ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxxxii.

An Act for continuing and amending Three Acts of His late and preſent Majeſty for repairing ſeveral Roads leading from the Town of *Kington*, in the County of *Hereford*, and for repairing ſeveral other Roads in the ſaid County, communicating with the Roads comprized in the ſaid Acts.

[14th *June* 1819.]

WHEREAS an Act was paſſed in the Twenty-ninth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for repairing and widening the Roads leading from the Town of* Kington, *in the County of* Hereford, *through the* Welſh Hall Lane, *as far as the ſame County extends, and the ſeveral Roads leading from* Kington *aforeſaid to* Brilley's Mountain, *to* Eardiſley, *to* Almeley, *to* Eckley's Green, *to* Eardiſland, *to* Staple Bar, *and to* Milton Houſe, *in the ſaid County of* Hereford: And whereas another Act was paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term and Powers granted by an Act paſſed in the Twenty-ninth Year of the Reign of His late Majeſty, for repairing and widening the Roads leading from the Town of* Kington, *in the County of* Hereford, *through the* Welſh Hall Lane, *as far as the ſame County extends, and the ſeveral Roads leading from* Kington *aforeſaid to* Brilley's Mountain, *to* Eardiſley, *to* Almeley, *to* Eckley's Green, *to* Eardiſland, *to* Staple Bar, *and to* Milton Houſe, *in the ſaid County; and for amending the Road from the Turnpike Road, in the Pariſh of* Willerſley *to* Willerſley *Turnpike Gate,* 29 G. 2. c. 65. 13 G. 3. c. 95.

in the said Parish: And whereas another Act was passed in the Thirty-
34 G. 3. c. 119. fourth Year of His present Majesty, intituled *An Act for enlarging the Term and Powers of Two Acts of the Twenty-ninth Year of King* George *the Second, and the Thirteenth Year of His present Majesty, for repairing and widening several Roads leading from the Town of* Kington, *in the County of* Hereford, *and other Roads within the said County; and also for making, widening, and keeping in Repair certain other Roads within the said County adjoining or lying near to the Roads comprized in the said Acts:* And whereas in order to carry the said Acts into Execution several Sums of Money have been borrowed by the Trustees acting under the same on the Credit of the Tolls and Duties thereby granted, and a considerable Sum of Money now remains due and owing thereon, and the said Roads cannot be effectually amended, improved, and kept in Repair, and the Money so borrowed repaid, unless the said Acts be continued for a further Term; and it is expedient that some of the Powers and Provisions therein respectively contained should be repealed or altered; and that some further Tolls, Powers, and Authorities should be granted for more effectually repairing and improving the said Roads: And whereas the several Roads herein-after mentioned, (that is to say), the Road from *Stainsbatch* by *Stockley's Cross* and *Milton House* to *Shobdon;* the Road from *Whitney* by the *Mill-half* to the Village of *Eardisley;* the Road from *Eardisley* by *Upcott* along the Line of the Tramroad through *Almeley* and *Woonton* by the *Mear Common, Broxwood,* and *Barewood* to *Pembridge,* and by or near *Hardwicke* to *Legion's Cross;* the Road from *Pembridge* by or near *Luntley* to the *Leominster* Road near *Haven;* the Road from *Almely* by *Newton* to the *Leominster* Road at or near *Kinnersley;* the Road from *Whitney* by *Woodseves Welson* and *Queb* to the *Kington* Road; the Road from *Bollingham Chapel* to the Village of *Lyonshall;* the Road from the *Weaver's Cottage* in the *Welsh Hall Lane* along the Line of the Tramroad to *Stanner Rock;* the Road from *Kington* by *Hergest* towards *Gladdestry* as far as the said County of *Hereford* extends, and the Road from the *Brilley* Road to *Huntington,* and towards *Builth,* as far as the said County of *Hereford* extends, cannot be made, amended, improved, and kept in good Repair by the Laws in being for the Amendment and Preservation of public Highways; and it would be for the Convenience and Accommodation of the Public that the several additional Roads herein-before described, which communicate with the several Roads comprized in the said recited Acts, or some of them, should be placed under the Care and Management of the said Trustees; and that the Provisions of the said recited Acts and this Act should be extended to the same Roads in Manner herein-after mentioned: 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 Acts of the Twenty-ninth Year of His late Majesty, and the Thirteenth and Thirty-fourth Years of the Reign of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein respectively contained, and now in force (except such of them as are varied, altered, or repealed), shall be and continue in full Force and Effect, and shall be applied and put in Execution by the Trustees appointed and to be appointed in and by virtue of the said recited Acts and this Act, or any of them, during the Term herein-after mentioned, for amending, widening,

Former Acts continued.

