ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 73.

An Act for more effectually repairing the Roads leading into the City of *Hereford*, and several Roads communicating therewith. [18th *May* 1810.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the several Roads leading into the City of* Hereford: 3 G. 2. c. 18.
And whereas another Act was passed in the Twenty-second Year of the Reign of His said late Majesty, intituled, *An Act for enlarging the Term and Powers granted by an Act passed in the Third Year of the Reign of His present Majesty, for repairing the several Roads leading into the City of* Hereford: And whereas another Act was passed in the Ninth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of Two Acts passed in the Third and Twenty-second Years of His late Majesty, for repairing the several Roads leading into the City of* Hereford, *and for amending the Roads to* Lancloudy Hill *and* Langua Bridge: And whereas another Act was passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of Three Acts passed in the Third and Twenty-second Years of His late Majesty King* George *the Second, and in the Ninth Year of the Reign of His present Majesty, for repairing the several Roads leading into the City of* Hereford, *and for amending the Roads to* Lancloudy Hill *and* Langua Bridge; *and also for making and keeping in Repair the Roads from the said City of* Hereford, *to* Hoarwithy Passage *through the several Townships or Places therein mentioned:* And whereas the Trustees appointed to put the said Acts into 22 G. c. 2. 18. 9 G. 3. c. 90. 29 G. 3. c. 108.

Execution have, in pursuance of the Powers given them by the said Acts, borrowed a very considerable Sum of Money on the Credit of the Tolls arising on the said Roads, which still remains due and owing, and cannot be repaid, and the said Roads completely amended, widened, and kept in Repair, unless additional Tolls and Powers are granted, and the Provisions necessary for that Purpose consolidated in one Act: And whereas the Road from the Parish of *Tiberton* to the Turnpike Road leading to the Town of *Hay*, running into or through the several Parishes or Townships of *Madley*, *Tiberton*, *Blakemore*, *Moccas*, and *Bredwardine*, in the County of *Hereford*, to the Turnpike Road in the said County, leading to the Town of *Hay* in the County of *Brecon*; and also into or through the several Parishes of *Mansell*, *Gamage*, and *Yazor*, in the County of *Hereford* aforesaid, to the Turnpike Road leading to the Town of *Kington* in the same County; and also from the said Road leading to the Town of *Kington* aforesaid, through the several Parishes of *Yazor* and *Weobley*, to a Place called *The White Hill* in the Parish of *Weobley* aforesaid, in the said County of *Hereford*; and also from a Place called *Windmill Hill* near *Harewood*, through the Parishes of *Llandenabo*, *Llanwarne*, and *Much Birch*, to a Place called *Wormelow Tump*, and from *Wormelow Tump*, through the Parishes of *Much Dewchurch*, and Township of *Kivernoll*, in the County of *Hereford*, to a Place called *The Old Horse Shoes* on the Turnpike Road in the said County, leading to the Town of *Abergavenny*; and from the said Turnpike Road by the *Three Horse Shoes*, through the several Parishes of *Allensmoor*, *Thruxton*, and *Kington*, in the County of *Hereford*, to join the Road leading to the *Batcho Hill*; and also from the *Bowling Green* in the Parish of *Clehonger*, running into or through the several Parishes or Places of *Clehonger*, *Allensmoor*, *Kington*, *Madley*, and over the *Batcho Hill* through the Parishes of *Vowchurch* and *Peterchurch*, in the said County of *Hereford*, to the End of the said Parish of *Peterchurch*; and also from the Turnpike Road in the Parish of *Brobury*, near to *Bredwardine Bridge*, through the said Parish, and the Parish of *Stanton-on-Wye*, to the Turnpike Road leading to the Town of *Kington*, are narrow, inconvenient, and in bad Condition, and cannot be repaired by the ordinary Course of Law: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Tolls, Powers, Penalties, Forfeitures, Punishments, Exemptions, Clauses, Provisions, Matters and Things, contained in the said several Acts of Parliament, and each and every of them, shall, from and after the Fourth Day of *June* One thousand eight hundred and ten, be and the same are hereby repealed; and that from thenceforth the several Tolls, Powers, Penalties, Forfeitures, Punishments, Exemptions, Clauses, Provisions, Matters and Things in this present Act contained, shall be put in Execution, and shall continue in force during the Term herein-after mentioned, for the Purpose of amending, widening, keeping in Repair and improving the several Roads, following; that is to say, The Road leading from the City of *Hereford*, towards the Town of *Abergavenny*, through the several Parishes or Townships of *Saint Martin* and *Saint John Baptist* in the City of *Hereford*; and *Clehonger*, *Allensmoor*, *Much Dewchurch*, *Saint Devereux*, *Wormbridge*, *Howton*, *Kenderchurch*, and *Ewyas Harold*, in the County of *Hereford*, to a Place called *Langua* Bridge; and also from the said City, towards the Town of *Bromyard*, through the several Parishes or Townships

Acts repealed.

Townſhips of *Saint Peter* and *All Saints* in the City of *Hereford*, and *Tupſley*, *Holmer*, *Lugwardine*, *Withington*, *Livers Ocle*, *Ocle Pitchard*, *Moſton*, *Jeffries*, and *Much Cowarne*, in the County of *Hereford*, to *Stoke Lacey* Church, in the Pariſh of *Stoke Lacey*; and alſo from a place called the *Croſs Hand* in the Pariſh of *Lugwardine* to *Froomes Hill*, through the ſeveral Pariſhes or Places of *Lugwardine*, *Withington*, *Weſton*, *Begard*, *Shucknell*, *Yarkhill*, *Weſthide*, *Monkhide*, *Stoke Edith*, *Egleton*, *Much Cowarne*, *Biſhop's Froome*, and *Amiſh Froome*, in the County of *Hereford*, to the Bounds of the Pariſh of *Cradley*; and alſo from the ſaid City towards the Town of *Hay*, through the ſeveral Pariſhes of *All Saints* in the City of *Hereford*, and *Breinton Stretton*, *Kencheſter*, *Biſhopſtone* Bridge, *Sollars*, *Byford*, *Monnington*, *Staunton-upon-Wye*, and *Brobury*, in the County of *Hereford*, to a Place called *Bredwardine* Bridge; and alſo from the *Croſs Hand*, in the Pariſh of *Stretton*, towards the Town of *Kington*, through the ſeveral Pariſhes of *Stretton*, *Brinſop*, *Credenhill*, *Manſell*, *Lacey*, *Yazor*, and *Norton-Canon*, in the County of *Hereford*, to a Place called *Eccles Green*, and alſo from the ſaid City of *Hereford*, towards the Borough of *Leominſter*, through the ſeveral Pariſhes of *All Saints* in the City of *Hereford*, *Holmer*, *Pipe*, *Moreton-upon-Lugg*, *Wellington*, and *Burhope*, in the County of *Hereford*, to a Place called *The Top of Dinmore Hill*; and alſo from the ſaid City to *Hoarwithy*, through the ſeveral Pariſhes and Townſhips of *Saint Martin* in the City of *Hereford*, and *Lower Bullingham*, *Upper Bullingham*, *Dinedor*, *Aconbury*, *Little Dewchurch*, and *Hentland*, in the County of *Hereford*, to a Place called *Hoarwithy Paſſage*; and alſo from the ſaid City towards the Town of *Ledbury*, through the ſeveral Pariſhes and Townſhips of *Saint Owen* in the City of *Hereford*, *Tupſley*, *Lugwardine*, *Barteſtree*, *Dormington*, and *Stoke Edith*, in the County of *Hereford*, to a Place called *Croſs Lane* at *Stoke Park*; and alſo from the *Croſs Hand* in the Pariſh of *Clehonger*, to *Peterchurch*, through the ſeveral Pariſhes of *Clehonger*, *Eaton*, *Biſhop Madley*, *Tiberton*, and *Peterchurch*, in the County of *Hereford*, to the Bounds of the Pariſh of *Dorſton*; and alſo from the ſaid City of *Hereford* on the Road towards the Town of *Monmouth*, through the ſeveral Pariſhes of *Saint Martin* in the City of *Hereford*, *Upper Bullingham*, *Grafton*, *Callow*, *Aconbury*, *Much Dewchurch*, *Lanwarne*, *Saint Weonards*, and *Llangarren*, in the County of *Hereford*, to a Place called *Llancloudy Hill*; and alſo from the ſaid City to the *Old Gore*, through the ſeveral Pariſhes of *Saint Owen* in the City of *Hereford*, and the Pariſhes or Townſhips of *Tupſley*, *Hampton*, *Biſhop Mordiford*, *Fownhope*, *Buckenhill*, *Sollerſhope*, *How*, *Caple*, *Foy*, *Upton Biſhop*, *Weſton under Penyard*, and *Linton*, in the County of *Hereford*, to a Place called *The Lea* on the Road between *Roſs* and *Glouceſter*; and alſo from the ſaid City towards the Town of *Roſs* through the ſeveral Pariſhes or Townſhips of *Saint Martin* in the City of *Hereford*, *Upper Bullingham*, *Grafton*, *Callow*, *Aconbury*, *Much Birch*, *Lanwarne*, *Landinabo*, *Pencoyd*, and *Hentland*, in the County of *Hereford*, to a Place called *Harewood End*; and alſo from the ſaid City of *Hereford*, through the ſeveral Pariſhes or Townſhips of *All Saints* in the City of *Hereford*, *Holmer*, *Huntington*, *Burghill*, *Tillington*, *Canon Pyon*, *King's Pyon*, *Dilwyn*, and *Burley*, in the County of *Hereford*, to a Place called *Stretford* Bridge; and alſo from the ſaid City to the Borough of *Weobley*, through the ſeveral Pariſhes or Townſhips of *All Saints* in the City of *Hereford*, *Huntington*, *Holmer*, *Burghill*, *Tillington*, *Brinſop*, *Wormeſley*, *King's Pyon* and *Weobley*, in the County of *Hereford*, to the Borough of *Weobley* aforeſaid;

