by entering the same in their Book, and delivering to him or them a Copy of the Entry thereof, signed by any Five or more of the said Trustees; which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

XLIX. Provided always, and it is hereby enacted, That nothing in this Act contained shall enable the said Trustees in anywise to obstruct the old Road or Roads now in being adjoining to and not being Part of the said intended Turnpike Road.

Restraining Trustees from obstructing the Passage of old Roads.

L. And be it further enacted, That in case any Jury or Juries, to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for any such Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, 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 or any Five or more of them, before the summoning and returning of 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, or for less Money than shall have been offered to be accepted or taken on Behalf of the said Trustees, as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, 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 the Monies to be received by virtue of this Act; but if any 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 or any Five or more of them, before the summoning or returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees, as the Purchase Money for any such old Road as aforesaid, then and in every such Case 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, District, 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) shall and may be deducted out of the Money so assessed and adjudged, as so much Money

How the Expences of the Jury and Witnesses are to be borne.

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; otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means herein 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 shall be borne and paid by the said Trustees or any Five or more of them in Manner aforesaid.

Money allowed for Lands how to be charged and tendered.

LI. And be it further enacted, That every Sum of Money or Rempence to be agreed for or assessed as aforesaid, shall be paid 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 respectively entitled thereto, or to their Agents; and upon Payment thereof to the Party or Parties entitled to receive the same, or depositing the same in the Bank of *England* in the Manner by this Act directed, for the Use of such Parties or Persons respectively, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, or left at their respective usual Places of Abode, or at their last known Place of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Road and Branch of Road, in such Manner as the said Trustees or any Five or more of them shall direct, and shall be by them, or by such Person or Persons as they or any Five or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become, and be and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Road and Branch of Road for ever thereafter, and shall be repaired and kept in Repair in such Manner, and by the same Ways and Means as the Road and Branch of Road hereby authorized to be made and repaired are hereby directed to be made and repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and in case of the turning or altering the Course of any Part or Parts of the said Road or Branch of Road, after such new Road and Branch of Road shall be completed, the Lands constituting such former Road or Roads, or any Part thereof, unless leading over some Moor, Common, uncultivated Land or Waste Ground, or to some Village, Town, or Place to which such new Road and Branch of Road do not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees or any Five or more of them, in the Manner herein 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 said County of *Essex*, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Trustees not to take down Houses, &c. without Consent of Owners.

LII. Provided always, and be it further enacted, That the Power and Authority by this Act given to the said Trustees shall not extend to enable the said Trustees to take, use, injure, or damage any Dwelling House or other Building, or to take any Garden, Orchard, Yard, Park, Paddock,

Paddock, planted Walk or Avenue to a House, or Plantation or Nursery of Trees, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained, other than and except a Shed or Warehouse belonging to *Joseph Cuff*, in the Occupation of *John Cuff*; a Shed or Warehouse belonging to the said *Joseph Cuff*, in the Occupation of *John Lambert*; a Piece of Garden Ground belonging to *Joseph Bladworth*, in the Occupation of *John Dowsett*; a Piece of Garden Ground belonging to the said *Joseph Bladworth*, in the Occupation of *James Harris*; a Piece of Garden Ground belonging to the said *Joseph Bladworth*, in the Occupation of *William Morris*; a Piece of Garden Ground belonging to *Mark Hudson*, in the Occupation of *William Crook*; a Piece of Garden Ground belonging to *William Crook*, in the Occupation of *Hannibal Merchant*; a Piece of Garden Ground belonging to the said *William Crook*, in the Occupation of *Jeffrey Briggs*; a Shed and Piece of Garden Ground belonging to the said *William Crook*, in the Occupation of *Elizabeth Varley*; a House and Yard belonging to *Abraham Mills* and *Mary* his Wife, *Richard Edmonds* and *Martha* his Wife, *Daniel Lancaster* and *Elizabeth* his Wife, and *Martha Hatchett* Spinster, in the Occupation of *James Crew*; a House and Yard belonging to the said *Abraham Mills* and *Mary* his Wife, *Richard Edmonds* and *Martha* his Wife, *Daniel Lancaster* and *Elizabeth* his Wife, and *Martha Hatchett* Spinster, in the Occupation of *John Glansford*, all in the Parish of *Barking*; a Piece of Garden Ground belonging to *Joseph Joyner* Esquire, in the Occupation of *John Standish*; and a Cottage and Garden belonging to the said *Joseph Joyner*, in the Occupation of *John Wood*, in the Parish of *Aveley*; and also Part of a Granary belonging to *Sir Edward Hulse* Baronet, in the Occupation of *William Smith*, in the Parish of *Barking*, by taking off from the North-east Corner thereof a Triangle whose Perpendicular shall not exceed Twelve Feet Three Inches; and also other than and except the South Part of a Warehouse belonging to the said *William Smith*, adjoining to the North Side of the said Warehouse belonging to the said *Joseph Cuff*, in the Occupation of the said *John Cuff*, the same Part not to exceed Four Feet Eight Inches in Width, all in the said Parish of *Barking*.

LIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees or any of them, or any other Person or Persons, to take or use any Wharf or Ground belonging to the said *Sir Edward Hulse*, and in the Occupation of the said *William Smith*, lying between the said Road as described by the said Plan, and *Barking Creek*, or between the said Road and the River *Roding*; or to authorize or empower the said Trustees or any of them, or any other Person or Persons to erect, build, or make any Wall or Fence to obstruct or prevent the free Use of any such Wharf or Ground, or to obstruct or prevent the South-west View from the House of the said *Sir Edward Hulse*, now occupied by the said *William Smith*, or in any Way to alter or obstruct the Navigation of the River *Roding*, or the free flowing and reflowing of the Tide or other Waters to and from the aforesaid Mills, or in any Manner to injure or damage the said Mills, or the Locks, Flood Gates, Sluices, or Machinery, to the said Mills belonging or appertaining.

Restraining  
the Trustees  
from taking  
or using the  
Wharfs of  
*Sir E. Hulse*.

LIV. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of or concerning any Lands, Tenements,

All Contracts  
for Copyhold  
Estates shall  
be executed

in the Courts  
of the Manors  
whereof such  
Land shall be  
held, &c.

Tenements, or Hereditaments, which shall be Copyhold or of the Nature of Copyhold shall be executed and completed by Surrender thereof, or otherwise, in the respective Courts of the Manors whereof such Lands, Tenements, or Hereditaments shall be held, according to the Custom of the said Manors respectively; and such Lands, Tenements, or Hereditaments shall no longer remain and continue subject to any Fines, Rents, and Services, but shall be considered as enfranchised by the Lord or Lords, Lady or Ladies of the respective Manors whereof such respective Copyhold Hereditaments shall be holden; and such Lord or Lords, Lady or Ladies, shall be respectively paid for his, her, or their Estate and Interest in the said Lands, Tenements, or Hereditaments, out of the Monies to be raised, received, or collected by virtue of this Act, such Compensation, as if such Lord or Lords, Lady or Ladies, had regularly enfranchised such Lands, Tenements, and Hereditaments, such Compensation to be agreed upon between the said Trustees or any Five or more of them, and such Lord or Lords, Lady or Ladies, or adjudged or assessed in like Manner as the Value of the Lands, Tenements, and Hereditaments to be taken for the Purposes of the said intended Road, is by this Act directed to be adjudged or assessed.

Conveyances  
good by  
Bargain and  
Sale.

LV. And be it further enacted, That the Conveyance of any Estate or Interest of any Feme Covert to the said Trustees or any Five or more of them, or any Person or Persons in Trust for them, by Bargain and Sale acknowledged by such Feme Covert, and duly enrolled in the Court of King's Bench at *Westminster*, within Four Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises, as any Fine or Fines, Recovery or Recoveries would or could do if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Lands and Hereditaments as shall be purchased by the said Trustees or any Five or more of them, by virtue of and for the Purposes of this Act, and enrolled as aforesaid, shall have the like Force and Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had if levied or suffered by the Bargainor or Bargainors, or any Person or Persons seised of any Estate in the Premises in Trust for such Bargainor or Bargainors, in any legal Manner or Form whatsoever.

Tenants at  
Will, &c. to  
quit Premises.

