ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

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C A P. CLII.

An Act for granting to His Majeſty the Sum of Twenty thouſand Pounds, to be iſſued and applied towards repairing Roads between *London* and *Holyhead*, by *Cheſter*, and between *London* and *Bangor*, by *Shrewſbury*. [11th *July* 1815.]

Moſt Gracious Sovereign,

WE, Your Majeſty's moſt dutiful and Loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament aſſembled, having granted to Your Majeſty the Sum of Twenty thouſand Pounds for this preſent Year, towards defraying the Expence of repairing, altering, or conſtructing ſuch Roads as ſhall appear to be moſt immediately neceſſary for facilitating the Communication between *London* and *Holyhead* by *Cheſter*, and between *London* and *Bangor Ferry* by *Shrewſbury*, whereby the Intercourſe between *Great Britain* and *Ireland* will be beneficially promoted, do moſt humbly beſeech Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That out of any Monies granted for the Supply of the preſent Year there ſhall and may be iſſued and paid, at the Receipt of His Majeſty's Exchequer in *Great Britain*, the Sum of Twenty thouſand Pounds, without any Deduction whatever, to the Commiſſioners herein-after named; which Sum ſhall be applied by the ſaid Commiſſioners towards the repairing, altering, making, or conſtructing ſuch Roads as ſhall be judged proper, in the Manner herein-

20,000l. to be iſſued out of the Exchequer to the Commiſſioners, which may be veſted in Exchequer Bills, &c.

herein-after directed, and to no other Uſe or Purpoſe whatſoever: Provided always, that the ſaid Commiſſioners may inveſt the ſaid Sum of Twenty thouſand Pounds in Exchequer Bills, or *India* Bonds, to be lodged in the Bank of *England*, until the ſame ſhall be applied in Manner herein directed.

Treaſury to appoint Perſons to make a Survey of the Roads herein mentioned, who ſhall report upon Oath, with an Eſtimate of the Expence of putting in Repair, &c.

Survey and Eſtimate to be referred to the Commiſſioners.

Liſt and Deſcriptions of Roads to be inſerted in the London Gazette, &c.

II. And be it further enacted, That the Lords Commiſſioners of His Majeſty's Treaſury of *Great Britain* for the Time being ſhall order and direct ſome fit and proper Perſon or Perſons to make a Survey or Surveys of the Roads which it ſhall be deemed moſt adviſable to repair, alter, make, or conſtruct, between *London* and *Holyhead* by *Cheſter*, and between *London* and *Bangor Ferry* by *Shrewſbury*; and ſuch Perſon or Perſons ſhall report upon Oath his or their Opinion thereupon, together with an Eſtimate of the Expence of the repairing, altering, making, or conſtructing reſpectively each of ſuch Roads, to the ſaid Lords Commiſſioners of His Majeſty's ſaid Treaſury, who, or any Three or more of them, ſhall thereupon refer ſuch Survey, Opinion, and Eſtimates, to the ſaid Commiſſioners herein-after named; which ſaid Commiſſioners ſhall then conſider and determine which of the ſaid Roads ſo ſurveyed and reported upon, and eſtimated, ſhall be repaired, altered, made, or conſtructed, in the Manner herein directed, and ſhall cauſe a Liſt and Deſcription thereof, referring to ſuch Survey, to be publiſhed in the *London Gazette*; and ſuch Liſt and Deſcription ſhall alſo be ſent to the next General Quarter Seſſions of the Peace for every and each County through which the ſaid Roads, or any of them, do paſs: Provided always, that if the ſaid Lords Commiſſioners of His Majeſty's Treaſury ſhall be ſatisfied with any Survey or Surveys, and Eſtimate or Eſtimates, already made of any ſuch Road or Roads, it ſhall and may be lawful for them to refer the ſame to the ſaid Commiſſioners herein-after named, who ſhall advertiſe and ſend Liſts and Deſcriptions of the ſame in the Manner herein directed; and the repairing, altering, making, or conſtructing of ſuch Road or Roads, may be thereupon proceeded upon, purſuant to this Act.

Commiſſioners.