and alſo from the ſaid City to *Breinton*, through the ſeveral Pariſhes or Places of *Saint Nicholas* in the City of *Hereford*, *Wareham*, and *Breinton*, in the County of *Hereford*, to a Place called *Sugwas Paſſage*; and alſo from the Village of *Mordiford* in the County of *Hereford*, through the ſeveral Pariſhes of *Mordiford* and *Dormington*, in the ſaid County, to a Place called the *Croſs Hand* in the Pariſh of *Dormington*, on the Road towards *Ledbury*; and alſo from the ſaid City of *Hereford*, through the ſeveral Pariſhes, Townſhips, or Places of *Saint Martin* in the City of *Hereford*, *Lower Bullingham*, *Rotherwas*; *Dinedor*, *Hom Lacey*, *Ballingham*, *Little Dewchurch*, and *Hentland*, in the County of *Hereford*, to a Place called *Hoarwithy Paſſage*; and alſo from the ſaid City to a Place called the *Moor* of *Bodenham*, in the Pariſh of *Bodenham* in the County of *Hereford*, which ſhall be deemed the Firſt Diſtrict of the ſaid Roads and be called *The Hereford Diſtrict*; and the Road from the Pariſh of *Tiberton*, to the Turnpike Road leading to the Town of *Hay*, running into or through the ſeveral Pariſhes or Townſhips of *Madley*, *Tiberton*, *Blakemore*, *Moccas*, and *Bredwardine*, in the County of *Hereford*, to the Turnpike Road in the ſaid County, leading to the Town of *Hay* in the County of *Brecon*; and alſo into or through the ſeveral Pariſhes of *Manſell*, *Gamage*, and *Yazor*, in the County of *Hereford* aforeſaid, to the Turnpike Road leading to the Town of *Kington*, in the ſame County; and alſo from the ſaid Road leading to the Town of *Kington* aforeſaid, through the ſeveral Pariſhes of *Yazor* and *Weobley*, to a Place called *The White Hill* in the Pariſh of *Weobley* aforeſaid, in the ſaid County of *Hereford*; and alſo from a Place called *Windmill Hill* near *Harewood*, through the Pariſhes of *Llandenabo*, *Llanwarne*, and *Much Birch*, to a Place called *Wormelow Tump*, and from *Wormelow Tump* through the Pariſhes of *Much Dewchurch* and Townſhip of *Kivernoll* in the County of *Hereford*, to a Place called *The Old Horſe Shoes*, on the Turnpike Road in the ſaid County leading to the Town of *Abergavenny*; and from the ſaid Turnpike Road by the *Three Horſe Shoes*, through the ſeveral Pariſhes of *Allenſmoor*, *Thruxton*, and *Kington*, in the County of *Hereford*, to join the Road leading to the *Batcho Hill*; and alſo from the *Bowling Green* in the Pariſh of *Clehonger*, running into or through the ſeveral Pariſhes or Places of *Clehonger*, *Allenſmoor*, *Kington*, *Madley*, and over the *Batcho Hill*, through the Pariſhes of *Vowchurch* and *Peterchurch*, in the ſaid County of *Hereford*, to the End of the ſaid Pariſh of *Peterchurch*; and alſo from the Turnpike Road in the Pariſh of *Brobury*, near to *Bredwardine* Bridge, through the ſaid Pariſh, and the Pariſh of *Stanton-on-Wye*, to the Turnpike Road leading to the Town of *Kington*, which ſhall be deemed the Second Diſtrict of the ſaid Roads and be called *The Madley Diſtrict*.

Debts contracted under former Acts ſecured by this Act.

II. And be it further enacted, That all and every Sum and Sums of Money which, on the Day appointed for the Commencement of this Act, ſhall be due and owing on the Credit of the ſaid former Acts, or any of them, or on the Security of the Tolls thereby reſpectively granted together with the Intereſt due thereon, ſhall ſtand and be charged and chargeable on the Tolls by this Act granted, within the ſaid Firſt Diſtrict, and may be recovered in like Manner, as if the ſame had been contracted on the Credit of this Act, or ſecured on the Tolls hereby granted in the ſaid Diſtrict.

III. And

III. And be it further enacted, That *John Havard Apperley*, *William Havard Apperley*, *Whaley Armitage*, *George Armstrong*, *Richard Arkwright*, Reverend *Thomas Apperley*, *Charles Bodenham*, *Charles Bodenham* junior, *Philip Barneby*, *John Barneby*, *Thomas Berrington*, *Benjamin Biddulph*, *Robert Middleton Biddulph*, *John Biddulph*, Reverend *Joseph Biddle*, *William Blount*, Reverend *Thomas Birt*, Reverend *Charles Bird*, *Thomas Bird*, *Thomas Bennett*, Sir *George Cornewall* Baronet, Sir *John Geers Cotterell* Baronet, *George Cornewall*, *Charles Cornewall*, *Thomas Cooke*, *John Cooke*, *Thomas Cam*, *Charles Gomond Cooke*, *Edward Bolton Clive*, *Richard Chambers*, Reverend *George Cope* D. D. Reverend *Morgan Cove* LL.D. Reverend Doctor *Chilton*, *Samuel Carlys*, the Custos of the College for the Time being, *William Downes*, Reverend *John Duncumb*, Reverend *Henry Davis*, the Dean of *Hereford* for the Time being, Reverend *John Eckley*, Reverend *Edmund Eckley*, *William Evans*, *John Evans*, *John Edwards*, *Moses Edwards*, Honourable *Andrew Foley*, *Thomas Foley*, *Edward Foley*, *John Freeman*, *Francis Freeman*, *Benjamin Fallowes*, Reverend *Henry Ford* LL.D. Reverend *John Freeman*, Reverend *Edward Freeman*, *John Gwillim*, *John Moore Green*, *William Greenly*, *William Griffiths*, *John Griffiths Tupsley*, Reverend *Glasse*, *John Griffiths*, Sir *Hungerford Hoskyns* Baronet, *James Hereford*, *Robert Higginson*, *William Chute Hayton*, *William Holmes*, *Samuel Hughes*, *Kedgwin Hoskyns*, Reverend *Richard Hodges*, *Thomas Hullett*, *John Holmes*, *Edmund Jones*, *Philip Jones*, *John Ireland*, Reverend *John Jones*, Reverend *Thomas Jennings*, *James Jones*, *James Johnson*, *John Jennings*, *Richard Payne Knight*, *Thomas Andrew Knight*, *John Keysall*, *John Kedward*, Reverend *Thomas Kidley*, Reverend *John Lilly*, *Edwin Sandys Lechmere*, Reverend *Ponsonby Lowther*, *William Lingen*, *John Matthews*, *John Matthews* junior, *James Money*, *William Makeam*, the Mayor, Aldermen, and Common Council of the City of *Hereford* for the Time being, Reverend *John Napleton* D.D. *Josiah Newman*, *Uvedale Price*, *Robert Price*, *William Parry*, *Edward Poole*, *Samuel Peptoe*, *Robert Phillipps*, *John Palmer*, *Edmund Pateshall*, *John Phillips*, Reverend *John Phillipps*, Reverend *William Parsons*, Reverend *John Parsons*, Reverend *Robert Pearce*, Reverend *William Price*, Reverend *Prosser*, *Nathaniel Purchas*, *Nathaniel Purchas* junior, *Robert Purchas*, Reverend *Thomas Russell*, Reverend *Nicholas Robinson*, *Francis Ravenhill*, *Thomas Russell*, *Richard Scudamore*, *Henry Shiffner*, *William Symonds*, *William Symonds* M.D. *Thomas Powell Symonds*, *Thomas Symons*, *John Stackhouse*, *Thomas Pendarvis Stackhouse*, *John Sherburn*, Reverend *Henry Stillingfleet*, *Francis Henry Thomas*, *David Thomas*, Reverend *Ellis Troughton*, Reverend *Richard Underwood*, Reverend *Thomas Underwood*, *Henry Unett*, *Thomas Westfaling*, *Edward Walwyn*, *James Whitney*, *James Woodward*, *John Woodhouse*, *Abraham Whitaker*, *Benjamin Watkins*, Reverend *Richard Walwyn*, Reverend *Henry Wetherell*, *Henry Lee Warner*, *James Wainwright*, *William Wootton*, *Thomas Wight*, *John Wall*, *William Wall*, Reverend *Henry Gorges Dobyns Yate*, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for putting this Act into Execution, within the First District, called *The Hereford District*; and that Sir *Hungerford Hoskyns* Baronet, Sir *George Cornewall* Baronet, Sir *John Geers Cotterell* Baronet, Honourable *Andrew Foley*, *Thomas Foley*, *John Matthews*, *Edward Bolton Clive*, *Thomas Raymond Symons*, *Uvedale Price*, *Robert Price*, *Samuel Peploe*, *Robert Phillipps*, *Charles Bodenham*, *William Downes*, *Abraham Whitaker*, *Joseph Blissett*, *William Parry*, *John Moore Green*, *Samuel Cox*, *Kedgwin Hoskyns*, *Walter Marsh*, *Davis*

Trustees for First District.

Trustees for Second District.

Davis of *Cabalſa*, *Edmund Pateſhall*, Reverend *Charles James Bird*, Reverend *Henry Wetherell*, Reverend *John Phillipps*, Reverend *John Ellis Troughton*, Reverend *John Lilly*, Reverend *John Duncumb*, Reverend *Thomas Birt*, Reverend *Hoſkyns*, Reverend *Williams*, Reverend *Higgins*, *Simon Exton* M.D. *Robert Hoſkyns*, *John Pye*, *Whaley Armitage*, Reverend *Henry Davis*, *Leigh Warner*, *George Cornewall*, *Charles Cornewall*, *Thomas Bird*, *R. Phillips*, Reverend *Salvador*, Reverend Doctor *Clutton*, *William Davis*, *Frankland Lewis*, Reverend *David Lewis*, Reverend *David Lewis* junior, *Leonard Parkinſon*, *James Whitney*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act into Execution, within the Second Diſtrict, called *The Madley Diſtrict*.

Power to appoint new Truſtees.

IV. And be it further enacted, That when and as often as any of the reſpective Truſtees hereby nominated and appointed, or who ſhall be elected and appointed in the Manner herein-after mentioned, ſhall die, or by Writing under their reſpective Hands refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or remaining Truſtees for ſuch Diſtrict reſpectively, from Time to Time at any Meeting to be holden in purſuance of this Act, by Writing under their reſpective Hands, to elect and appoint ſome fit Perſon to be a Truſtee in the Room of every or any Truſtee ſo dying or refuſing to act as aforeſaid, Twenty-one Days previous Notice of the Time and Place of Meeting of the ſaid reſpective Truſtees, for every ſuch Election being given by the Clerk or Treaſurer herein-after directed to be appointed, by affixing ſuch Notice in Writing upon all the Turnpike Gates then erected acroſs the ſaid Roads, within ſuch Diſtrict; and by inſerting the ſame in ſome Newſpaper printed or generally circulated in the ſaid County; and every Perſon who ſhall be elected and appointed a Truſtee purſuant to the Directions of this Act, ſhall and may act with the ſurviving and remaining Truſtees for ſuch Diſtrict, in the Execution of this Act, to all Intents and Purpoſes, as if he had been named and appointed a Truſtee in and by this Act.

All Acts may be done by Five Truſtees unleſs otherwiſe directed.

V. And be it further enacted, That all Proceedings, Matters, and Things relative to the Execution of this Act may be done and executed by any Five or more of the ſaid reſpective Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, except only in the Caſes hereby particularly directed or authorized to be done or executed by any greater or leſs Number of Truſtees.

Qualification of Truſtees.

VI. 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 ſeiſed of or entitled to Meſſuages, Lands, or Hereditaments for ſome Eſtate for Life or of Inheritance in Poſſeſſion of the clear Yearly Value of One hundred Pounds above Repriſes, or ſhall be Heir Apparent to ſome Perſon or Perſons ſeiſed of or entitled to Meſſuages, Lands, or Hereditaments of Inheritance of the clear Yearly Value of Three hundred Pounds above Reprizes, or ſhall be poſſeſſed of a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or Value of Two thouſand Pounds above what will be ſufficient to pay all his juſt Debts; and if any Perſon not being ſo qualified ſhall preſume to act as a Truſtee in the Execution of this Act, every Perſon ſo

offending shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided always, that all the Acts and Proceedings of any Person as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act: Provided also, that every Trustee, before he shall act as such (except in administering the following Oath) shall take an Oath before Two or more of the said Trustees (who is and are hereby empowered to administer the same) in the Form following; that is to say,

The Acts of unqualified Persons previous to Conviction shall be valid.

Trustees to be sworn.

