ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lx.

An Act to enlarge the Term and Powers of an Act of His preſent Majeſty for *repairing the Roads leading into the City of* Hereford, *and ſeveral Roads communicating therewith;* for transferring the Road from *Wormelow Tump* to *Harewood*, from the *Madley* to the *Hereford* Diſtrict, and for making a new Road from the *Tuft Wood*, in the Pariſh of *Hentland*, to the Confines of the Pariſh of *Ganerew*, in the County of *Hereford*, as a Third Diſtrict. [14th *June* 1819.]

WHEREAS an Act was paſſed in the Fiftieth Year of the Reign of His preſent Majeſty, intituled, *An Act for more effectually repairing the Roads leading into the City of* Hereford, *and ſeveral Roads communicating therewith:* And whereas it would be highly advantageous to transfer a certain Part of the Road leading from *Windmill Hill*, near *Harewood*, to *Wormelow Tump*, from the Second or *Madley* Diſtrict into the Firſt or *Hereford* Diſtrict of Roads mentioned in the ſaid Act: And whereas the making and maintaining a New Road to lead out of the preſent Turnpike Road going from *Hereford* to *Roſs*, at a Place called the *Tuft Wood*, in the Pariſh of *Hentland* in the ſaid County, through the ſeveral Pariſhes of *Hentland*, *Selleck*, *Peterſtow*, *Langarren*, *Marſtow*, *Whitchurch*, and *Goodrich*, into the Highway leading from *Monmouth* to *Roſs*, and unto the Rivers *Wye* and *Garron*, near a Place called the *Old Forge*, and through the Pariſh of *Whitchurch* in the ſaid County of *Hereford*, 50 G. 3. c. 73.

to the Confines of the Pariſh of *Ganerew* in the ſaid County of *Hereford*, as a Third Diſtrict of the ſaid Roads, will be of great public Utility: And whereas the Truſtees acting in the Execution of the ſaid Act, have borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls thereby granted, which ſtill remain unpaid: And whereas the ſaid Roads mentioned in the ſaid recited Act cannot be effectually kept in Repair, nor can the principal Monies already borrowed, or which may hereafter be borrowed upon the Credit of the ſaid Tolls and Intereſt thereof, be paid, unleſs the ſaid Act be continued for a further Term, and the Powers thereof altered and enlarged, or the ſaid New Road or Third Diſtrict be made without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act, and all the Clauſes, Powers, Authorities, Proviſions, and Tolls thereby payable and reſerved for or in repect of the Firſt and Second Diſtricts, Reductions, Alterations, Tolls, Exemptions, Penalties, Forfeitures, Matters, and Things, therein contained, (ſave and except ſuch as are hereby altered, varied, or repealed,) ſhall be and remain in full Force and Effect; and, together with this preſent Act, ſhall be put in Execution, for and during the Term hereinafter mentioned, for the Purpoſe of making, amending, widening, and improving and keeping in Repair the Roads included in the ſaid recited Act, and alſo the new Road hereinbefore deſcribed, as fully and effectually in all Reſpects, and to all Intents and Purpoſes as if the ſaid Act, and the Powers and Proviſions therein contained, and now in Force, were expreſsly repeated and re-enacted in the Body of this preſent Act; but ſubject, nevertheleſs, to the Alterations, Variations, and Amendments herein contained, and which ſhall commence and take effect upon the paſſing of this Act, and the Term and Powers hereby granted ſhall be, and are hereby declared to be ſubject and liable to the Payment of all Monies now due and owing, or which ſhall or may hereafter be borrowed and become due on the Credit of the ſaid recited Act, and of this preſent Act, or either of them, and all Intereſt due and to become due for the ſame Diſtricts reſpectively.

Former Act renewed.

Tolls to be chargeable on Horſes.

II. And be it further enacted, That the Toll of One Shilling, chargeable by the ſaid recited Act, and continued by this Act, for every Horſe drawing any Coach, Berlin, Landau, Chariot, Hearſe, Calaſh, Chaiſe, or Chair, Waggon, Wain, Cart, Car, or Carriage; and alſo the Toll of Eight-pence chargeable by the ſaid Act for every Horſe drawing any Waggon, Wain, Cart, or Carriage employed in carrying Corn, or Grain in the Straw, Hay, or Fodder, for Sale; and alſo the Toll of Sixpence chargeable by the ſaid Act, and continued by this Act, 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, ſhall, from the paſſing of this Act, be deemed to extend to and be charged and chargeable upon every Mule, or other Beaſt, as well as Neat Cattle, or Aſſes, drawing any or either of the Carriages before mentioned.

III. And

III. And be it further enacted, That the Toll of One Penny shall be paid at the Toll Gates, or Turnpikes, in the First and Second Districts, as aforesaid, for every Ass drawing any Cart or Carriage of Burthen. Toll on Asses.

IV. And be it further enacted, That from and after the passing of this Act, so much of the said Road from a Place called *Windmill Hill*, near *Harewood*, through the Parishes of *Landinabo*, *Lanwarne* and *Much Birch*, to a Place called *Wormelow Tump*, as is mentioned in the said recited Act, shall be transferred from the said *Madley* District unto and become Part of the said *Hereford* District, to all Intents and Purposes as if the same had originally been made Part of the said *Hereford* District in and by the said recited Act. The Road from Harewood to Wormelow Tump transferred from the Madley to the Hereford District.

