

their Sessions,
the petitioner
may erect such
Gates, &c.

there General Sessions, shall approve of such report or any part thereof, then it shall and may be lawful for the said party so petitioning forthwith, at his own expence, to erect such Gates and Fences as shall be so approved of by the said Justices in their General Sessions as aforesaid. PROVIDED ALWAYS, that the expences attending such appointment, view and report of such Commissioners shall be borne and paid by the said party praying the same.

Ten shillings
penalty to be
paid by any per-
son who shall
block up and fa-
sten, or stake
open or take
down or destroy
any such gate
&c.

II. *And be it further enacted*, That if any person or persons shall block up and fasten, or stake open, or take down, or destroy any Gate or Gates so to be erected, by virtue or in pursuance of this act, such offender or offenders, shall upon conviction before any of his MAJESTY'S JUSTICES of the Peace for the county where such offence shall be committed, upon the oath of one or more creditable witness or witnesses, forfeit and pay the sum of *ten shillings* for each and every offence, to be levied by warrant of distress and sale of the offenders goods, under the hand and seal of such Justice, rendering the overplus if any after deducting the costs and charges of distress and sale, to the offender; which penalty and forfeiture shall be to the use of the poor and be paid into the hands of the Overseers of the Poor of the town or parish where such offence shall be committed and such offender or offenders shall be further liable to an Action of Trespass for any damages sustained thereby: PROVIDED ALWAYS, that if any Gate or Gates, erected by virtue or in pursuance of this act shall not be kept in good order and sufficient repair by the proprietor or proprietors thereof at his or their own expence; that, he or they shall not have any benefit or advantage from this act.

Provision for
discontinuing
such gates, on
report of Com-
missioners to be
in like manner
appointed.

III. PROVIDED ALWAYS, That whenever it shall appear to the Justices of any county, in their General Sessions, by report of Commissioners, to be in such case appointed as herein before directed on the petition for erecting any Gate or Fence by virtue of this act, that the object or ground for erecting any such Gate or Fence within the said county no longer exists, the said Justices, in their General Sessions, may, and they are hereby empowered to order such Gate or Fence to be removed and discontinued, and the proprietor or proprietors of such Gate or Fence, shall not, after such order, have any further benefit or advantage from this act, and the continuance of such Gate shall thereafter be considered and adjudged as a nuisance upon the high way.