'I *A. B.* do swear, That I am truly and *bonâ fide* in my own Right [*or* in Right of my Wife] seised of, or entitled to Messuages, Lands, or Hereditaments for some Estate for Life, or of Inheritance in Possession of the clear Yearly Value of One hundred Pounds above Reprises: [*and in case of an Heir Apparent*] I *A. B.* do swear, That I am Heir Apparent to *C. D.* who, to the best of my Knowledge and Belief, is truly and *bonâ fide* seised of or entitled to Messuages, Lands, or Hereditaments of Inheritance of the clear Yearly Value of Three hundred Pounds above Reprises; [*and in case of Personal Estate alone, or Real and Personal Estate together*] I *A. B.* do swear, That I am truly and *bonâ fide* possessed of a Personal Estate [*or*, of a Real and Personal Estate together] of the Amount or Value of Two thousand Pounds above what will be sufficient to pay all my just Debts; and that I will truly and impartially according to the best of my Judgment, execute and perform the several Powers, Authorities and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled, [*Here set forth the Title of this Act*]. So help me GOD.'

The Oath.

VII. And be it further enacted, That the said Trustees for the said First District, shall meet at the Shire Hall in the said City of *Hereford*, on the Day of the Commencement of this Act, or as soon after as conveniently may be; and that the said Trustees for the said Second District shall meet at the House known by the Sign of *The Red Lion* at *Madley* on the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said respective Trustees, or any Two or more of them, shall then and from Time to Time afterwards adjourn themselves to meet at the same Place, or at such other Place or Places near some Part of the said respective District of Roads, and at such Times as they shall respectively from Time to Time order and direct (provided that no Adjournment shall be made for a longer Time than Three Calendar Months); and if at any Meeting appointed to be holden by virtue of this Act, there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, or in case the Trustees respectively at any Meeting assembled shall not adjourn themselves, the Clerk or Treasurer of the said respective Roads shall from Time to Time as often

Meetings of Trustees.

as

as such Case shall happen, by Notice to be advertized in the *Hereford Journal*, or by Notice in Writing to be affixed upon all the Turnpike Gates then erected across the Roads of the District where such Default shall be, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been holden, or at any other Place near any Part of the said Roads on the Day Three Weeks after the Day on which such last Meeting was appointed.

Meetings on Emergencies.

VIII. Provided always, and be it further enacted, That if after any Adjournment of the said respective Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that case the Clerk or Treasurer of the said respective Roads, upon an Order in Writing signed by any Three or more of the said respective Trustees (mentioning the Time, Place, and Purpose of such Meeting) shall forthwith give Notice thereof, and of the Time, Place, and Purpose mentioned in such Order, in the Manner last herein-before directed, (such Time not being less than Ten Days after such Notice) and such earlier Meeting shall and may be held accordingly; and the said respective Trustees at all their Meetings shall defray their own Expences.

Trustees to defray their own Expences.

Accounts of Treasurers under the former Acts to be passed at First or Second Meeting, and brought to a new Account.

IX. And be it further enacted, That at the First or Second Meeting of the said Trustees, for carrying this Act into Execution, within the said First District, or as soon after as conveniently may be, the Accounts of the Treasurer or Treasurers for the said Roads shall be produced, examined, and settled, and the Balance of each Account shall be carried over to a new Account with the Trustees acting in the Execution of this Act for the said District, who shall make such Orders for the Disposal of any Money that may appear to be in the Hands of such Treasurer or Treasurers, agreeable to the true Intent and Meaning of this Act, or for reimbursing him or them out of the Monies hereby authorized to be raised, any Money that may appear to be due to him or them, with lawful Interest, during the Forbearance thereof, as they the said Trustees may think proper.

How Orders of Trustees are to be made and revoked.

X. And be it further enacted, That it shall be lawful for the said respective Trustees, or the Majority of them present at any Meeting which shall be held in pursuance of this Act, from Time to Time to make all necessary Orders, Directions, Appointments, Agreements, and Determinations, in the Execution of this Act, and no such Order, Direction, Appointment, Agreement or Determination, shall be made unless the Number of Trustees by this Act respectively authorized to make the same shall be present, and the Majority of the Trustees present shall concur therein; and no such Order, Direction, Appointment, Agreement or Determination, shall be revoked or altered at any subsequent Meeting, unless Fifteen Trustees at least shall be present, and the Majority of them shall concur therein.

Trustees not to hold any Place of Profit.

XI. And be it enacted, That no Trustee shall be capable of acting as such during the Time he shall hold any Place of Profit under this Act, nor in any Case where he is or shall be personally interested.

Trustees in the Commission of the Peace may act as Justices.

XII. And be it further enacted, That such of the respective Trustees for the Time being as are or shall be in the Commission of the Peace for the said County, shall and may act within their respective Districts and Jurisdictions

dictions as Justices of the Peace, in the Execution of this Act, notwithstanding such Justices being Trustees as aforesaid, and that any Mortgagee or Assignees of any Mortgage, or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest for the same, shall not on that Account be deemed unqualified to act as a Trustee.

Trustees may be appointed Treasurers without receiving any Reward.

XIII. Provided always, and be it further enacted, That any Trustee or Trustees may be appointed to and exercise the Office or Offices of Treasurer or Treasurers, or Surveyor or Surveyors of the Roads, by this Act intended to be repaired, and at the same Time act as a Trustee or Trustees in the Execution thereof; so that he or they receive no Fee, Reward or Gratuity, for exercising such Office or Offices; any Thing in this Act contained to the contrary notwithstanding.

Victuallers not to be Trustees.

XIV. And be it enacted, That no Person shall be capable of acting as a Trustee, or of holding any Place of Profit under this Act, during the Time he shall sell Wine, Ale, Beer or Spirituous Liquors by Retail.

Power to erect Toll Gates.

XV. And be it further enacted, That the said respective Trustees or such other Person or Persons as they shall appoint, shall and may continue, erect, or otherwise provide such and so many Toll Gates or Turnpikes, in, upon, or across such Parts and in such Places of the said Roads, within their respective District hereby directed to be repaired, and also such and so many Toll Gates or Turnpikes on the Sides of the said Roads, and in, upon, or across any Lane or Bye Way, that doth or shall lead into or out of the same, as the said Trustees respectively shall think proper; and also shall and may continue, erect, or otherwise provide, a Toll House to each of the said Toll Gates or Turnpikes, with suitable Buildings and other Conveniences thereto, and inclose from the Sides of the said Roads convenient Gardens for the same.

Tolls to be taken.

XVI. And be it further enacted, That the several Tolls herein-after particularly mentioned shall be demanded and taken at each and every of the Toll Gates or Turnpikes, which shall be continued, erected, or provided in pursuance of this Act, upon the said respective Districts of Roads, or on the Side or Sides thereof, or in, upon, or across any Lane or Bye Way leading into or out of the same, before any Horse, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; that is to say,

For every Horse drawing any Coach, Berlin, Landau, Chariot, Hearse, Calash, Chaise or Chair, Waggon, Wain, Cart, Carr, or Carriage, (except as herein-after mentioned), the Sum of One Shilling for each Horse:

And for every Ox or other Neat Cattle drawing any Waggon, Wain, Cart or Carriage, the Sum of Eight-pence for each Ox, or other Neat Cattle:

And also for every Horse drawing any Waggon, Wain, Cart, or Carriage, employed in carrying Corn or Grain in the Straw, Hay, or Fodder for Sale Eight-pence for each Horse:

And for every Horse drawing any Waggon, Wain, Cart, or Carriage with Wheels of less Breadth than Six Inches, loaded with Dung, Mould, Compost, or Manure of any Kind for the Improvement of Lands, Six-pence for each Horse:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Three Shillings and Four-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of One Shilling and Eight-pence *per* Score, and ſo in Proportion for any greater or leſs Number.

Double Tolls for Timber, &c. when payable.

XVII. And be it further enacted, That all Waggons, Wains, Carts, or other Carriages loaded with Timber, Planks, Lime Stones, Bricks, Stones, Tiles, and Paving, or any Materials for building, between the Firſt Day of *October* and the Firſt Day of *April* following, ſhall pay at each Toll Gate, continued or erected in purſuance of this Act, for each and every Horſe or other Beaſt of Draught, drawing ſuch Waggon, Wain, Cart, or other Carriage, Double the Tolls payable for Horſes or Beaſts of Draught uſed in drawing any other Carriage whatever.

Double Tolls on Sundays.

XVIII. And be it further enacted, That all and every Perſon or Perſons whomſoever, who ſhall paſs through all or any of the ſaid Turnpike Gates either on Horſeback or with any Wheel Carriage whatever on *Sundays*, (except Carriages going for Lime, Coals, or Charcoal, after Sunſet), or ſhall drive any Cattle, Sheep or Pigs, ſuch Perſons ſhall be liable to pay Double Tolls at each and every ſuch Gate they ſhall paſs through as aforeſaid.

Tolls may be taken on each Diſtrict.

XIX. And be it further enacted, That from and after the Fourth Day of *June* One thouſand eight hundred and ten, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, or ſuch Perſon or Perſons as they ſhall appoint, from Time to Time to demand and take at the ſeveral Toll Gates erected or to be erected upon the whole Line or Length of each of the ſaid reſpective Roads, Two full Tolls in each of the ſaid Diſtricts, in one and the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next ſucceeding Night, for all ſuch Horſes, Beaſts, Cattle, or Carriages, as ſhall or may paſs through the ſaid ſeveral and reſpective Toll Gates.

Power for compelling the Payment of Tolls.

XX. And be it further enacted, That the ſeveral and reſpective Tolls or Sums of Money by this Act granted, ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid reſpective Truſtees ſhall from Time to Time authorize and appoint to receive the ſame; and if any Perſon or Perſons ſubject to the Payment of any ſuch Tolls, or any Part or Parts thereof, ſhall, after Demand thereof, made by any Collector or Collectors, or other Perſon or Perſons authorized to receive the ſame, neglect or refuſe to pay the ſaid Tolls or any of them, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe or Cattle, Beaſt or Carriage, upon which any Toll is by this Act impoſed, or any of the Loading, Harneſs, or Accoutrements thereof reſpectively; and if ſuch Tolls and the reaſonable Coſts of ſuch Diſtreſs and keeping the ſame ſhall not be paid within the Space of Four Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may, at any Time or Times thereafter, ſell the Horſe, Cattle, Beaſt or Carriage ſo diſtrained, and out of the Monies which ſhall ariſe by ſuch Sale, pay or retain ſuch Tolls and all reaſonable Charges

incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand to the Owner or Owners thereof.

For settling Disputes concerning Tolls.

XXI. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining, to retain such Distress or the Money arising from the Sale thereof, until the Quantity of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Division, or District in which such Distress shall be made, who upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress, and of the Collector's Attendance upon the said Justice for that Purpose; all which Sums so determined and assessed shall be paid to the said Collector, before he or she shall be obliged to return the Goods so distrained, or the said Overplus or any Part thereof respectively.

Collectors declared competent Witnesses.

XXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in any Way relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said respective Trustees, shall not be incompetent on account of his or her being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

Tolls may be varied.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees in their respective Districts, from Time to Time, when and as often as they shall respectively think proper, to lessen or reduce all or any of the Tolls herein-before granted or made payable at all or any of the Turnpikes to be continued, erected, or provided by virtue of this Act within either of the said Districts, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted or made payable at the same Turnpikes, and so as every such Reduction be made with the Consent of the Person or Persons for the Time being entitled to Five-Sixth Parts of the Money then due on the Security of the said Tolls, but no such Reduction shall be made unless Twenty-one Days previous Notice thereof shall be affixed in Writing upon all the Turnpikes then erected across the said Roads in such District, and also inserted in some Newspaper printed or generally circulated in the County of *Hereford*.