V. Provided always, and be it further enacted, That the Tolls hereafter arising or to be continued, in and by virtue of this Act collected on the First and Second Districts of Road respectively mentioned in the said recited Act, or the Money to be borrowed thereon, shall be applied for the Use and Benefit of the said First and Second Districts of Roads only, in the Manner appointed by the said recited Act; and that such Tolls or Money borrowed shall not in any Manner be chargeable with any Part of the Charges and Expences incidental to and attending the obtaining and passing of this Act, or to the making or maintaining of the said New Road or Third District, in any Manner whatsoever, the Costs and Charges of which are to be borne by the said Third District only as hereinafter mentioned. The Money raised and Tolls taken in the First and Second Districts, not to be applied in any Manner to the Purposes of the Third District.

VI. And be it further enacted, That all His Majesty's Justices of the Peace, acting in and for the County of *Hereford* for the Time being, shall be appointed Trustees for carrying into Execution the said recited Act and this Act, and it shall be lawful for the Trustees appointed or elected for executing the said Act and this Act, or any Five or more of them, and they are hereby authorized and empowered at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Ten in the Whole, to be Trustees for each of the said Districts for the Purposes of this Act, in Addition to the Trustees appointed or elected by virtue of the said Act and this Act; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authority for executing the said recited Act and this Act, as if they had been thereby or hereby nominated and appointed. Additional Trustees may be elected.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Act or this Act, unless he shall be in his own Right, or in the Right of his Wife, seized of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds, above Reprizes, or shall be Heir Apparent to some Person or Persons seized of Messuages, Lands, Tenements, or Hereditaments, for some Estate for Life or of Inheritance, of the clear Yearly Value of One hundred and fifty Pounds, above Reprizes, or shall be possessed of a Personal Estate, or a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds, above what shall be sufficient to pay all his just Debts; and if any Person, not being so qualified, shall presume to act as a Trustee Qualification of Trustees.

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 at Law, nor more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe pay the Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act (although not duly qualified as aforeſaid), previouſly to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

VIII. Provided alſo, and be it further enacted, That every Truſtee, before he ſhall act as ſuch, (except in adminiſtering the following Oath,) ſhall take and ſubſcribe an Oath before One or more of the ſaid Truſtees, who is and are hereby empowered to adminiſter the ſame in the Form following; (that is to ſay,)

Truſtee's Oath.

'I *A. B.* do ſwear, That I am truly and *bonâ fide*, in my own Right, '[*or* in the Right of my Wife, *as the Caſe may be*,] ſeized of 'Freehold or Copyhold Meſſuages, Lands, Tenements, or Hereditaments for ſome Eſtate for Life, or of Inheritance, in Poſſeſſion of 'the clear Yearly Value of One hundred Pounds, above Reprizes; [*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* ſeized of Freehold or Copyhold Meſſuages, Lands, Tenements, or 'Hereditaments, for ſome Eſtate for Life, or of Inheritance, of the clear 'Yearly Value of One hundred and fifty Pounds, above Reprizes;] [*and* '*in caſe of Perſonal, or Real and Perſonal*, 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 Four 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 Two Acts paſſed in the Fiftieth and Fifty-ninth 'Years of the Reign of His Majeſty King *George* the Third, intituled, '[*here inſert the Title of the ſaid Act, and this Act.*]

'So help me GOD.'

Power to make new Road.

IX. And be it further enacted, That it ſhall and may be lawful for the Truſtees for the Time being, acting under or carrying into Execution the ſaid recited Act and this Act, or any Five or more of them, at ſuch Time or Times as they ſhall think proper, to make, complete, and maintain, or cauſe to be made, completed, and maintained, a new Road to lead out of the preſent Turnpike Road going from *Hereford* to *Roſs*, at a Place called the *Tuft Wood*, in the Pariſh of *Hentland* or *Selleck*, in the ſaid County, into or through the ſeveral Pariſhes of *Hentland*, *Selleck*, *Peterſtow*, *Langarren*, *Marſtow*, *Whitchurch*, and *Goodrich*, ſome or One of them, in the ſaid County of *Hereford*, unto and into the Highway leading from *Monmouth* to *Roſs*, at or near a Place called the *Plough*, in the Pariſh of *Whitchurch* aforeſaid, and alſo to and unto the Rivers *Wye* and *Garron*, at

at or near a Place called the *Old Forge*, in the Parishes of *Goodrich* and *Whitchurch* aforesaid, or One of them, and through and along the Parish of *Whitchurch* aforesaid, to the Confines of the Parish of *Ganerew*, in the said County of *Hereford*, of the Breadth of Thirty-five Feet within the Fences where the same shall be practicable, to be deemed the Third District of the Roads under the said Act and this Act, and to be called the *Langarren District*: And it shall be lawful for the said Trustees, or any Five or more of them, and their Workmen, Agents, Officers, and Servants, and they are hereby empowered to go, enter into, and pass in, upon, over, under, or through the Lands, Grounds, and other Places of or belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate, and to set out and ascertain such Parts thereof as they, the said Trustees, or any Five or more of them, shall think necessary or proper for making and completing such Road, and to construct, do, and perform all Matters and Things which shall be deemed necessary and convenient for the making and completing such Road, doing as little Damage as may be in the Execution of the Powers hereby granted, and making full Satisfaction, in Manner mentioned in the said Act, to the Owners and Proprietors of, and all Persons interested in any Lands or other Hereditaments which shall be taken or used by or on the Behalf of the said Trustees, or which shall be prejudiced or damaged in the surveying, planning, setting out, amending, repairing, or using such Road, or otherwise in the Execution of this Act; and all Works to be done by the said Trustees, or their Successors, on any Part of the said Third District of Road, for repairing the same, or for building any Toll Gate, House, or Weighing Machine, or for any other Matter where the Expences of such Work will amount to more than the Sum of Twenty Pounds, shall be done by Contract, and in no other Way whatsoever: Provided always, that nothing in this Act contained shall authorize or empower the said Trustees, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purpose of the said new Road, any House, Bridge, or other Building, or any Land or Ground set apart or used as or for a Yard, Park, Pleasure Ground, or Garden, Orchard, Paddock, Nursery for Trees, Planted Walk or Avenue to a House, without the Consent, in Writing, of the Owner or Owners thereof, save and except such as are laid down on the said Plan as in, through, or over which the said new Road is intended to pass or be made.