LVI. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of any such Lands, Tenements, Houses, Buildings, Grounds, and Hereditaments, or any Part thereof, which shall be purchased by virtue of and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or as Lessee for a Year or from Year to Year; or in case the said Trustees or any Five or more of them, or such Person or Persons authorized by them, shall give Six Calendar Months Notice to quit such Possession, then such Tenant or Tenants shall at the End of the said Six Calendar Months, or so soon after as he or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Trustees or any Five or more of them, or the Person or Persons authorized by them to take Possession thereof; and that in case any such Tenant or Tenants, or Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, then it shall and may be lawful for the  
said

rized by them, shall give Six Calendar Months Notice to quit such Possession, then such Tenant or Tenants shall at the End of the said Six Calendar Months, or so soon after as he or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Trustees, or any Five or more of them, or the Person or Persons authorized by them to take Possession thereof; and that in case any such Tenant or Tenants, or Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, then it shall and may be lawful for the said Trustees, or any Five or more of them, to issue their Precept or Precepts to the Sheriff of the said County of *Essex*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

LVII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased, for the Purposes of this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or any Feme or Femes Covert, or other Person or Persons, being incapacitated to give Discharges for the Purchase or Compensation 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, or any Five or more of them, 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 presented in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to

Application  
of Compensation  
Money  
when exceeding  
200l.

be sold for the Purposes aforesaid, the Dividends and the 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 or Profits of the Lands or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application where Money does not amount to 200l. and shall exceed 20l.

LVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the said Bank 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 herein directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees or any Five or more of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Money is less than 20l.

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

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

LX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of 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 any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees or any Five or more of them, to order the

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 Privy of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, 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 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 as aforesaid.

LXI. 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 Privy of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Respecting  
disputed  
Titles.

LXII. 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 or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with

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

the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons liable to repair Roads, &c. to continue so.

LXIII. And be it further enacted, That all and every Person and Persons who by Law are obliged to do Statute Work on any of the Highways in the several Parishes, Hamlets, Districts, or Places through which the said intended new Road or Branch of Road shall pass, shall be liable to perform their respective Works thereon, in such and the like Manner in every respect as they are liable to perform the same on any other common Highway within such Parish, Hamlet, District, or Place respectively.

Penalty on not performing Statute Work.

LXIV. And be it further enacted, That all and every Person and Persons who shall neglect or refuse to do such 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 such Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and every Person who shall according to such Notice as aforesaid come as a Labourer or with any Team, Draught, or Plough, to work on the said Road or Branch of Road, and shall be found negligent or idle by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person or Persons, and it shall be deemed as if such Person or Persons, or such Team, Draught, or Plough had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Plough shall be liable to the respective Forfeitures herein mentioned; and all Persons doing such Day's Work on the Road or Branch of Road aforesaid, shall not be liable to do any Statute Work thereon.

Justices to determine Statute Work.

LXV. And, for preventing Differences between the said Trustees and the Surveyors of the Highways for the Time being of the several Parishes, Hamlets, Districts, or Places through which the said Road and Branch of Road hereby directed to be made and repaired shall lead, touching what Part of the Statute Work in any such Parish, Hamlet, District, or Place, ought to be done on the said Road or Branch of Road; be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace, at any Special Session to be holden for the County, Liberty, or District wherein such Part or Parts of the said Road or Branch of Road shall lie, upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, to adjudge and determine what Part and Proportion of the Statute Work shall be done on the said Road or Branch of Road, by and in each and every of the Parishes, Hamlets, Districts or Places aforesaid.

LXVI. And



LXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Road and Branch of Road within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work therein; and also that it shall be lawful for the Surveyors of the Highways of any of the said Parishes, Hamlets, Districts, or Places, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Hamlets, Districts, or Places, first had at any Vestry or other public Meeting of such Inhabitants, to compound and agree by the Year or otherwise, with the said Trustees or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road and Branch of Road; all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in the Repair of the said Road and Branch of Road; and all such Surveyors shall be reimbursed the Money so by them paid in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may compound for Statute Work.

LXVII. And be it further enacted, That the said Trustees or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, are hereby empowered to contract with any Person or Persons for making, altering, turning, widening, or repairing the said Road and Branch of Road, or any Part thereof, and for erecting Mile and Direction Stones or other Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees or any Five or more of them, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workman or 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 as shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits shall be maintained thereon by the said Trustees or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, 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 and may be requisite for making or repairing the said Road and Branch of 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 Action or Suit against such Party or Person, Parties or Persons so as aforesaid making Default in fulfilling his, her, or

Trustees may contract for Repairs.