Tolls to be paid but once a Day.

XXIV. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Toll or Duty for passing through any of the said Turnpikes or Toll Gates within either of the said Districts, shall be liable to pay any Toll or Duty for repassing through the same Turnpikes or Toll Gates, or any of them, in such District, with the same Horses, Cattle, Beasts, and Carriages the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night; such Persons producing a Ticket denoting the Payment of such Toll, which Ticket the Collectors of the Tolls are hereby required to give *gratis* upon the Payment of such Toll.

XXV. Provided

Exemption of Waggons loaded with Lime, &c.

XXV. Provided alſo, and be it further enacted, That any Waggon, Wain, Cart or Carriage, paſſing unloaded through any Gate or Gates, Turnpike or Turnpikes whatſoever, at or after Eight of the Clock in the Evening, and paying Toll for the ſame at ſuch Gate or Gates, ſhall not be liable to pay any Toll on their Return the following Day at the ſame Gate or Gates if the ſame Waggon, Wain, Cart, or Carriage return loaded with Lime, Coals, Charks or Charcoal, before Twelve of the Clock at Night.

Exemption of Waggons returning empty from carrying Hops.

XXVI. Provided alſo, and be it further enacted, That any Waggon, Wain, Cart, or Carriage, loaded with Hops, which ſhall have paid the Tolls in going to any Fair or Market, ſhall not on their Return Home empty from ſuch Fair or Market, be liable to pay Tolls at any or either of the Gates to be erected in purſuance of this Act.

General Exemption from Tolls.

XXVII. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be charged with any of the Tolls hereby granted for or in reſpect of any Horſe or other Beaſt, Cart, or other Carriage, when employed in carrying or conveying Stones, Gravel, or other Materials for repairing the ſaid Roads, or any Bridge thereon, or any Highway in any of the Pariſhes through which the ſaid Roads do or may lead, or in any of the adjoining Pariſhes, nor for hauling any Earth, Soil, or Sand, which ſhall have been collected or ſcraped off any of the ſaid Roads, or in carrying or conveying any Hay or Corn, or other Produce of Lands, to be laid up, uſed, or conſumed in the Houſes, Out-houſes, or Barns of the Owners thereof, and not for Sale, or being unladen when ſo employed, or for or in reſpect of any Ploughs, Harrows, or other Implements of Huſbandry, or for or in reſpect of any Carts, Waggons, or other Carriages employed in carrying or conveying any Dung, Mould, Compoſt, or Manure of any Kind whatſoever, to be employed in Huſbandry for Manure of Lands, or returning empty from carrying or conveying the ſame, provided ſuch Dung, Mould, Compoſt, or Manure be drawn in Carriages with Wheels of the Breath of Six Inches at the leaſt; nor for any Buſhes, Crops of Trees or Fuel to be carried from one Farm or Lands to other Farms or Lands in the Occupation of the ſame Perſon, provided ſuch Buſhes, Crops of Trees and Fuel be uſed there and not ſold; nor for any Fruit to be carried to the Mill to be ground, provided ſuch Fruit be not ſold, but made into Cyder, Perry, or Vinegar, and uſed and conſumed in the Family of the Occupiers of any Farms or Lands; nor ſhall any of the ſaid Tolls be taken of any Perſon reſiding in any Pariſh through which the ſaid Roads or any Part thereof do or ſhall lead, who ſhall paſs through any Turnpike to or from Church, Chapel, or other Place of Religious Worſhip on *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or when attending the Funeral of any Perſon who ſhall be buried in any ſuch Pariſh; nor of any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day in which Divine Service is ordered by Authority to be celebrated; or for or in reſpect of any Horſes or Cattle going to or returning from Plough, Water, or Paſture within the ſeveral Pariſhes to which they ſhall belong, or any of the neighbouring Pariſhes, provided that ſuch laſt mentioned Exemption as to Horſes or Cattle going to or from Water or Paſture ſhall only extend to ſuch Horſes or Cattle as ſhall be driven to or from Water or Paſture from one Pariſh to the next adjoining Pariſh, or to ſuch Horſes

or

or Cattle as shall not pass upon the same Roads more than Two Miles in going to or returning from Water or Pasture; or for or in respect of the Horses or Cattle of any Inhabitant of any of the said Parishes going to be shod or carried, or returning therefrom; nor shall any Toll or Duty be demanded or taken for any Horse or Carriage employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post-master General or his Deputies, either when employed in conveying such Mails or Expresses, or returning back from conveying the same; nor for any Carriage, Horse, or Beast which shall only cross the said Road, or shall not pass above One hundred Yards thereon; nor for the Horses of any Officers or Soldiers passing upon their March or upon Duty; nor for the Horses, Carts, Carriages, or Waggons employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers upon their March or upon Duty, or carrying any wounded sick or disabled Officers and Soldiers, or returning empty, after having been so employed; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them; nor Carriages conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; nor for any Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes; nor for any Horses or Carriages carrying or conveying any Elector or Electors going to or returning from any Election of a Knight or Knights for the Shire to serve in Parliament for the County of *Hereford*, or Citizen or Citizens for the City of *Hereford*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or if any Person, being so entitled, shall fraudulently and collusively extend the same to or for the Benefit of any Person or Persons not entitled thereto, every Person, so offending and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Stores.

XXVIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, be stopped or detained, by Reason of any Weight in any such Waggon, Wain, Cart, or other such Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen, to such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to

Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

To prevent evading of Tolls.

XXIX. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast or Carriage, upon which any Toll is by this Act impoſed, pass through any Land or Ground within the Distance of one Mile from any Toll Gate or Turnpike, which shall be continued, erected, or provided by virtue of this Act, the same not being a Public Road, or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any other Person or Persons, with any Horse, Cattle, Beast or Carriage to pass through the same, whereby the Payment of any of the Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall give to or receive from any Person (other than a Collector of the said Tolls), or shall forge or counterfeit any Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forcibly pass through any such Toll Gate, or Turnpike as aforesaid, with any Horse, Cattle, Beast or Carriage, or shall at any Time or Times take off, or cause to be taken off, any Horse, Cattle or Beast, from any Carriage whereby the Payment of any of the said Tolls or any Part or Parts thereof shall be evaded; or if any Person or Persons shall leave or cause to be left upon or near to any Part of the said Roads, any Horse, Cattle, Beast or Carriage, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every Person offending in any of the Cases aforesaid, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds at the Discretion of the Justice or Justices before whom such Offender shall be convicted, One Moiety whereof shall be for the Use of the Informer or Informers, and the other Moiety thereof shall be applied for the Purposes of this Act, in Manner herein-after mentioned.

Power of letting the Tolls.

XXX. And be it further enacted, That the said respective Trustees, or any Seven or more of them, may and are hereby empowered, upon Fourteen Days Notice being given in the *Hereford Journal*, or in Writing affixed upon the several Turnpikes within the District for that Purpose, to let or farm by the Year the Tolls to be taken at any or either of the Turnpikes by virtue of this Act, to be continued or erected, to any Person or Persons who shall be willing to take or farm the same, at or for the largest Yearly Sums that can be got for the same; provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking the said Tolls respectively and the Trustees that let the same, and be not made for more than Three Years at any one Time, and that the Monies that shall be so agreed to be paid for the said Tolls shall be made payable and shall be paid to the said Trustees respectively by Monthly Payments; and that the Person or Persons to whom the said Tolls shall be so let, shall always pay down One Month's Rent in Advance; and if any Letting or Agreement for Letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in Payment of the Money agreed to be paid for the same in Advance, contrary to the true Meaning of this Act, then every such Letting or Agreement shall be void, and in either of such Cases the Person or Persons to whom the said Tolls shall be let, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them, by the same Means and in the same Manner as are by this Act directed or provided for the

accounting for the ſaid Tolls by the Collectors thereof, or for Monies had and received by any Perſon or Perſons and unaccounted for or unpaid, and for levying and recovering the ſame upon any of them, in Manner and with, under, and ſubject to ſuch Covenants, Conditions, and Agreements as the ſaid Truſtees ſhall think fit, they the ſaid Truſtees having a Counterpart of ſuch Leaſe or Leaſes, and taking ſuch other ſufficient Security for Payment of the Rents and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes, as the ſaid Truſtees ſhall think fit.

Power to compound for Tolls.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, from Time to Time as they ſhall ſee convenient, to compound or agree for any Term not exceeding One Year at any one Time with all or any of the Inhabitants of the ſeveral Pariſhes or Diſtricts through which the ſaid Roads lead, for the Paſſage of their Horſes, Cattle or Carriages, through all or any of the Turnpikes or Toll Gates erected or to be erected on the ſaid reſpective Roads, or the Sides thereof.

Power to remove Toll Gates.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees from Time to Time when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Turnpikes which now are or hereafter ſhall be erected in, upon, or acroſs or on the Sides of the ſaid Roads, to be removed to and erected in, upon, or acroſs, or on the Side of ſuch other Part or Parts of the ſaid Roads as the ſaid reſpective Truſtees ſhall from Time to Time order and direct; but none of the ſaid Toll Gates or Turnpikes ſhall be removed as aforeſaid, unleſs Twenty-one Days previous Notice of the Intention to remove the ſame ſhall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected acroſs the ſaid Roads, within the Diſtrict, and inſerted in ſome Newſpaper printed or circulated in the ſaid County.

Toll Houſes, &c. veſted in the Clerk or Treaſurer.

XXXIII. And be it further enacted, That the Right, Intereſt, and Property of and in all the Toll Gates or Turnpikes and Toll Houſes already erected and which ſhall be erected and provided in purſuance of this Act, with the ſeveral Conveniencies and Appurtenances thereunto belonging reſpectively, and the Materials of which the ſame ſhall conſiſt, and all Materials, Matters, and Things, which ſhall be purchaſed or provided for the Purpoſes of this Act, ſhall be veſted in the Clerk or Clerks, and Treaſurer or Treaſurers of the ſaid reſpective Roads for the Time being, and he and they is and are hereby empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame as Occaſion ſhall require and as the ſaid reſpective Truſtees from Time to Time ſhall order, direct, and appoint, and under the like Order, Direction, and Appointment of the ſaid Truſtees, to bring or cauſe to be brought any Action or Actions, or to prefer and proſecute any Indictment or Indictments againſt any Perſon or Perſons who ſhall dig up, break, pull down, ſteal, take, carry away, ſpoil, deſtroy, injure or damage any of the ſaid Toll Gates, Turnpikes, or Toll Houſes, or any of the Conveniencies and Appurtenances thereunto belonging, or any of the Materials, Matters, or Things aforeſaid, or any Fences which ſhall be made and repaired by the ſaid Truſtees, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid reſpective Truſtees in the Execution of this Act.

XXXIV. And

For borrowing Money on Security of the Tolls.