All Work amounting to 20*l.* to be done by Contract on the Third District.

X. And whereas a Map or Plan describing the Line of the said new Road, and the Lands through which the same is to be carried; together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Hereford*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said New Road, shall not deviate more than One hundred

Restraining the Trustees from deviating beyond a certain Distance of the Line described in the Plan, &c.

Not to deviate more than One hundred Yards except, &c.

Yards of Three Feet each from the ſaid Map or Plan without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviations ſhall be made.

Truſtees may make Road through Grounds, although Owners' Names are omitted in the Book of Reference by Miſtake.

XI. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to make the ſaid new Road into, through, acroſs, or over the ſeveral Lands or Grounds of any Perſon or Perſons who is, or are, or may be Owner or Owners of the Land over which the ſame is ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted in the ſaid Book of Reference; in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County of *Hereford*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Power to make and divert the Roads, and Corporations to ſell.

XII. And be it further enacted, That it ſhall be lawful for the ſaid 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 new Road or Third Diſtrict, and every Variation may be made 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 Thirty-five Feet excluſive of the Ditches and Fences on each Side thereof, firſt making Satisfaction to the Owners and Occupiers thereof, and Perſons intereſted therein, for the Damages they may ſuſtain thereby, in the Manner deſcribed in the ſaid recited Act.

Deviations not to exceed One hundred Yards from the preſent Road without Conſent.

XIII. Provided always, and be it further enacted, That the ſaid Truſtees, in making, diverting, altering, improving, or widening any Part of the ſaid Roads under the Powers of the ſaid recited Act or this Act, ſhall not deviate more than One hundred Yards of Three Feet each from the preſent Line thereof, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Power of Deviation in the Third Diſtrict.

XIV. Provided always, and be it enacted, That it ſhall not be lawful for the ſaid Truſtees, in widening, turning, ſhortening, varying, or altering the Courſe or Path of the ſaid Roads, or any Part thereof, in the ſaid Third Diſtrict, to deviate more than One hundred Yards from the preſent Line or Courſe thereof, or to take, uſe, injure, or damage any Houſe, Bridge, or other Building, or any Land or Ground, ſet apart or uſed, as or for any Yard, Park, Pleaſure Ground, or Garden, Paddock, or Nurſery for Trees, Planted Walk or Avenue to a Houſe, without the Conſent in Writing of the Owner or Owners thereof, ſave and except ſuch as are particularly mentioned and deſcribed or are laid down on the ſaid Plan, as in, through, or over which the ſaid new Road is intended to paſs or be made.

Power to drain, &c.

XV. And be it further enacted, That for the more effectually draining the Land required for the ſaid Roads, and for preventing the ſame from being over-

overflowed with Water, and for the more convenient Erection of any Bridge or Bridges, it ſhall and may be lawful to and for the ſaid Truſtees to open, deepen, clear, widen, enlarge, divert, ſtraighten, embank, alter, and bring into a more direct and free Courſe any Rivers or Streams of Water, and alſo ſet out and make any new Channel or Channels, and direct any Tunnels, Water Gates, Flood Gates, Banks, Bridges, or other Works for the Purpoſes aforeſaid, of ſuch Depth, Breadth, and Extent, in ſuch Situations and Directions as the ſaid Truſtees may think proper.

Power to erect Toll Gates.

XVI. And be it further enacted, That the ſaid Truſtees, or ſuch other 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 the ſaid Third Diſtrict hereby directed to be made and repaired, and alſo ſuch and ſo many Toll Gates or Turnpikes on the Sides of the ſaid Road, 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 Road convenient Gardens for the ſame where ſuch can be had.

Tolls to be taken in the Third Diſtrict.

XVII. And be it further enacted, That the ſeveral Tolls not exceeding the reſpective Sum and Sums hereinafter 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 Third Diſtrict 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, from and after ſuch Time as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint;

Upon the ſaid Road leading from the *Tuft Wood*, into the Road from *Monmouth* to *Roſs*:

Tolls to be taken on the Langarren Line.

For every Horſe or other Beaſt, drawing any Coach, Berlin, Landau, Chariot, Hearſe, Calaſh, Chaiſe, or Chair, Waggon, Wain, Cart, Car, or Carriage, except as hereinafter mentioned, the Sum of One Shilling for each Horſe or other Beaſt:

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 Lime, Dung, Mould, Compoſt, or Manure of any Kind for the Improvement of Lands, Sixpence for each Horſe:

And the Wheels being Six Inches in Breadth, and quite flat, Four-pence:

For every Aſs, drawing any Cart or Carriage of Burthen, One Penny:

For every Horſe, Mule, or Aſs, carrying Pit Coal or Charks, the Sum of One Penny:

For

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

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.

Upon the ſaid Road leading from *Old Forge* to *Ganerew*:

Tolls on the Whitchurch Line.