Contracts to be binding.

their Contract or Agreement ; any Law or Usage to the contrary in any-wise notwithstanding.

Persons who may be Prosecutors and Persons prosecuted, indemnified.

LXVIII. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees or any Five or more of them, in every such Case the said Trustees or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall really and *bonâ fide* expend for or by reason of such Action or Prosecution, or any Judgment or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any Thing done in pursuance of this Act under the Authority and by the Direction of the said Trustees or any Five or more of them.

Penalties how to be levied and applied.

LXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, and where the Penalty for the Offence shall not exceed the Sum of Five Pounds, shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace for the County, District, or Place wherein the Offence shall have been committed, or any one Justice of the Peace for the County, District, or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of one or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes) ; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels ; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid one Moiety to the Informer, and the other Moiety to any Five or more of the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers, and be applied in the Repair of the said Road ; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures with such Costs shall not be forthwith paid, it shall be lawful for any one or more Justice or Justices of the Peace as aforesaid, and he or they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County, District, or Place wherein the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.



General  
Issue.

Treble Costs.

Orders and  
Proceedings  
of Trustees  
to be entered  
in a Book.

Persons ag-  
grieved may  
appeal to  
the Quarter  
Sessions.

of this Act, until Fourteen Days Notice thereof in Writing, shall have been given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action shall be laid in the County of *Essex*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his, her, or their Election, 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 have been so done, or if such Action or Suit shall be brought before Fourteen Days Notice shall have been thereof given as aforesaid, or after a sufficient Satisfaction made or rendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in the said County of *Essex*, then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue 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 the same, as any Defendant or Defendants hath or have in other Cases by Law.

LXXV. And be it further enacted, That all Orders and Proceedings of the said Trustees or any Five or more of them, shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of the said Trustees, or by their Clerk or Clerks; which said Book or Books, and all other Book and Books directed to be kept for registering the said Assignments, Mortgages, and Transfers as aforesaid; shall and may be produced and read in Evidence in all Courts whatsoever.

LXXVI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County, Liberty or District, within Three Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Ten Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, Liberty or District, with Two sufficient Sureties, to try such Appeal, and abide the Order of and to pay such Costs as shall be awarded by the Justices at such General Session; and the said Justices at such Session, 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 appealing or appealed against, as they the said Justices shall think proper; and the Determination  
of

of such Quarter Session shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Session may also, 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 sufficient Distress, commit such Person or Persons to the Common Gaol or House of Correction of or for the said County, Liberty, District, or Place wherein such Quarter Session shall be held (as the Case may be) for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

LXXVII. And be it further enacted, That the several and respective Persons who have subscribed or may hereafter subscribe any Sum or Sums of Money, for and towards making and repairing the said Road and Branch of Road, and their respective Heirs, Executors, and Administrators shall and they are hereby required to pay the Sum or Sums so subscribed, or such Parts or Proportions thereof, and within such Time and Times and to such Person or Persons, as the said Trustees or any Five or more of them shall by any Writing under their Hands authorize to receive the same, so as the said Trustees or any Five or more of them shall not call, at any one Time, for any greater Instalment than Ten Pounds *per Centum* on every One hundred Pounds of such Subscriptions, nor shall make any such Call at a less Distance than the Space of One Calendar Month after the Call immediately preceding; and if any Person or Persons shall, after Twenty-one Days previous Notice in Writing under the Hands of the Treasurer, or Clerk or Clerks of the said Road and Branch of Road, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees or any Five or more of them, in the Names of the said Trustees, or any Five or more of them, or in the Name or Names of their Treasurer or Treasurers, or their Clerk or Clerks, to bring or cause to be brought any Action of Debt or on the Case, Bill, Complaint, or Suit, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than one Imparance shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice being given as aforesaid, the respective Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered, with full Costs of Suit; and that the Venue in every such Action shall be laid in the said County of *Essex* or the City of *London*, and not elsewhere.

Subscribers shall pay their Subscriptions.

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

Public Act.

LXXIX. And be it further enacted, That this Act shall commence upon the Day on which the same shall receive the Royal Assent, *[Loc. & Per.]*

Commencement and Continuance of Act.

1746

48<sup>o</sup> GEORGII III. *Cap.*92.

Assent, and shall continue in force for and during the Term of  
Twenty-one Years, and from thence to the End of the then next  
Session of Parliament.

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