XXXIV. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Seven or more of them, at any of their Meetings to be held in pursuance of this Act, to borrow and take up at Interest, upon the Credit of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, any Sum or Sums of Money they shall think fit to borrow, for all or any of the Purposes of this Act, during the Continuance thereof, giving Twenty-one Days previous Notice thereof in Writing, to be affixed on all the Toll Gates or Turnpikes then erected across the said Roads, within the said District, and to be published in some Newspaper printed or circulated in the said County; and they the said respective Trustees are hereby empowered from Time to Time at any of their Meetings by any Writing or Writings under their Hands, to assign over or Mortgage the respective Tolls or Duties hereby granted on any Part or Proportion, Parts or Proportions thereof during the Continuance of this Act (the Charges of such Assignments and Mortgages to be paid out of such Tolls) as a Security or Securities to any Person or Persons who shall advance such Sum or Sums of Money, his, her, or their Trustee or Trustees, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with such Interest for the same as shall be agreed upon in that Behalf, which Mortgage may be in the Form or to the Effect following; that is to say,

'BY virtue of an Act made in the Fiftieth Year of His Majesty King *George* the Third, intituled, [*here set forth the Title of this Act*] We of the Trustees for executing the said Act for the District of in Consideration of the Sum of this Day paid to the Treasurer of the said District of Roads by do assign, during the Continuance of the said Act, unto the said such Proportion of the Tolls to arise upon the said District of Roads, as the said Sum of shall bear to the whole of the Principal Money for the Time being, due on the Security of the said Tolls, to hold the same unto the said his Executors, Administrators, and Assigns, until the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be fully paid. Dated this Day of in the Year of our Lord'

And Copies of all Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said respective Roads, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all Persons respectively, to whom any Mortgages shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest in or to such Mortgage, and the Principal Money and Interest thereby secured, to any other Person or Persons whomsoever, which Transfer shall be produced and notified to the said Clerk or Treasurer within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry, the said Clerk or Treasurer shall be paid the Sum of Three Shillings and Sixpence and no more, and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and after such Entry as aforesaid,

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it shall not be in the Power of any Person or Persons who shall have made such Transfer, to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall, in Proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing their Monies or of the Dates of their respective Securities.

Application of the Money on the First District.

XXXV. And be it further enacted, That all the Monies which, before the Day of the Commencement of this Act, shall have been raised and produced upon the Roads included in the said Acts, and comprized in the said First District, and which shall be undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted on the Roads within the said District, or made payable together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, shall be vested in the said Trustees for the Time being of the said First District, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, In the First Place in Payment of Three Fourth Parts of all the Costs, Charges, and Expences, incident to or attending the obtaining and passing of this Act, and discharging any Balance which shall be due to the Treasurer or Treasurers of the said Roads with lawful Interest for the same, during the Forbearance thereof; in the Second Place, in paying the Interest accruing upon the several principal Sums of Money which now are or shall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by the said Act and this Act; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of altering, widening, turning, repairing and improving the Roads within the said District, and purchasing Lands for those Purposes, and of executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging, such several principal Sums as aforesaid.

Application on the Second District.

XXXVI. And be it further enacted, That the Tolls arising or to be collected on the said Second District of Roads, or the Money to be borrowed thereon, shall be applied in Payment of One Fourth Part of the Charges and Expences incident to and attending the obtaining and passing of this Act, in erecting and providing Turnpikes and Toll Houses, and other Buildings on the Roads in the said Second District, in altering, widening, repairing, and improving the Roads within the said District, and purchasing Lands for those Purposes, and afterwards in reducing, paying off, and discharging, the Money so borrowed as aforesaid.

Appointing Officers.

XXXVII. And be it further enacted, That it shall be lawful for the said respective Trustees, by Writing under their Hands, to appoint one or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said respective Roads, and such other Officers as the said respective Trustees shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on

the Removal ,Death, or Reſignation of any of them, to appoint others in their Stead; and the ſaid reſpective Truſtees are hereby authorized to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch Perſon or Perſons as ſhall be aſſiſting in the Execution of this Act, ſuch Salaries and Allowances for their Trouble, Labour, and Service, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid reſpective Truſtees, deliver to them, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact, and perfect Accounts in Writing, under their reſpective Hands upon Oath, (which Oath any One or more of the ſaid Truſtees, is and are hereby empowered to adminiſter), of all the Monies which they and every of them reſpectively ſhall have received to that Time, by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſe, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands, to the ſaid reſpective Truſtees, or to ſuch Perſon or Perſons as they ſhall reſpectively appoint to receive the ſame and not otherwiſe; and if any ſuch Officer or Perſon ſhall refuſe or neglect to give ſuch Account, or to produce and deliver up ſuch Vouchers as aforeſaid, or to verify the Articles thereof upon Oath, or to pay the Money due upon ſuch Account in Manner aforeſaid, or to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees reſpectively, all the Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of this Act, then and in every or any of the ſaid Caſes it ſhall be lawful for any Two or more Juſtices of the Peace for the County, Diviſion, Diſtrict, or Place where the Officer or Perſon ſo making Default ſhall be or reſide, and ſuch Juſtices upon Complaint thereof made to them, by any Two or more of the ſaid Truſtees, are hereby authorized and required to make Enquiry concerning ſuch Refuſal, Default, or Neglect, as well by the Confeſſion of the Parties themſelves reſpectively, as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, which Oath the ſaid Juſtices or any of them are hereby empowered and required to adminiſter, without Fee or Reward; and if any ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtices ſhall upon ſuch Conviction commit him to the Common Gaol or Houſe of Correction of the ſame County or Place, there to remain without Bail or Mainprize until he ſhall have given or made ſuch true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded and agreed with the ſaid Truſtees, (which Compoſition the Truſtees are hereby empowered to make), and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees ſhall appoint, or until he ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or made Satisfaction in reſpect thereof to the ſaid Truſtees, provided that no Perſon ſhall be committed as laſt aforeſaid for a longer Space of Time than Six Calendar Months.

How Officers are to account.

Penalty on Refuſal.

Truſtees may appoint temporary Collectors.

XXXVIII. And be it further enacted, That upon the Death, Incapacity, or Abſence of any Collector of the Tolls, it ſhall be lawful for any Three or more of the ſaid reſpective Truſtees, though not aſſembled at a Meeting appointed in purſuance of this Act, by any Writing under their reſpective Hands to nominate and appoint a proper Perſon to be a Collector of the ſaid Tolls to continue until the then next Meeting of the ſaid Truſtees in the

the Place or Stead of ſuch Collector as ſhall ſo die, or become incapable, or abſent himſelf.

Treaſurers may give Security.

XXXIX. And be it further enacted, That the ſaid reſpective Truſtees, ſhall, and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and from any other Officers to be appointed in purſuance or for the Purpoſes of this Act for the faithful Execution of their reſpective Offices, as the ſaid reſpective Truſtees ſhall think proper.

Truſtees who have not acted in the preceding Year, not to vote on the Election of Officers.

XL. Provided always, and be it further enacted, That after the firſt Nomination and Appointment of any Officers in purſuance of this Act, no Truſtee ſhall be capable of voting or acting in any future Nomination or Appointment of any ſuch Officer or Officers upon Death or any other Vacancy unleſs ſuch Truſtee ſhall have acted as a Truſtee in the Execution of this Act at leaſt once within the Year preceding the Time that ſuch Vacancy ſhall happen, the only Evidence whereof ſhall be his having ſigned the Order Book of the ſaid Truſtees.

Surveyors may get Materials for Repair of Roads.

XLI. And be it further enacted, That if ſufficient Quantities of Furze, Heath, Stones, or other Materials, proper and neceſſary for making and repairing the ſeveral Roads in this Act ſpecified, cannot be had or found in or upon the Waſte Grounds or Commons, Rivers or Brooks, contiguous to that Part of the ſaid Roads, intended therewith to be repaired, then and in ſuch Caſe the Surveyor or Surveyors and 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, may, by Order of the ſaid Truſtees, or any Five or more of them, dig, gather, take, and carry away any ſuch Materials as aforeſaid, in, upon, or out of, from, and over the Lands of any Perſon or Perſons, (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted or ſet apart as a Nurſery for Trees), paying or tendering Payment of ſuch Satisfaction for ſuch Materials, or for the Damage done to ſuch private Lands over which any Materials gotten in any Waſte Ground, Common, River or Brook, or private Grounds ſhall be conveyed, as the ſaid Truſtees or any Five or more of them ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons appointed and employed as aforeſaid, and the ſaid Owners or Occupiers or any or either of them, concerning ſuch Satisfaction or Damages as aforeſaid, Two of His Majeſty's Juſtices of the Peace of and for the ſaid County of *Hereford*, on Ten Day's Notice thereof to be given in Writing by the ſaid Surveyor or Surveyors to the ſaid Owner or Owners, Occupier or Occupiers, or by the ſaid Owner or Owners, Occupier or Occupiers to the ſaid Surveyor or Surveyors, or to be left at their reſpective Places of Abode, with ſome or one of their reſpective Families, ſhall, on view of the Premiſes, hear, ſettle, and determine the Matter of ſuch Satisfaction or Damages; and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Materials not to be taken from incloſed Grounds without an Order from Two Juſtices.

XLII. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons under the Authority of this Act to dig, gather, take or carry away any ſuch Materials as aforeſaid, in or from any incloſed or private Lands, Grounds, or Quarries until after Ten

Ten Days previous Notice in Writing, ſigned by the ſaid Surveyor or ſome other Officer of the ſaid Truſtees, ſhall have been given to the reſpective Owners or Occupiers of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at their uſual Place of Reſidence reſpectively, requiring them to appear before Two or more Juſtices of the Peace acting for the County, Diviſion, or Diſtrict in which the Lands are ſituate, at a certain Time and Place to be ſpecified in ſuch Notice, to ſhew Cauſe why ſuch Materials ſhould not be taken away; and ſuch Juſtices after hearing the Parties concerned, ſhall if they think proper authorize ſuch Surveyor or other Officer to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times, and in ſuch Manner as to ſuch Juſtices ſhall ſeem proper or reaſonable, and if ſuch reſpective Owners or Occupiers ſhall not, by themſelves or their reſpective Agents, attend purſuant to ſuch Notice, ſuch Juſtices may make ſuch Order therein as they ſhall think fit, in the like Manner as if ſuch reſpective Owners or Occupiers had attended purſuant to ſuch Notice.

Penalty on taking away Materials.

XLIII. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials which ſhall have been dug or gathered for the Purpoſe of making or amending the ſaid reſpective Roads, or the Sand or Scrapings of the ſaid Roads, without Leave of the Surveyor or Surveyors firſt had and obtained in Writing for that Purpoſe, or ſhall get or take away any Materials out of any Pit or Quarry, which ſhall have been made for the Purpoſe of getting Materials for the ſaid reſpective Roads, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Thirty Days (except the Owners or Occupiers of any private Lands or Grounds, and the Perſon or Perſons authorized by ſuch Owners or Occupiers, and who may get Materials therein for their own Uſe only and not for Sale) every Perſon ſo offending and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Preventing Obſtructions on Roads.

XLIV. And be it enacted, That no Dung, Aſhes, Compoſt, Manure, or other Thing, ſhall be unloaded or laid down upon the ſaid reſpective Roads, or upon any Moor, Common, or Waſte Ground nearer to the Centre of the ſaid Roads than the Diſtance of Thirty Feet, upon Pain that every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Ten Shillings; and if after the Removal of any ſuch Dung, Aſhes, Compoſt, Manure, or other Thing as aforeſaid, any Perſon ſhall offend, again in like Manner, every Perſon ſo offending again, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Twenty Shillings.

Surveyors may remove Annoyances.