For every Horſe or other Beaſt drawing any Coach, Landau, Chariot, Hearſe, Calaſh, Chaiſe, or Chair, Waggon, Wain, Cart, Car, or other Carriage (except as hereinafter mentioned), the Sum of Three-pence for each Horſe or other Beaſt:

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

And alſo for every Horſe drawing any Waggon, Wain, Cart, or Carriage employed in conveying Corn or Grain in the Straw, Hay or Fodder for Sale, Two-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 any Land, Two-pence for each Horſe, and the Wheels being Six Inches in Breadth, and quite flat, One Penny Halfpenny:

For every Horſe or Mule, laden or unladen, and not drawing, the Sum of One Penny:

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

To commence ſo ſoon as the Hill above Whitchurch ſhall be altered.

Which ſaid Tolls laſt mentioned ſhall commence and be payable whenever the ſaid Truſtees ſhall direct the ſame, and ſhall be applied to reimburſe the Inhabitants of the Pariſh of *Whitchurch* the Coſts and Charges which they ſhall incur in lowering and altering the Hill leading from the Village of *Whitchurch* up to *Ganerew Croſs*, laid down in the ſaid Plan in the Manner and according to the Directions of the ſaid Truſtees, if the Inhabitants of the ſaid Pariſh ſhall have done the ſame, and if not, ſuch Tolls ſhall be applied in the firſt Inſtance by the ſaid Truſtees in lowering and altering the ſaid Hill, and afterwards in the Repair of the ſaid Road from *Old Forge* to *Ganerew*, and after the ſaid firſt mentioned or *Langarren* Piece of Road ſhall be finiſhed for travelling, the Surplus thereof ſhall be applied and diſpoſed of by the ſaid Truſtees in the ſame Manner as the other Tolls, and Money to be raiſed and collected upon the ſaid Third Diſtrict are directed to be applied by this Act.

Double Tolls for Timber, &c., and when payable.

XVIII. And be it further enacted, That all Waggons, Wains, Carts, or other Carriages loaded with Timber, Planks, Limeſtones, 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, on the ſaid Third

Third Diſtrict, for each and every Horſe and other Beaſt of Draught drawing ſuch Waggon, Wain, Cart, or other Carriage, Double the Tolls for Horſes or Beaſts of Draught uſed in drawing any other Carriage whatever.

Perſons coming from or going to the Langarren Road not to pay Toll on Whitchurch Line.

XIX. And be it further enacted, That the Tolls payable on the ſaid *Whitchurch* Line ſhall not be charged or chargeable to any Perſon or Perſons who ſhall firſt come or afterwards go through the ſaid Gate upon the ſaid Road leading to *Tuft Wood* and pay the Toll thereon, it being intended that all Perſons ſhall be exempt from the ſmaller Toll in the Third Diſtrict who ſhall pay the larger Toll at any Gate therein.

Tolls on Carriages with wide Wheels.

XX. And be it further enacted, That Double the Tolls hereinbefore mentioned, ſhall be paid for any Horſe or Beaſt uſed in drawing any Carriage, the Wheels of which ſhall be ſo far apart that ſuch Carriages cannot be weighed at the weighing Machines, ſuch weighing Machines not being leſs than Ten Feet in Length, and Seven Feet in Breadth, unleſs ſuch Carriage be loaded with One ſingle Piece of Timber; and alſo for every Horſe or Beaſt uſed in drawing any Carriage from and after the Expiration of Eighteen Months next after the paſſing of this Act, the Nails of the Tire or Tires of any Wheel of which Carriage ſhall riſe or project above the Surface of ſuch Tire or Tires, and not be properly counter-ſunk therein, or the Tire or Tires of which ſhall not touch each other and be quite flat.

Tickets to be printed.

XXI. And be it further enacted, That upon Payment of any of the Tolls by this Act authorized to be taken on the ſaid Roads, the Collector or Receiver ſhall, and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll a Note or Ticket denoting ſuch Payment, which Notes or Tickets ſhall be provided by the ſaid Truſtees or their Leſſees, and there ſhall be printed and ſpecified thereon the Name of the Gate or Gates which ſuch Ticket ſhall free.

Abatement of One-fourth Toll in certain Caſes.

XXII. And be it further enacted, That all Waggons, Carts, and other Carriages, having the Wheels of the Widths and Deſcriptions, and the Axletrees fixed as mentioned and ſet forth in and by an Act paſſed in the Fifty-fifth Year of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of the carrying extra Weight in certain Caſes;* and the ſeveral Horſes and other Beaſts drawing the ſame, ſhall have and be entitled to the ſeveral Privileges and Exemptions given and granted by the ſaid Act.

Gauge to be kept.

XXIII. And be it further enacted, That an Iron Gauge ſhall be kept at each of the Turnpike Gates to be erected upon or acroſs or near the ſaid Road of the ſaid Third Diſtrict, to aſcertain the Shape of the ſaid Cylindrical Wheels.

Tolls may be taken in each Diſtrict.

XXIV. And be it further enacted, That from and after the paſſing of this Act 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 the ſaid reſpective Roads, Two full Tolls in each of the ſaid Two Firſt 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 as in the ſaid recited Act is mentioned; but that no more than One Toll ſhall be paid within the ſaid Third Diſtrict in any One Day as aforeſaid.

One Toll only in the Third Diſtrict.

Tolls may be varied.

XXV. 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 hereinbefore 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 intitled 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 fixed 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.

XXVI. 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.

Exempting the Carriages of the Royal Family.

XXVII. And be it further enacted, That this Act ſhall not extend, or be conſtrued to extend, to charge with Toll any Horſes or Carriages attending His Majeſty or any of the Royal Family.

Exemptions.