III. And be it further enacted, That the Right Honourable *William Veſey Fitz-Gerald*, Chancellor of His Majeſty's Exchequer in that Part of the United Kingdom called *Ireland*; the Right Honourable *Robert Peel*, Chief Secretary to the Lord Lieutenant of *Ireland*, or the Chief Secretary to the Lord Lieutenant for the Time being; the Firſt Commiſſioner of Woods, Foreſts, and Land Revenues for the Time being; the Right Honourable *John Maxwell Barry*, Sir *Thomas Moſtyn* Baronet, Sir *Henry Parnell* Baronet, *Charles Watkin Williams Wynne* Eſquire, *Davies Giddy* Eſquire, and *William Smith* Eſquire, ſhall be and they are hereby appointed Commiſſioners for the Purpoſes of this Act; and they are hereby directed to meet from Time to Time in *London* or *Weſtminſter*, for the Purpoſes of this Act; and at all ſuch Meetings, in caſe of an Equality of Voices, the Chairman ſhall have a caſting Vote.

What Commiſſioners may act.

IV. And be it further enacted, That it ſhall be lawful for any One or more of the ſaid Commiſſioners to execute the Proviſions of this Act; but that no Act ſhall be done by any of the ſaid Commiſſioners, unleſs the Chancellor of the Exchequer of *Ireland*, the Chief Secretary to the Lord Lieutenant of *Ireland*, or the Firſt Commiſſioner of Woods, Foreſts, and

Land

Land Revenues for the Time being, or One of them, ſhall be preſent at ſuch Meeting.

In caſe of Vacancy His Majeſty may ſupply it.

V. And be it further enacted, That in caſe of a Vacancy or Vacancies by Death or Reſignation of any One or more of the ſaid Commiſſioners, it ſhall and may be lawful for His Majeſty to nominate and appoint ſuch Perſon or Perſons as He may think proper, to ſupply ſuch Vacancy or Vacancies; and that every Perſon ſo nominated and appointed ſhall be held and conſidered to be inveſted with all the ſame Powers as are delegated to the Commiſſioner appointed by this Act in whoſe Room ſuch Perſon ſhall be ſo nominated.

When Roads are determined on, an Account to be opened, and a Sum equal to the Eſtimate to be placed to it.

VI. And be it enacted, That as ſoon as the ſaid Commiſſioners ſhall have determined which of the ſaid Roads ſo reported upon and eſtimated ſhall be repaired, altered, made, or conſtructed, the ſaid Commiſſioners ſhall direct an Account to be opened in the Books of the ſaid Commiſſioners for ſuch Road, and ſhall place to ſuch Account a Sum equal to ſuch eſtimated Expence; and ſuch Road ſhall be forthwith directed to be repaired agreeably to the Plan and Survey herein directed to be made, or ſuch other Plan as may upon ſubſequent Conſideration be approved by the ſaid Commiſſioners, ſo that the Execution thereof ſhall not exceed the ſaid eſtimated Expence.

Commiſſioners may make Contracts.

VII. Provided always, and be it enacted, That each and every ſuch Road ſhall be repaired in conformity to the Plan and Survey thereof approved of in the Manner herein directed; and the ſaid Commiſſioners are hereby empowered and required to make ſuch Contracts or Agreements with ſkilful Perſons, and their Sureties, for the repairing, altering, making, or conſtructing of ſuch Road or Roads, and to appoint ſuch Perſon or Perſons as they ſhall think proper, who may from Time to Time, under ſuch Regulations as the ſaid Commiſſioners ſhall direct, draw for the neceſſary Sums to defray the Expence thereof; and ſuch Payments from Time to Time ſhall be placed to the Account of the ſaid reſpective Roads.