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and ſuch Perſon or Perſons as he ſhall appoint, from Time to Time to remove and prevent all Nuiſances, Annoyances, Encroachments, and Obſtructions on any Part or Parts of the ſaid reſpective Roads, by Timber, Stone, Carriages, Sawpits, or other Pits, Aſhes, Dung, Filth, Rubbiſh, or otherwiſe; and alſo to turn any Watercourſes, Gutters, Conduits, or Drains running into the ſame, to the Prejudice thereof, and to open, ſcour, and cleanſe, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to any Part of the ſaid reſpective Roads; and alſo to cut down, top, or lop at proper Seaſons

in the Year, by and under the Order and Direction of any Seven or more of the ſaid Truſtees in Writing for that Purpoſe, any Trees, Branches, or Buſhes growing in the ſaid Roads, or in the Hedges, Fences, Banks, or Grounds adjoining thereto, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands or Grounds where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Ten Days after Notice in Writing, given for that Purpoſe under the Hand of ſuch Surveyor, and the Charges thereof reſpectively (being ſettled by the ſaid Truſtees) ſhall be reimburſed to ſuch Surveyor by ſuch reſpective Owners or Occupiers ſo neglecting as aforeſaid; and in caſe ſuch Charges ſhall not be paid on Demand, the ſame ſhall be levied and recovered in like Manner as the Penalties, Forfeitures, and Fines by this Act authorized to be impoſed, are herein-after directed to be levied and recovered, and if after the Removal of any ſuch Nuiſances, Annoyances, Encroachments, and Obſtructions as aforeſaid, any Perſon ſhall offend again in like Manner, every Perſon ſo offending again, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Twenty Shillings.

Preſerving Timber.

XLVI. Provided always, and it is hereby further enacted and declared, That nothing herein contained ſhall extend or be conſtrued to extend to empower the ſaid reſpective Truſtees, Surveyors, or other Perſons, or any or either of them, on any account to cut down any Maiden Oaks or Elms growing in the Hedges or Banks of or adjacent to any Part of the ſaid reſpective Roads, except only in ſuch Place or Places where the Roads ſhall be of leſs Breadth than Thirty Feet including the Ditches, and except after Nine Months Notice.

Surveyors empowered to remove ſudden Obſtructions without Notice.

XLVII. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint from Time to Time, without giving any previous Notice to remove all ſuch Earth, Trees, Roots of Trees, and other Things as ſhall ſuddenly fall or be blown down from any Hedge, Bank, or Land into or upon any Part of the ſaid reſpective Roads by this Act authorized to be repaired, ſo as to narrow or obſtruct the Paſſage along the ſame, and to carry and place the ſame on any Waſte Ground near thereto, ſo as the ſame be no Annoyance to Travellers, and ſuch reſpective Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence ſuch Earth, Trees, Roots, or other Things ſhall ſo ſlide or fall, or be blown down as aforeſaid; and the Charges of carrying away the ſame (to be ſettled by the ſaid reſpective Truſtees), ſhall be reimburſed and paid to ſuch Surveyor or Surveyors, by ſuch Owners or Occupiers, and be recovered in ſuch Manner as the Penalties and Forfeitures for Offences againſt this Act are hereby directed to be recovered.

Penalty on leaving Obſtructions or hauling Timber or Stones on the Road.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully ſet, place, or leave any Timber, Stones, or other Things whatſoever, in or upon any Part or Parts of the ſaid reſpective Roads, ſo as to interrupt or hinder the free Paſſage along the ſaid Roads of any Carriage, or of any Perſon or Perſons, or ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Roads, (excepting only in croſſing the ſame) any Tree or Piece of Timber or any Stone, otherwiſe than

than upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon wheeled Carriages to drag upon any Part of the said respective Roads, to the Prejudice thereof, every Person so offending in any of the Cases last mentioned, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Twenty Shillings for every such Offence.

Owners to carry away Scrapings of the Roads before their Lands.

XLIX. Provided always, and be it further enacted, That all and every the Owner or Owners, Occupier or Occupiers of Lands or Grounds, adjoining to the several Roads to be repaired under this Act, shall, on Six Days Notice to be given to him or them, by any Five or more of the respective Trustees, or by the Surveyor or Surveyors, or any Person or Persons which he or they shall appoint from Time to Time, haul, remove, and carry away all such Soil, Earth, or Sand, as shall have been gathered, collected, or scraped, or tumped from off the said Roads or any of them, as far as the Lands or Grounds of such Owner or Owners, Occupier or Occupiers, shall extend, but no further, the said respective Trustees, or any Five or more of them, or the Surveyor or Surveyors, or such other Person or Persons as aforesaid, finding and procuring Workmen or Labourers to load and fill such Carts or other Carriages as shall be used for that Purpose; and in case any such Owner or Owners, Occupier or Occupiers, shall neglect or refuse to haul, carry off, or remove such Soil, Earth, or Sand as aforesaid, after such Notice as aforesaid, each and every Person so neglecting or refusing as aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Twenty Shillings to be recovered and applied in such Manner and for such Uses and Purposes, as other Penalties are herein or in and by this Act directed to be recovered.

Penalty on damaging Foot Ways or causing Nuisances or Obstructions on the Road.

L. And be it further enacted, That the said respective Trustees may cause Foot Paths not exceeding Eight Feet in Breadth, to be made along the Sides of the said respective Roads, in such Places as can conveniently admit of the same, and shall cause all Signs, Sign Posts, Sign Irons, Penthouses, Shew Boards, Spouts, and Gutters, projecting into the said Foot Paths, and all Posts, Rails, and other Obstructions thereon, to be taken down and removed; and if any Person or Persons shall ride upon any Footway adjoining the said Roads, or shall lead or drive any Horse, Ass, Cattle, Sheep, or Swine, or any Carriage, on such Footway, or shall cause any Damage to be done thereto, or shall put or turn any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind into or upon the said Roads, or the Sides thereof; or if any Horse, Ass, Sheep, Swine, Beast or Cattle, shall be found loose or trespassing on the said Roads; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, upon such Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of such Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon any such Road, or the Coach, Chaise, Waggon, Cart or other Carriage, under his Care; or if any Person shall make or assist in making any Fire or Fires commonly called *Bonfires*, or shall set Fire to, or let off or throw any Squib, Rocket, Serpent, or other Firework, on any Part or Parts of such Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, Plough, or other Instrument of Husbandry, in or upon the said

ſaid Roads, or the Sides thereof, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, without ſome reaſonable Cauſe to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned or conveyed in order to his or her Conviction, (ſave and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of the ſaid Roads as conveniently may be), every Perſon ſo offending, or the Owner of ſuch Cattle ſo found treſpaſſing, ſhall forfeit and pay a Sum not exceeding Forty Shillings.

Chained Wheels not to drag.

LI. Provided always, and be it further enacted, That all and every Perſon or Perſons whomſoever, who ſhall, in deſcending any Hill or Steep, chain or tie, or cauſe to be chained or tied, the Wheel or Wheels of any Waggon, Wain, Cart, Stone or Timber Carriage, and ſhall permit or ſuffer the Wheel or Wheels ſo chained or tied to be next the Center of the ſaid Roads or within Six Feet thereof, the Owner or Owners, Driver or Drivers, of ſuch Waggon, Wain, Cart, Stone or Timber Carriage, ſhall for each and every Offence forfeit and pay the Sum of Ten Shillings, to be recovered by Information, on Oath of one Witneſs, before one of His Majeſty's Juſtices of the Peace for the ſaid County, by Diſtreſs and Sale of the Offender's Goods and Chattels, in like Manner as other Penalties under this Act are directed to be recovered; provided Notice thereof be affixed on a Board to be placed at the Top of ſuch Hill or Steep.

Surveyors may make Cauſeways, Drains, &c.

LII. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Surveyors, and any other Perſon or Perſons by Order of the ſaid reſpective Truſtees, to make Cauſeways, and to cut and make Ditches, Drains, and Watercourſes in, upon, and on the Sides of the ſaid reſpective Roads, and alſo through any Grounds lying contiguous thereto, and to erect, rebuild, and keep in Repair, Bridges, and Arches upon the ſaid Roads, and acroſs any ſuch Ditch, Drain, or Watercourſe as aforeſaid, and to make ſufficient Barriers and other Erections on any Part or Parts of the ſaid Roads, in order to prevent the ſame from being flooded or overflowed with Water; and alſo to make or cauſe to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Roads, (except as herein-after is mentioned), to be made uſe of as a Road whilſt the old Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers, making ſuch Satisfaction to the Owners and Occupiers of ſuch Ground ſo to be uſed, cut through, or built upon, for the Damages which they or any of them ſhall ſuſtain thereby, as the ſaid reſpective Truſtees ſhall judge reaſonable, and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the County, Diviſion, or Diſtrict in which the Lands are ſituate, at their General or Quarter Seſſions of the Peace to be held for ſuch County, Diviſion, or Diſtrict next after ſuch Difference ſhall ariſe; and if any Owner or Occupier of any Watercourſe or Watercourſes, Ditch or Ditches adjoining to the ſaid reſpective Roads, ſhall refuſe or neglect to ſcour, deepen, and cleanſe the ſame, Twice in every Year, in ſuch Manner as the ſaid reſpective Surveyor or ſuch other Perſon or Perſons as aforeſaid ſhall order and direct, after Ten Days Notice ſhall be given for that Purpoſe by ſuch Surveyor or other Perſon

Owners refuſing to ſcour Watercourſes, the Surveyor may ſet Men to cleanſe the ſame, and levy the Charge.

or Perſons, then and in every ſuch Caſe it ſhall be lawful for ſuch Surveyor or other Perſon or Perſons, and he and they is and are hereby authorized to employ any Perſon or Perſons to ſcour, deepen, and cleanſe the ſame, and by Warrant from the ſaid Truſtees to levy the Charges thereof upon the reſpective Owners or Occupiers of ſuch Watercourſe or Watercourſes, Ditch or Ditches, by Diſtreſs and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any) to him, her, or them upon Demand.

No Cottages to be erected nor Trees planted within a certain Diſtance.

LIII. And be it further enacted, That no Perſon or Perſons whomſoever, ſhall in future erect or build, or cauſe to be erected or built upon any Waſte or Common, or in any Common Meadow, or Common Field, any Houſe, Cottage, or other Building whatever, nor ſhall make any Incloſure on the Waſte or Common, nor plant or cauſe to be planted, any Tree or Trees whatever, within the Diſtance of Thirty Feet from the Center of any of the Roads to be repaired or made under the Directions of this Act, under the Penalty of Forty Shillings for each Offence, to be recovered and applied, in like Manner as other Penalties under this Act are directed to be recovered and applied; and in caſe any Perſon (notwithſtanding the Payment of ſuch Penalty or Forfeiture) ſhall preſume to erect any Building, make any Incloſure, plant or cauſe to be planted, any Tree or Trees within ſuch Diſtance as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees to cauſe the ſame to be taken down, thrown open, or cut down, and removed, and the Expence of taking down, throwing open, cutting down, or removing the ſame, ſhall be borne, paid and diſcharged by the Perſon or Perſons who ſhall be guilty of any or either of the Offences aforeſaid; and that all Gates to be hereafter made and placed in any Field or Grounds adjoining the ſaid Roads, or any of them, ſhall be made and hung to open inwards towards ſuch Field or Ground, and not outward towards the ſaid Roads, and that it ſhall and may be lawful to and for the ſaid Truſtees, at their Expence, to cauſe all ſuch Gates as are now erected and open outward towards the ſaid Roads to be altered and made to open inwards, as they the ſaid Truſtees ſhall think proper.

Power to divert the Road and to Corporations, &c. to ſell.