XXVIII. Provided always, and be it further enacted, That all and every the Powers, Authorities, and Penalties, to prevent the Evaſion of the ſaid Tolls, and the Recovery of the ſame, and to let, manage, compound for, and collect the ſame, which are contained in the ſaid recited Act (except ſuch as are hereby expreſsly varied or repealed), ſhall be, and the ſame is, and are hereby continued and alſo extended and given to the Third Diſtrict in ſuch and the ſame Manner as if the Clauſes, Powers, and Authorities in that reſpect contained in the ſaid Act were herein repeated and re-enacted.

General Exemptions from Toll.

XXIX. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſes, Cattle, or Carriages, of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſt-Maſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers,

diers, or Militia or Local Militiamen, on their March or on Duty; nor for any Horſes, Cattle, or Carriages, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, 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, or returning empty from having been ſo employed; nor for any Horſe, Mare or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry reſpectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exerciſe, Inſpection, or Review, (provided that ſuch 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); nor from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or on other his Parochial or Miniſterial Duty, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church or Chapel; or from any Perſon or Perſons going to or returning from his, her or their uſual Place of Religious Worſhip tolerated by Law, on *Sundays*, or on any other Day on which Divine Worſhip is, or ſhall be ordered by Authority to be celebrated; or going to or returning from the Funeral of any Perſon who ſhall die, and be buried in any of the Pariſhes, Hamlets, Townſhips, or Places through which the ſaid Roads lie; nor for any Horſes, Beaſts, Cattle, or Carriages, uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Hereford*, or Citizen or Citizens for the City of *Hereford*, during the Time of ſuch Elections, or on the Days before or Days after ſuch Elections ſhall begin or be concluded; or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay or Straw, or Corn in the Straw only, not ſold or diſpoſed of, or going to be ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; or being unladen when ſo employed; nor for any Horſe, Beaſt, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Plough, Harrow, or other Implement of Huſbandry, or any Mould, Dung, Compoſt, or Manure employed in Huſbandry for manuring or improving Land; provided ſuch Mould, Dung, Compoſt, or Manure be drawn in Carriages with Wheels of the Breadth of Six Inches at the leaſt; nor for any Buſhes, Crops of Trees, or Fuel to be carried from one Farm or Land 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, and unleſs the Carriage bearing ſuch Plough, Harrow, or other Implement of Huſbandry, be alſo laden with ſome other Thing not hereby intended to be exempted

exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle going to or returning from ploughing or harrowing, or to or from 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 Cattle as ſhall not paſs on 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 farried, or returning therefrom; or for any Horſe, Beaſt, or Cattle, or for any Waggon, Wain, Cart, or other Carriage, uſed or employed for the Purpoſe only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for making and repairing the ſaid Roads, or any other Highway or public Road, within any Pariſh, Hamlet, Townſhip, or Place, in which any Part of the ſaid Roads lie, or for building or rebuilding, enlarging or repairing any preſent or future Bridge or Bridges on the ſaid Roads; and if any Perſon ſhall, by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied in Manner hereinafter directed; and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Penalty on fraudulently taking benefit of Exemptions.

Exemption of Waggons loaded with Lime, &c.

XXX. 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.

XXXI. Provided alſo, and be it further enacted, That any Waggon, Wain, Cart, or Carriage loaded with Hops the Property of the Grower thereof, and 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 or the ſaid recited Act.

Power to borrow Money on Mortgage on the Third Diſtrict.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, acting in and for the ſaid Third Diſtrict, from Time to Time, or at any Times hereafter, to borrow and take up at Intereſt ſuch Sum or Sums of Money, not exceeding the Sum of Three thouſand Pounds, as they ſhall think fit, upon the Credit of the Tolls ariſing by virtue of this Act from the ſame Third Diſtrict; and by Writing under their Hands and Seals, to aſſign over the ſaid Tolls, or any Part or Parts thereof, and the Turnpike Gates, and Toll Houſes for collecting the ſame (ſuch Mortgages, or Aſſignments, being in the Form contained in the ſaid recited Act, and the Charges

thereof

thereof paid out of the ſaid Tolls,) to any Perſon or Perſons, during the Continuance of the Term granted by this Act, as a Security or Securities for the Repayment of the ſeveral Sums which ſhall be borrowed, with the Intereſt thereof, in the Manner, and according to the Forms and Directions contained in the laſt recited Act.

Directing the Application of the Tolls and Money borrowed for the Third Diſtrict.

XXXIII. And be it further enacted, That all other Tolls and Money ariſing by virtue of this Act, taken and borrowed upon and for the ſaid Third Diſtrict, ſhall be applied and diſpoſed of by the Truſtees in Manner following; (that is to ſay,) in Payment of the Coſts, Charges, and Expences of obtaining and paſſing this Act; and in making, repairing, and amending the Roads mentioned in this Act as forming the ſaid Third Diſtrict; and in defraying the Expences from Time to Time attending the Execution of the ſaid recited Act, and this Act, and paying and keeping down the Intereſt of the Monies hereafter to be borrowed on the Credit of the ſaid Tolls; and afterwards in paying off and diſcharging ſuch Principal Monies, ſubject nevertheleſs to the Condition hereinbefore contained.

Book of Accounts to be kept.

XXXIV. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time to cauſe to be entered in a Book to be kept by the Clerk to the ſaid Truſtees, true and regular Accounts of all Sums of Money received and expended by them in the Execution of this Act, in each of the ſaid Three Diſtricts, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid, which Book ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls hereby or by the ſaid recited Act granted, without any Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take Copies or Extracts from ſuch Books without paying any Thing for the ſame, and in caſe ſuch Clerk ſhall refuſe to permit, or ſhall not permit ſuch Truſtees or Creditors, or any of them, to inſpect the ſame, or take Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum not exceeding Ten Pounds.