May take Ground, making Satisfaction to the Owners.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall be and they are hereby empowered to take and acquire all ſuch Ground as may be neceſſary for the repairing, altering, making, or conſtructing of the ſaid Roads, making ſuch Satisfaction to the Proprietor or Proprietors, and Occupier or Occupiers, as can be agreed upon by and between the ſaid Commiſſioners, and ſuch Proprietor or Proprietors, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of ſuch Sum or Sums of Money as ſhall be awarded by a Jury of Twelve Perſons, ſummoned and choſen by the Sheriff of the County in ſuch Manner as Juries are ſummoned and choſen by Sheriffs of Counties in *England*, whoſe Determination is hereby declared to be final; and in the Event that ſuch Jury ſhall award a larger Sum than may have been offered by ſuch Commiſſioners, the Expence attending ſuch Jury ſhall be paid by the ſaid Commiſſioners out of the Monies transferred to the Account of ſuch Road in Manner herein directed; and if ſuch Jury ſhall award no more or any Sum leſs than that offered by the ſaid Commiſſioners, the Expence of ſuch Jury ſhall be defrayed and borne by the Perſon or Perſons who ſhall not have agreed with ſuch Commiſſioners: Provided always, that in caſe where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented

In caſe the Parties cannot agree, Value to be ſettled by a Jury.

How Expence ſhall be paid.

vented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided always, that after having offered to any Proprietor or Proprietors of any Lands such Sum as such Commissioners shall think reasonable, it shall and may be lawful for them to enter into and upon such Lands for the Purposes of this Act: Provided also, that nothing herein contained shall authorize the said Commissioners to take any Land or Ground whereon any Houses stand, nor any Garden, Orchard, Planted Walk, or Avenue to a House, or any Piece or Parcel of Ground planted or set apart as a Nursery for Trees, without the Consent in Writing of the Owner or Owners thereof.

Gardens, &c. not to be taken.

Application of Purchase Money amounting to 200l. belonging to incapacitated Persons

IX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or more, be with all convenient Speed paid into the Bank of *England*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the Court of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Directions and Approbation of the said Court in the Purchase of other Messuages, Lands, Tenements, 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 Messuages, Lands, Tenements, 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 mean Time and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where the Money shall be less than 200l. and exceeding 20l.

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

of his, her, or their Guardians or Committees in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be either paid into the Bank of *England*, and be placed to his or their Account, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Commiſſioners (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 Intereſt ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable.

Where leſs than 20l.

XI. 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, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardians or Committees for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Gravel and other Materials may be taken out of the Grounds of any Perſon where found.

Exception.

XII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and ſuch Perſon or Perſons as ſhall be appointed by Order of any Three or more of the ſaid Commiſſioners, to dig, gather, take and carry away any Gravel, Furze, Heath, Sand, Stones, and other Materials for making or repairing the ſaid Roads, out of the ſeveral Grounds of any Perſon or Perſons, not being the Ground whereon any Houſes ſtand, nor a Garden, Orchard, Planted Walk or Walks, Lawn, or any Avenue to any Houſe, nor any Piece or Parcel of Ground ſet apart and uſed as a Nurſery for Trees, except ſuch Gravel Pits as have been opened and uſed for the Purpoſe of repairing any Roads within Three Years previous to the paſſing of this Act, where ſuch Materials are or may be found, and from Time to Time to cauſe the ſame to be carried away, or ſo much thereof as the Perſon or Perſons ſo to be appointed ſhall judge neceſſary for repairing, altering, making, or conſtructing the Roads aforeſaid, paying only the Damage done to the Owners and Occupiers of the ſaid Grounds reſpectively, where and from whence the ſame ſhall be digged, gathered, taken away, or over which the ſame ſhall be carried.

Damages in digging for Materials to be ſettled by Two Juſtices, in caſe of Diſpute.

XIII. And be it enacted, That in all Caſes where the Owners and Occupiers of Houſes and Grounds do not agree with the ſaid Commiſſioners concerning the Amount of Damages done by digging Gravel or other Materials neceſſary to be taken for the making and repairing the ſaid Roads, the ſame ſhall be determined by any Two Juſtices of the Peace of the Counties reſpectively; but ſuch Difference between the Commiſſioners and the Owners or Occupiers ſhall not in the mean Time hinder the carrying off and uſing any Gravel, Stones, Sand, or other Materials, and applying the ſame towards making or repairing the ſaid Roads; and the Determination of ſuch Juſtices is hereby declared to be final.