LIV. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, 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 Roads, 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 Lands, Grounds, or Hereditaments, not exceeding Fifty Feet excluſive 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 and Occupiers thereof, and Perſons intereſted therein, for the Damages they may ſuſtain thereby, and for that Purpoſe it ſhall be lawful for the ſaid reſpective Truſtees to treat, contract, and agree with the Owners and Occupiers of, and Perſons intereſted in any Lands, Grounds, or Hereditaments for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners, Occupiers, or Perſons may ſuſtain by the making, widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid reſpective Roads through ſuch Lands, Grounds, or Hereditaments,

ments, and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in 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 their *Cestuique* Trusts, whether Femes Covert, Infants, Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, but also to and for all Femes Covert, who are or shall be seized of, or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Lands, Grounds, or Hereditaments, to contract with the said respective Trustees, for the Satisfaction to be made for such Damages as aforesaid; or to sell and convey unto them, all or any of such Lands, Grounds, 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 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.

Recompence to be settled by a Jury in certain Cases.

LV. And be it further enacted, That if any such Owners, Proprietors, Occupiers, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands or Grounds upon Notice in Writing to him, her, or them, given or left at the respective Dwelling Houses, or Places of Abode of such Person or Persons or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be taken in and added to any Part of the said respective Roads, or into which any Part or Parts of such Roads is or are to be turned or altered as aforesaid, shall by the Space of Ten Days 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 or any such Case the said Trustees shall cause it to be enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County (which Oaths any One or more of the said respective Trustees, is and are hereby empowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested for or on Account of the taking of such Lands or Grounds into the said respective Roads, or of turning any Part or Parts of such Roads into or through the same Lands or Grounds, and in Order thereto the said respective Trustees are hereby empowered and required from Time to Time as Occasion shall require, to summon and call before the said Jury, and examine upon Oath all and every Person or Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any one or more of the said Trustees is and are hereby empowered to administer) and they shall also order and cause the said Jury to view the Places in Question if there be Occasion, and use all other lawful Ways and Means as well for their own as for the Jury's better Information in the Premises as the said respective Trustees shall think fit, and

after the ſaid Jury ſhall have enquired of, aſcertained and ſettled ſuch Damage, Recompence, and Satisfaction, the ſaid Truſtees ſhall thereupon order the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Owners or Occupiers, or other Perſons intereſted in the ſaid Lands or Grounds, according to ſuch Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict or Inquiſition, and Order ſo had and made ſhall be final, binding and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming any Eſtate in Fee Simple, or Fee Tail for Life or Lives or Years in Poſſeſſion, Reverſion, Remainder or otherwiſe, their Heirs, Succeſſors, Executors, Adminiſtrators, Infants, Iſſue unborn, Femes Covert, Perſons beyond the Seas, or under any Diſability whatſoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County, or in caſe ſuch Sheriff or his Deputy or Deputies ſhall be anywiſe intereſted in the Matter in Queſtion, then to ſome One of the Coroners of the ſame County, not intereſted therein, thereby commanding and requiring ſuch Sheriff or Coroner to empannel, ſummon, and return a Jury of Twenty-four honeſt and indifferent Men qualified according to Law, to be returned for Trials of Iſſues, in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrants ſhall be appointed, and the ſaid Sheriff, his Deputy or Deputies, or the ſaid Coroner is and are hereby required to empannel, ſummon, and return ſuch Number accordingly, and out of the Perſons ſo empanneled, ſummoned and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid reſpective Truſtees, or any One or more of them ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be a Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, his Deputy or Deputies, or the ſaid Coroner ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service (being qualified as laſt aforeſaid) 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, but ſhall not challenge the Array, and the ſaid reſpective Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on the ſaid Sheriff, his Deputy or Deputies, Bailiffs or Agents, or on ſuch Coroner making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting 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, touching the Premiſes, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn, and give Evidence, provided that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any ſuch Sheriff, his Deputy or Deputies, or Coroner, or the Sum of Five Pounds on any other Perſon for any One Offence.

Their Verdict to be final.

Sheriff to ſummon Jury.

Sheriff to be fined on neglect of Duty.

LVI. 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 the Right, Intereſt, or Property of any Perſon or Perſons in any

For paying Expences of Juries.

any such Lands, Grounds, 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, 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, then and in 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 respective 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 respective Trustees, before the summoning or returning of the said Jury or Juries as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences 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 or 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 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 respective 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 respective Trustees in Manner aforesaid.

How the Purchase Money is to be paid.

LVII. And be it further enacted, That every Sum of Money, Recompence, and Satisfaction, which shall be agreed for or assessed as aforesaid, shall be paid out of the Monies which shall arise and be produced by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to their Agents, and upon Payment thereof, or in case of Refusal to accept the same upon depositing the same in the Bank of *England* for the Use of such Parties or Persons, or their Agents; all Owners and Occupiers of and Persons interested in such Lands or Grounds shall from thenceforth be divested of all Right, Title, Claim, Interest, and Property of, in, to or out of the same, and such Lands or Grounds shall be laid into and made Part of the said Roads, in such Manner as the said Trustees 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 from thenceforth to all Intents and Purposes whatsoever, become and for ever afterwards be a common Highway, and shall be deemed Part of the respective Roads to be repaired by virtue of this Act, and shall be repaired accordingly, and after such new

Road

Trustees may sell or exchange any Part of the old Road when any Road shall be made in lieu thereof.

Road shall be completed, the Lands constituting the former Road or any Part thereof, unless leading over some Moor or Waste Ground, or to or through some Town, Village, or Hamlet, to or through which such new Road doth not lead or pass, shall be vested in the said respective Trustees for the Time being, and such Trustees shall sell and convey the same for the best Price that can be gotten, and the Money arising from such Sale shall be applied for the Purposes of this Act, and the said respective Trustees are hereby empowered to give in Exchange any Part or Parts of the Lands constituting the former Road for any Part or Parts of such new Road, and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of such Lands or Grounds being executed by the said respective Trustees, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

No Building to be damaged or Garden Ground, &c. to be taken for the Purposes of this Act.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall empower the said respective Trustees, or any of them, or any other Person or Persons to pull down or damage any Dwelling House, or to take, use, or possess any Ground contiguous thereto, having been used as a Garden, Yard, Walk, or Avenue to a House or Plantation, or Nursery of Trees, each having been so used for the Space of Twelve Calendar Months then last past, without the Consent in Writing of the Owner or Owners of every such Dwelling House or other Building, Garden, Yard, Walk, Avenue, or Plantation or Nursery of Trees respectively, his, her, or their Agent or Agents under their respective Hands for that Purpose first had and obtained.

Roads discontinued not to be repaired.

LIX. Provided also, and be it further enacted, That in case the ancient or former Road over any Moor or Waste Grounds, shall by virtue of this Act be turned or diverted, the Inhabitants of the Parish, Township, or Hamlet wherein the ancient or former Road which shall thereby be left or discontinued shall be situate, shall not be obliged to repair such ancient or former Road, unless the same leads to some Town, Village, or Hamlet, with which the new Road doth not communicate.

Directing Pieces of old Road to be offered for Sale to the Proprietors of the adjoining Lands.

LX. Provided always, and be it further enacted, That the said respective Trustees, before they shall sell and dispose of any Piece or Pieces of old Road, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and in case such Person or Persons respectively shall not then and thereupon agree or shall refuse to purchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace, by some Person or Persons not interested, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was offered, shall be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused by the Person or Persons to whom such Offer was made, (as the Case may be) and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed with respect to disputed Value of Lands to be purchased by the said Trustees, in pursuance of this Act, and the Expence of hearing and determining such

Difference,

Difference, shall be borne and paid in like Manner as herein directed, with respect to Purchases made by the said respective Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said respective Trustees as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money: Provided also, that no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands, Grounds, or Hereditaments wherein he shall be personally interested.

Trustees not to act where interested.

LXI. 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 the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert or Cestuique Trust, or to any other Person whose Lands, Tenements or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Purchase or Redemption 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Intents or Purposes; and where such Money shall not be so applied, the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed or settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the 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 said Money shall, by Order of the said 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 mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments

Re-investing Purchase-Monies when exceeding 200*l.*

ments so hereby directed to be purchased in case such Purchase or Settlement were made.

If less than 200l and amounting to 20l.

LXII. 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 Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then, and in all such Cases, such Money shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, 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 Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, or 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 Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before 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.

Under 20l.

LXIII. Provided also, and be it further enacted, That when 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 the said recited Acts and this Act, 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, etc.

LXIV. 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 the said recited Acts and 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 and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said

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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying 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.

Where any Question shall arise touching the Title, the Person in Possession deemed the Owner.

LXV. And be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities, to be purchased with such Monies, or to the Dividends or Interests of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, 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, Tenements, 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 such Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery to order Expences to be paid by the Trustees.

LXVI. Provided always, 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, Tenements, or Hereditaments, to be purchased by the said Trustees, under the Authority of the said recited Acts and 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, Tenements, 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 said Court shall deem reasonable, together with 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.

LXVII. Provided

Persons liable and Lands chargeable to the Repair of Roads and Bridges to continue so.

LXVII. Provided always, and be it further enacted, That where any particular Part or Parts of the said respective Roads, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in and upon the same Roads, have been accustomed, or ought to be repaired and maintained, by any particular Person or Persons, Bodies Politic or Corporate, by Reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any County, Division, District, or Parish therein, or otherwise howsoever, all and every such Part or Parts of the said Roads, and all such Bridges, Arches, Drains, Sewers, and Watercourses, shall from Time to Time be maintained, and kept in repair by such Person or Persons, Bodies Politic and Corporate, County, Division, District, or Parishes respectively, in such Manner, as the same ought to have been respectively maintained, and kept in Repair in case this Act had not been made: Provided always, that all Persons by Law chargeable towards repairing any Part or Parts of the said respective Roads, or any Bridges thereon, shall still remain so chargeable, and shall do their respective Statute and other Work in or upon the other Highways of the Parishes or Districts in which the said Roads do or shall lie, in like Manner as before the passing of this Act, (subject nevertheless to the Regulations herein-after expressed concerning the same), and where any Old Road shall be discontinued by virtue of this Act, such Statute or other Work shall be performed upon the New Road made in lieu thereof.

Statute Work to be continued.

How the Statute Work is to be apportioned.

LXVIII. And for ascertaining and determining what Part of the Statute Works ought to be performed, on the said respective Roads, by the Inhabitants of the several Parishes and Districts, through which the said Roads do or may pass, be it further enacted, That it shall be lawful for any Two or more Justices of the Peace, for the County or Division in which the Parish or District is situated, and they are hereby required at any Petty or Special Sessions of the Peace, upon Application to them, made by the said Trustees, or their Surveyor, to adjudge and determine what Part or Proportion of the Statute Work shall yearly and every Year be done, in and upon the Roads hereby directed to be repaired, by the Inhabitants of each or any of the Parishes or Districts in or through which the said Roads do or may pass.

Statute Work.