Treaſurer and other Officers to give Security for the faithful Execution of their Duty.

XXXV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required to take ſuch ſufficient Security from their Treaſurer or Treaſurers, or Collector or Collectors of the Tolls, or other Officers to be appointed for the Purpoſes of the ſaid recited Act or of this Act, for the due and faithful Execution of their reſpective Offices, as they the ſaid Truſtees, or any Five or more of them, reſpectively ſhall think proper; and that no ſuch Treaſurer, Collector, or other Officer, ſhall be permitted to enter upon ſuch their Offices reſpectively, until they ſhall have given ſuch Security.

Clerks reſtrained from acting as Treaſurer and vice verſâ.

XXXVI. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been or may be appointed to act as the Clerk in the Execution of this Act, or of the ſaid recited Act, or the Partner of any ſuch Clerk, the Treaſurer, for the Purpoſes of this Act; or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act, or of the ſaid recited Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act; or if any

Perſon being the Partner of ſuch Clerk, ſhall act as Treaſurer, or being the Partner of ſuch Treaſurer, ſhall act as Clerk in the Execution of this Act, or of the ſaid recited Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager at Law, or more than One Imparlance ſhall be allowed.

An Action or Ejectment may be ſupported by One Mortgagee.

XXXVII. And be it further enacted, That if any Mortgagee or Mortgagees of the ſaid Tolls, Toll Gates, Bars, Chains, Toll Houſes, and Buildings, ſhall ſeek to obtain the Poſſeſſion of the ſaid Toll Gates, Bars, Chains, Toll Houſes, and Buildings, in order to pay himſelf, herſelf, or themſelves the Principal Money and Intereſt, or any Part thereof, due to him, her, or them, it ſhall be competent for him, her, or them, as Leſſor or Leſſors of the Plaintiff, and upon his, her, or their Demiſe only, and without uniting in ſuch Demiſe the other Mortgagees of the ſaid Tolls and Premiſes, to obtain ſuch Poſſeſſion; but ſuch Perſon or Perſons who ſhall obtain the Poſſeſſion thereof ſhall not apply the Tolls which may conſequently be received by him or them to his, her, or their own excluſive Uſe and Benefit, but to and for the Uſe and Benefit of all the Mortgagees of the ſaid Premiſes, *pari paſſu*, and in proportion to the ſeveral Sums which may be due to them as ſuch Mortgagees.

Toll Collector to put up their Names.

XXXVIII. And be it further enacted, That every Toll Collector appointed either by the ſaid Truſtees, or any Five or more of them, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected by virtue of the ſaid Act, or this Act, ſhall, and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front, or ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length, and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of the ſaid Act, and this Act, or ſhall demand or take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to give a printed Ticket to denote the Payment of the Toll, ſuch Ticket having ſpecified thereon the ſeveral Gates freed by ſuch Payment, or ſhall make Uſe of any ſcurrilous or blaſphemous Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or to any Perſon or Perſons travelling on the ſaid Roads, or ſhall without ſufficient Cauſe detain or delay any Perſon or Perſons travelling thereon, then and in every ſuch Caſe every ſuch Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence,

Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by the ſaid recited Act directed to be recovered and applied.

Truſtees directed to ſhut up the Old Road from Marſtow Bridge.

XXXIX. And be it further enacted, That ſo ſoon as the ſaid new Road ſhall be made fit for travelling from the ſaid Road, leading from *Monmouth* towards *Roſs*, and *Marſtow Bridge*, it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and required to ſhut up ſo much of the preſent Highway as will extend from the ſaid new Road up *Marſtow Hill* unto the North-Eaſt Corner of a Cloſe, the Property of *Simcoe*, called *Plaſh Field*; and it is hereby enacted and declared, that the ſaid Inhabitants of the Pariſh of *Whitchurch* ſhall, at all Times thereafter, be acquitted and diſcharged of the Expence, Coſts, and Charges of keeping the Remainder of the ſaid Highway from the ſaid Field called *Plaſh Field* into the Village of *Whitchurch* in Repair as a Public Road.

Perſons liable, and Lands chargeable to the Repair of Roads and Bridges on the Third Diſtrict to continue ſo.

XL. And be it further enacted, That where any particular Part or Parts of the ſaid Road of the ſaid Third Diſtrict, or any Bridges, Arches, Drains, Sewers, or Water Courſes lying in or upon the ſame Road 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 and Parts of the ſaid Road, and all ſuch Bridges, Arches, Drains, Sewers, and Water Courſes, ſhall from Time to Time be maintained and kept in Repair by ſuch Perſon or Perſons, Bodies Politic and Corporate, County, Diviſion, Diſtrict, or Pariſh 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, in ſuch and the ſame Manner, to all Intents and Purpoſes, and ſubject to ſuch Rules, Orders, Conditions, and Reſtrictions as in the ſaid recited Act is or are directed and enacted as to the Statute Duty Work on the Roads mentioned in the ſaid recited Act, as if the ſame were herein repeated and re-enacted.

The Road from Tuft Wood to Harewood's End to be repaired jointly by the Truſtees and the Truſtees of the Roſs Roads, upon Agreement made between them.