Clerks and Officers may be appointed.

XIV. And be it further enacted, That the ſaid Commiſſioners for the Purpoſes of this Act ſhall, and any Three or more of them, are hereby empowered to appoint and employ ſuch Clerks, Meſſengers, and Officers, as they ſhall think fit, and to pay and allow to each and every of ſuch Clerks and Officers ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall think proper, in Compenſation of their Services, which Clerks and Officers are hereby required faithfully to execute the Truſt ſeverally and reſpectively to be repoſed in them, without taking any Thing for ſuch their Service, other than ſuch Salary or Reward, as the ſaid Commiſſioners, or any Three of them, ſhall think proper to direct and appoint in that Behalf; which Sums ſo to be paid to ſuch Clerks or Officers, and all other neceſſary Charges in or about the Execution of this Act, ſhall and may be defrayed out of the Monies hereby granted.

Proceedings to be reported on or before July 5, 1816.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall, on or before the Fifth Day of *July* One thouſand eight hundred and ſixteen, report their Proceedings in Writing, together with ſuch Obſervations as they ſhall think proper, under the Hands and Seals of them, or any Three of them, to the King's moſt Excellent Majeſty, and to both Houſes of Parliament.

New Roads to become Parts of the former Roads.

XVI. Provided always, and be it enacted, That all new Roads, or Parts of Roads, and all Alterations in any Roads which ſhall or may be made under or by virtue of this Act, ſhall be deemed and taken to be, and ſhall become to all Intents and Purpoſes, Parts of thoſe Roads to which the old Roads or Parts of Roads (in lieu whereof ſuch new Roads, or Parts of Roads, or Alterations in Roads ſhall be made) did belong before the making of ſuch new Roads, or Parts of Roads, or Alterations of Roads; and ſuch new Roads, or Parts of Roads, or Alterations of Roads ſhall be ſubject to all ſuch Truſts, and to all and every ſuch Acts and Act of Parliament, and to all Proviſions in any ſuch Act or Acts contained, as ſuch old Roads or Parts of Roads are by Law ſubject to at the Time of the paſſing of this Act.

Act not to affect the preſent Tolls;

XVII. Provided alſo, and be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to leſſen, repeal, or alter, or in anywiſe affect any Toll or Tolls granted and made payable under any Act or Acts of Parliament in force at the Time of the paſſing of this Act, upon any Road or Roads authorized to be repaired or altered under or by virtue of this Act, but that all ſuch Toll and Tolls ſhall continue and be paid and payable to all Intents and Purpoſes, any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

nor Mortgages granted for Money advanced on the Credit of Tolls.

XVIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend or be deemed or conſtrued to extend to alter or leſſen, or in any way to affect any Bonds, Mortgages, or other Securities whatſoever granted for Money, advanced on the Credit of any Toll or Tolls, or any Road or Roads authorized to be altered or repaired under or by virtue of this Act; but that all ſuch Bonds, Mortgages, and other Securities, ſhall remain good, valid, and effectual to all Intents and Purpoſes whatſoever; and that all and every Perſons and Perſon having lent or advanced any Money on the Credit of any Toll or Tolls, ſhall remain in the ſame State as if this Act had never been had or made; and that all

ſuch Perſon or Perſons ſo having advanced any ſuch Money on the Credit of ſuch Tolls, ſhall have all ſuch Remedies for the recovering of the Sums ſo advanced, and of all Intereſt or Dividends payable thereon, as they now have under any Act or Acts of Parliament in force immediately before the paſſing of this Act, any Thing in this Act to the contrary in anywiſe notwithſtanding.

How Actions ſhall be brought.

XIX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done by virtue or in purſuance of this Act, until Ten Days Notice thereof in Writing ſhall have been given to the ſaid Commiſſioners, nor after a ſufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be brought in any of His Majeſty's Courts of Record at *Weſtminſter*, and ſhall be laid in the County of *Middleſex*, and not elſewhere; and the Defendant or Defendants in ſuch Suit or Action ſhall and may plead 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 ſo to be done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Ten Days Notice thereof, or ſhall be brought in any other County or Place, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes of Law.

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