LXIX. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work on any Part of the respective Roads, within the Parishes or Places through which the said Roads, or any Part thereof, passes, shall be liable to do the same on the said Roads; and it shall and may be lawful to and for any Two or more Justices of the Peace, for the said County of *Hereford*, and they are hereby required and empowered upon Application made to them by the said respective Trustees, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine, what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers, or their Surveyor, and in Order thereunto, it shall and may be lawful to and for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways, for every such

Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Fourteen Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work, for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe; and alſo the Amount of the reſpective Sums to be ſo paid, which Liſts of Names ſhall be made in Manner and under ſuch Regulations and Reſtrictions, as is or may be directed by any Law or Statute in Force and Effect, for the Repairs of the Public Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days, and at ſuch Times, (not being Hay-time or Harveſt) and in ſuch Parts of the ſaid Roads as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid reſpective Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered, and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to, or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, by any Surveyor of the ſaid reſpective 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 if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors, is and are hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe, every ſuch Perſon ſending ſuch Labourer, Team, or Draught, ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid as if ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads, all which Forfeitures ſhall be paid to the reſpective Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads, and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe, or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor or Surveyors ſo offending, ſhall for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

The Truſtees may compel the Surveyors of Highways to account for Compoſition Money.

LXX. Provided always, and be it further enacted, That it ſhall be lawful for any Two or more acting Juſtices of the Peace for the ſaid County of *Hereford*, by Writing under their Hands to ſummon all, every, or any of the Surveyor or Surveyors of the Highways of all, every, or any of the Pariſhes or Places (the Inhabitants whereof ſhall be liable to perform Statute Work on the Roads by this Act authorized to be repaired) to appear before the ſaid Juſtices, and there to deliver in to them, a full, true and juſt Account in Writing of all Sums of Money by them reſpectively received for, in lieu of, or by way of Compoſition for Statute Work in their ſeveral or reſpective Pariſhes or Places (which Account ſhall be verified upon Oath) and in caſe the Perſon or Perſons ſo ſummoned ſhall neglect to appear at the Time and Place therein appointed, or ſhall refuſe or neglect to deliver in ſuch Account as aforeſaid, or if required to verify the ſame upon Oath, or to pay to the Treaſurer of the ſaid Roads, or as the ſaid Juſtices ſhall direct, within Five Days from the Time of producing the ſaid Accounts, or whereon the ſame ought to have been produced, ſuch proportionable Part of all ſuch Compoſition Money as ſuch Surveyor or Surveyors or any of them ſhall have received, or without their wilful Neglect or Default, might have been received, that then and in all or any of the ſaid Caſes the Perſon or Perſons ſo offending ſhall for every ſeparate Offence forfeit and pay a Sum not exceeding Five Pounds.

Statute and other Work may be compounded for.

LXXI. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees from Time to Time, to compound and agree by the Year or otherwiſe with the Owners and Occupiers of any Lands, Tenements, or Hereditaments, or other Perſons, Bodies Politic or Corporate, liable to or chargeable with or towards the Repair of any Part or Parts of the ſaid Roads or any Bridges, Arches, Drains, Sewers, or Watercourſes lying in and upon the ſame, for the Performance of Statute Work thereon, or the Payment of a Sum or Sums of Money in lieu of ſuch Repairs and Statute Work reſpectively, and alſo for the reſpective Surveyors of the Highways of any of the ſaid Pariſhes through which the ſaid Roads ſhall paſs, to compound and agree by the Year or otherwiſe with the ſaid reſpective Truſtees for and in lieu of the Statute Work to be performed by the Inhabitants of ſuch Pariſhes and Townſhips upon any Part or Parts of the ſaid Roads.

Power to recover the Compoſition Money for Tolls, Statute and other Work.

LXXII. And be it further enacted, That in caſe the Compoſition Money in lieu of any ſuch Repairs or Statute Work as aforeſaid, or any Part or Parts of ſuch Compoſition Money reſpectively, ſhall not be paid within Fifteen Days after the ſame ſhall become payable, it ſhall be lawful for any Two or more Juſtices of the Peace for the County of *Hereford*, by Writing under their reſpective Hands and Seals, to empower the Perſon or Perſons authorized to receive ſuch Compoſition Money (Oath having been firſt made before ſuch Juſtices, that the ſame hath been demanded, and remains due, which Oath they are hereby reſpectively empowered and required to adminiſter) to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Perſon or Perſons ſo having compounded or agreed to pay ſuch Compoſition Money as aforeſaid, returning the Overplus, (if any) after deducting ſuch Compoſition Money, and the reaſonable Charges of ſuch Diſtreſs and Sale upon Demand to the Owner or Owners thereof.

LXXIII. And

LXXIII. And be it further enacted, That the respective Surveyors of the Highways, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended, in buying Materials for repairing the said Highways.

How Surveyors of the Highways are to be reimbursed the Composition Money.

LXXIV. And be it further enacted, That the said respective Trustees, or such Person or Persons as they shall for that Purpose appoint, are hereby empowered to contract with any Person or Persons, for making, altering, raising, widening, and repairing the said respective Roads, or any Part or Parts thereof respectively, or any Arches or Bridges upon the same, and for doing any other Work by this Act authorized to be done, in such Manner and for such Sum or Sums of Money, as the said respective Trustees shall think proper, and all Contracts in Writing, for any of the Purposes aforesaid, which shall be entered into pursuant to an Order, made at any Meeting, by the said respective Trustees shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Trustees may contract for Repairs.

LXXV. And be it further enacted, That the said respective Trustees shall cause Mile Stones or Posts to be continued or set up on the said Roads, and from Time to Time renewed on the Sides thereof respectively, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, and also Direction Posts, where any other Roads lead out of or into the same Roads; and if any Person or Persons shall wilfully break, pull down, destroy, or damage any of the Stones or Posts, which shall be so continued or set up, or erase, obliterate, or deface any of the Inscriptions or Letters which shall be engraven or made thereon, or any Part thereof, or cause or procure the same to be done, every Person so offending and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Mile Stones and Direction Posts to be erected.

Penalty on defacing them.

LXXVI. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons by them, or any of them, or by the said respective Trustees employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on obstructing the Execution of this Act.

LXXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines, by this Act imposed, or authorized to be imposed, (the Manner of levying and recovering of which is not herein otherwise particularly directed), shall upon Proof of the Offences and Conviction of the Offenders respectively before any One or more Justice or Justices of the Peace, for the County, Division, or District, wherein such Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels, of the Party or Parties offending by virtue of

How Penalties, Forfeitures, and Fines are to be recovered and applied.

a Warrant or Warrants under the Hand and Seal, or Hands and Seals of ſuch Juſtice or Juſtices (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby authorized and required to grant, and to adminiſter ſuch Oath) and the Overplus after ſuch Penalties, Forfeitures and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted ſhall be returned on demand to the Owner or Owners of ſuch Goods and Chattels, and all ſuch Penalties, Forfeitures and Fines (if not otherwiſe directed by this Act), ſhall be paid to the ſaid reſpective Truſtees or their Treaſurer, and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures and Fines ſhall not be forthwith paid, ſuch Juſtice or Juſtices 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 ſuch County, Diviſion or Diſtrict, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties, Forfeitures and Fines, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Tranſient Offenders may be apprehended.

LXXVIII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers or Perſons employed in the Execution thereof, be it therefore further enacted, That it ſhall and may be lawful for the ſaid reſpective Truſtees, Collectors, Surveyors, Officers or other Perſons reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and to convey him, her, or them before any Juſtice of the Peace for the County, Diviſion, or Diſtrict, where the Offence or Offences ſhall be committed, and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, and upon Conviction of the Offender or Offenders by the Juſtice before whom he, ſhe, or they ſhall be taken, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively, to commit him, her, or them to the Gaol or Houſe of Correction for the County, Diviſion or Diſtrict, where the Offence ſhall have been commited, there to remain for any Time not exceeding Fourteen Days, unleſs he, ſhe, or they ſhall ſooner pay the reſpective Penalty by him, her, or them incurred for ſuch Offence or Offences, together with the Coſts and Charges attending the Conviction and Commitment.

Conviction.

LXXIX. And, for the more eaſy Conviction of Offenders againſt this Act, be it enacted, That the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, may cauſe the Conviction to be drawn up in the Form, or in Words to the Effect following; *mutatis mutandis*, as the Caſe ſhall happen to be;

Form of Conviction.

‘ } BE it remembered, That on [*Time of Conviction,*] at [*Place*
‘ to wit. } *of Conviction*] A. B. [*Name of Offender,*] of [*Addition of*
‘ *Offender*] was duly convicted before me, [*or,* us,] [*Name and Style of*
‘ *convicting Juſtice or Juſtices*] for that the ſaid *A. B.* [*Name of Offender*]
‘ on [*Time of committing Offence*] did [*here ſtate the Offence againſt the*
‘ *Act, according to the Fact*] contrary to the Form of the Statute made in
‘ the

'the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, [*here set forth the Title of this Act*] and I [*or*, we] do therefore declare and adjudge that the said *A. B.* [*Name of Offender*] hath forfeited for his said Offence, the Sum of [*Fine*] or shall be committed to [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*]. Given under my Hand and Seal, [*or* our Hands, and Seals,] the Day and Year first above written.'

Appeal to the Quarter Sessions.

LXXX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing done in pursuance of this Act, for which no particular Relief hath been hereinbefore provided, (save and except the Verdict of the Jury, and any Determination, Proceeding, Matter, or Thing herein-before directed to be final) such Person or Persons may, within Six Calendar Months after the Cause of Complaint shall arise, appeal to the Justices of the Peace at their General or Quarter Sessions of the Peace to be holden for the County, Division, or District, wherein the Cause of Appeal shall arise; such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Causes or Matters thereof, to the Clerk or Clerks, Treasurer or Treasurers of the said Roads, and within Four Days next after such Notice entering into a Recognizance before some Justice of the Peace for the County, Division, or District, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of the Justices at such General Quarter Sessions, and to pay such Costs as shall be awarded against him, her, or them, by such Justices; and such Justices at their said Sessions on due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall proceed to hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award Costs to the Party appealing or appealed against, as they shall think proper, and their Determination shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

Books to be kept.

LXXXI. And be it further enacted, That all Orders and Proceedings of the said respective Trustees in the Execution of this Act, shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the same Number of Trustees as are empowered to make or direct the same, and shall then be deemed Original Orders and Proceedings; which Book or Books, as also the Book hereby directed to be kept for registering Mortgages and Transfers, shall and may be produced and read in Evidence in all Courts, and before all Justices and other Persons having Jurisdiction in the Premises.

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

LXXXII. And be it further enacted, That the said respective Trustees may sue and be sued for or concerning any Thing which shall be done contrary to or by virtue of this Act, in the Name of their Clerk or Clerks, Treasurer or Treasurers for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said respective Trustees, in the Name of the Clerk or Clerks, Treasurer or Treasurers by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, Treasurer or Treasurers, or by the Act of such Clerk or Clerks, Treasurer or Treasurers, without the Consent of the said respective Trustees, but that the respective Clerk or Clerks,

Treasurer or Treasurers for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, Plaintiffs or Defendants as the Case may be in every such Action; and every such Clerk or Clerks, Treasurer or Treasurers, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the respective Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action or Proceedings he or they shall pay, bear, expend, or be put unto or become chargeable with by reason of his or their being made Plaintiff or Plaintiffs, Defendant or Defendants as aforesaid.

Limitation of Actions.

LXXXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the respective Clerk or Clerks, Treasurer or Treasurers of the said Roads, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months from the Time of the Fact or Offence being committed; and every such Action or Suit shall be laid or brought in the County in which the Cause of Action shall happen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his, her, or their Election, plead specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Expiration of the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if such Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, 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 recover Treble Costs, and have such Remedy for the same as any Defendant hath in other Cases by Law.

Publick Act.

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

Commencement and Continuance of this Act.

LXXXV. And be it further enacted, That this Act shall commence and take place from the Fourth Day of *June* One thousand eight hundred and ten, 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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