XLI. And whereas ſo much of the preſent Turnpike Road leading from *Roſs* to *Hereford* as extends from the ſaid *Tuft Wood* to *Harewood's End*, is directed to be repaired under an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for more effectually repairing the Roads leading into and through the Town of* Rols *in the County of* Hereford, *and ſeveral Roads communicating therewith*, will be uſed in common by Perſons paying the Tolls on the ſaid Road directed to be repaired by the laſt recited Act, as well as upon the ſaid Third Diſtrict of Roads directed by this Act to be made and repaired; be it therefore enacted, That it ſhall and may be lawful for the Truſtees acting under the ſaid firſt recited Act or this Act, or any Five or more of them, to enter into any Agreement or Agreements, with the Truſtees acting under the ſaid Act of the Fifty-fifth Year of His preſent Majeſty, or any Five or more of them, for the Repair of the ſaid Piece of Road from *Tuft Wood* to *Harewood's End*, at their joint Expence; and when the ſaid Agreement or Agreements ſhall be ſo made and entered into, and duly ſigned by the ſaid reſpective Truſtees, the ſame ſhall be binding, final, and concluſive, to all Intents and Purpoſes whatſoever.

XLII. And

Reſpecting Power to adminiſter Oaths.

XLII. And whereas, by the ſaid recited Act, it is enacted that the Truſtees for executing the ſaid Act might adminiſter Oaths in certain Caſes; and whereas it is expedient that the ſaid Proviſions ſhould be repealed; be it therefore enacted, That the Power and Authority given to the ſaid Truſtees by the ſaid recited Act, to adminiſter Oaths, ſhall be, and the ſame is hereby repealed.

Meetings of Truſtees.

XLIII. And be it further enacted, That the Firſt Meeting of the ſaid Truſtees under this Act, for the ſaid Firſt and Second Diſtrict, ſhall be on the Firſt *Tueſday* in the Month next after the paſſing hereof, and the Meetings afterwards on the Days, Times, and Places, and in the Manner directed by the ſaid recited Act; and that the Firſt Meeting of the Truſtees for the Third Diſtrict ſhall be held at *Harewood's End*, on the Second *Tueſday* in the Month next after the paſſing of this Act, and that the ſubſequent Meetings ſhall be held alternately at *Harewood's End* and *Whitchurch*, or at ſuch other Places within the ſaid Diſtrict, and at ſuch Times as the Commiſſioners ſhall appoint, in the Manner directed by the ſaid recited Act.

Power to compel Payment of Subſcription.

XLIV. And be it further enacted, That all Perſons who have ſubſcribed or ſhall ſubſcribe to pay any Money towards making and repairing the ſaid Road of the ſaid Third Diſtrict ſhall, and he, ſhe, and they, is and are hereby required to pay his, her, and their Subſcription Money to the Treaſurer to the ſaid Truſtees, at ſuch Time or Times as ſhall be appointed by the ſaid Truſtees, and if any Subſcriber ſhall neglect or refuſe to pay ſuch Money as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees in the Name of their Clerk or Treaſurer for the Time being, to ſue for and recover the ſame by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*.

Gates to open inwards.

XLV. And be it further enacted, That no Gate of any Park, Paddock, Field, or Incloſure whatſoever, ſhall be made to open into or towards any Part of the ſaid Roads; and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure having any Gate opening outwards contrary to the Meaning of this Act, ſhall within Fourteen Days after Notice to him, her, or them, given either perſonally or in Writing from the Surveyor of the ſaid Roads, cauſe ſuch Gate to be hung ſo that the ſame ſhall not open outward, or ſwing towards the ſaid Roads whenever the ſame ſhall be practicable, but in every Caſe in ſuch a Manner as that no Part of the Gate when open ſhall project over any Part of the ſaid Roads or any Foot-path belonging thereto; and in Default thereof the Surveyor of the ſaid Roads is hereby authoriſed to cauſe the Gate to be hung according to the Intention of this Act; and the Perſon or Perſons guilty of ſuch Neglect or Default, ſhall, upon Complaint made to any Juſtice or Juſtices of the Peace, acting in and for the County where the Cauſe of Complaint ſhall ariſe, and upon Conviction upon the Oath of One credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct to defray the Expence of making the Alteration and hanging ſuch Gate, and ſhall alſo forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Diſcretion of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and ſuch Penalty ſhall be recovered, levied, and applied in Manner hereinafter directed.

XLVI. And

For getting Materials to repair the Road.

XLVI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Roads, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get, and take away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for making, amending, altering, improving, or repairing the ſaid Roads, out of any Waſte or Common, or out of any common River or Brook, in any Pariſh, Hamlet, Townſhip, or Place, in which any Part of the ſaid Roads ſhall lie or be ſituate, or in any adjoining Pariſh, Hamlet, Townſhip, or Place, without paying any Thing for the ſame, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if a ſufficient Quantity of ſuch Materials cannot be had or found in or upon any ſuch Waſte or Common, or in any ſuch common River or Brook, then and in ſuch caſe the Surveyor or Surveyors, or other Perſons as aforeſaid, may by Order of any Juſtice or Juſtices of the Peace for the County or Place in which ſuch Lands, Tenements, or Hereditaments ſhall lie or be ſituate (as the Caſe may be), to be made upon the Application of the ſaid Truſtees, ſearch for, dig, gather, get, and take away any ſuch Materials, in and out of the Lands, Fields, or Grounds of any Perſon or Perſons, in any Pariſh, Hamlet, Townſhip, or Place, or in any adjoining Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Roads ſhall lie or be ſituate, where the ſame may be had or found, (ſuch Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Walks or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees,) making or tendering ſuch Satisfaction for the Value of ſuch Materials, and alſo for the Damage done to the Owners and Occupiers of any ſuch Lands, Fields, or Grounds where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other Materials for amending, altering, improving or repairing the ſaid Roads ſhall be carried, as ſhall be agreed upon between them and ſuch Owner or Occupier; or in caſe of their not agreeing, then as any One or more Juſtice or Juſtices of the Peace acting in and for ſuch County or Place as aforeſaid (as the Caſe may be) ſhall and may adjudge and determine to be reaſonable; which Judgment or Order of ſuch Juſtice or Juſtices ſhall be final and concluſive on all Parties: Provided alſo, that no ſuch Gravel or other Materials as aforeſaid ſhall be gotten, dug for, or taken away, within the Diſtance of One hundred Yards of any Bridge, Mill, Mill Weir, or Dam, on any Account or Pretence whatſoever.

Notice to be given before Materials taken.

XLVII. And be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons acting under the Authority of the ſaid recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the ſaid Roads, out of or from any incloſed Land or Ground, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at the Houſe, or laſt or uſual Place of Abode of ſuch Owner or Occupier, to appear before any Juſtice or Juſtices of the Peace acting in and for the County or Place in which ſuch Lands, Tenements, or Hereditaments ſhall lie or be ſituate, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Land or Ground;

and in caſe ſuch Owner or Occupier, or his Agent ſhall attend, purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtice or Juſtices ſhall, if he or they think proper, authorize ſuch Surveyor, or other Perſon or Perſons, to dig, gather, get, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or Agent, ſuch Juſtice or Juſtices may (upon Proof on Oath, of the Service of ſuch Notice, and which Oath he, they, or any of them is and are hereby empowered to adminiſter) make ſuch Order therein as he or they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner, or Occupier, or his Agent had attended.

For preventing Nuiſances.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall drive any Horſe or other Cattle, or any Cart or other Carriage, or hale, draw, carry, paſs, or wheel any Hurry, Truck, or Wheelbarrow, on any Footway or Cauſeway adjoining to the ſaid Roads; or ſhall do or cauſe to be done any Damage to the Footway or Cauſeway adjoining to the ſaid Roads; or ſhall throw down, deface, or injure, or do or cauſe to be done any Damage to the Stone Walls or Coping of the Stone Walls, or to the Hedges, Fences, Breaſt-walls, Poſts, Rails, or Paling, ſet up or to be ſet up along the Side of or upon ſuch Footway or Cauſeway; or ſhall in or upon any Part of the ſaid Roads, or by the Side or Sides thereof, or in any expoſed Situation near thereto, kill, ſlaughter, ſinge, ſcald, dreſs, or cut up any Beaſt, Swine, Calf, Lamb, or other Cattle; or cauſe or permit any Blood to run from any Slaughter-houſe, Houſe, Building, Butcher's Shop or Shambles, into the ſaid Roads; or ſhall hang up or expoſe to View, or waſh or dreſs the Hide of any Beaſt, Calf, Lamb, or other Cattle; or burn, dreſs, or ſweep any Piece or Pieces of Cork; or hoop, fire, cleanſe, waſh, or ſcald any Caſk or Caſks, in any Part or Parts of the ſaid Roads, or in any expoſed Situations near thereto; or ſhall hew, ſaw, or cut, or cauſe to be hewn, ſawn, or cut, any Stone, Wood, or Timber; or ſhall ſhoe, farry, or bleed any Horſe, Mule, or Aſs, except in Caſe of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage uſed for the carrying of Goods and Merchandize, ſhall ride on the Shafts or on any other Part of ſuch Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horſes drawing the ſame, upon any Part of the ſaid Roads; or if any Perſon having blocked any Carriage in going up a Hill or riſing Ground, ſhall leave on either the ſaid Roads the Stone or other Thing uſed in ſo blocking ſuch Carriage; or if any Perſon ſhall hale or draw, or cauſed to be haled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone, otherwiſe than wholly upon wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone, which ſhall be carried upon wheeled Carriages, to drag on any Part of the ſaid Roads to the Prejudice thereof reſpectively; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer the ſame to root up and damage the ſame, or any Part thereof, or the Fences, Hedges, Banks, or Copſe on either Side thereof; or if any Perſon ſhall turn or ſuffer any Horſe, Aſs, or other Beaſt or Swine to graze, or remain looſe, or ſtray on the ſaid Roads, or any Part thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage, upon the ſaid Roads, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of the Roads; or if any Perſon ſhall in any Manner wilfully prevent

vent any other Perſon or Perſons from paſſing him upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart, or other ſuch Carriage under his Care; or if any Perſon ſhall make or aſſiſt to make any Fire or Fires, commonly called Bonfires, or ſhall ſet fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatſoever, or play at Football, or any other Game, to the Annoyance of any Paſſenger or Paſſengers on any Part or Parts of the ſaid Roads; or if any Perſon ſhall leave any Waggon, Wain, Cart, or other ſuch like Carriage, in, upon, or on the Side of any Part of the ſaid Roads, longer than may be neceſſary for loading or unloading the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or in caſe the ſame ſhall not, during ſuch Time, be ſtanding as near the Side of the ſaid Roads as may be; or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Aſhes, Filth, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Roads, or on the Side or Sides thereof, or upon the Footpaths or Cauſeways adjoining to ſuch Roads, to the Prejudice, Annoyance, or Interruption of Perſons travelling and paſſing thereon; every Perſon ſo offending ſhall, for each and every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, levied, and applied in Manner hereinafter directed; and it ſhall be lawful for any One of the ſaid Truſtees, or for any Collector or Leſſee of the Tolls, or Surveyor employed under this Act, to detain, or cauſe to be detained, any tranſient and unknown Perſon or Perſons who ſhall commit any ſuch Offence, and forthwith to convey him, her, or them before any Juſtice or Juſtices of the Peace for the County wherein ſuch Offence ſhall be committed, without any other Warrant or Authority than this Act for ſo doing.

Commencement and continuance of the Act.

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

Public Act.

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

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