ing, altering, improving, and keeping in Repair the ſeveral Roads comprized in the ſaid recited Acts; and alſo for making, according to the Lines or Directions ſpecified or deſcribed in the Maps or Plans herein-after mentioned or referred to, and for amending, widening, altering, improving, and keeping in Repair the ſeveral additional Roads herein-before deſcribed or mentioned, in as full and ample a Manner, and as effectually to all Intents and Purpoſes, as if all ſuch Authorities, Powers, Tolls, Privileges, Proviſoes, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things in the ſaid Acts reſpectively contained, and now in force (except as aforeſaid), were repeated and re-enacted in the Body of this Act with relation thereto; and that 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, and which ſhall or may hereafter be borrowed or become due on the Credit of the ſaid recited Acts or of this Act, or any of them, and all Intereſt due and to become due for the ſame reſpectively.

Plans and Books of Reference.

II. And whereas ſeveral Maps or Plans, deſcribing the Lines of the ſaid additional Roads comprized in this Act, and the Lands through which the ſame paſs and are to be carried, together with Books or Schedules of Reference, containing Liſts of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, have been depoſited in the Offices of the Clerks of the Peace for the ſaid Counties of *Hereford* and *Radnor*; be it therefore enacted, That the ſaid Maps or Plans and Books of Reference ſhall remain in the Cuſtody of the ſeveral Clerks of the Peace for the Time being of the ſaid Counties of *Hereford* and *Radnor*, to the End that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame reſpectively, and to take Extracts thereof, or Copies therefrom reſpectively, paying to the reſpective Clerks of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts; and the ſaid Truſtees in making the ſaid Roads ſhall not deviate more than Two hundred Yards from the reſpective Lines deſcribed in ſuch Maps or Plans without the Conſent of the reſpective Owners of the Lands or Tenements through which ſuch Deviations ſhall be made, whether ſuch Owners or any of them ſhall be Bodies Politic, Corporate, or Collegiate, Femes Covert, Tenants in Fee Simple, Fee Tail General or Special for Life or Lives, or for Years determinable on a Life or Lives, or for any other Eſtate of Freehold or Inheritance in Poſſeſſion, ſuch Conſents to be reſpectively teſtified by Writing under the reſpective Hands of ſuch Owners, or under the Seals of any of them, being Corporations Aggregate.

Deviations not to exceed more than 100 Yards from the preſent Road.

III. Provided always, and be it further enacted, That the ſaid Truſtees, in diverting, altering, or improving any Part of the ſaid Roads under the Powers of the ſaid recited Acts, ſhall not deviate more than One hundred Yards of Three Feet each from the preſent Line, 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.

Truſtees may make Roads, notwithſtanding

IV. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to make the additional Roads comprized in this Act into, through, acroſs, or over the ſeveral Lands or Grounds

Miſnomers in the Book of Reference.

Grounds of any Perſon or Perſons who is or are or may be the Owner or Owners of any Land over which the ſame are reſpectively ſet out and deſcribed in the ſaid Maps or Plans as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be erroneouſly ſtated or omitted in the ſaid Books of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the County or Diſtrict wherein ſuch Lands are ſituate, and ſhall be certified by Writing under their Hands that ſuch Error or Omiſſion proceeded from Miſtake.

Proceedings of Truſtees not regularly appointed declared valid, and Truſtees indemnified.

V. And whereas ſome Perſons may have acted as Truſtees in the Execution of the ſaid recited Acts, or ſome of them, without having been regularly appointed ſuch Truſtees, and Doubts may ariſe whether the Proceedings of the Truſtees had at Meetings where ſuch Perſons have been preſent and acted as Truſtees are ſtrictly legal; for obviating all ſuch Doubts, be it further enacted and declared, That all Proceedings of the Truſtees in the Execution of the ſaid recited Acts, or any of them, at Meetings where any Perſon hath acted as Truſtee without having been regularly appointed, ſhall be as good, valid, and effectual in the Law, as if ſuch Perſon had been duly appointed; and that no ſuch Perſon ſhall be liable to any Proſecution whatſoever for or on account of his having acted as a Truſtee in the Execution of the ſaid recited Acts, or any of them; provided ſuch Perſon at the Time he acted as a Truſtee had an Eſtate ſufficient to qualify him to act as a Truſtee.

Truſtees.

VI. And be it further enacted, That His Majeſty's Juſtices of the Peace acting for the Counties of *Hereford* and *Radnor*, and alſo *Edward Beavan*, *Richard Banks*, *William Griffiths Beavan*, *Joſeph Bliſſett*, *Edmund Watkins Cheeſe*, *James Cheeſe*, *John Cheeſe*, *John Cheeſe* the younger, *John Clarke*, *George Coke*, *Robert Kilby Cox*, *James Crummer*, *James Davies*, *William Davies*, *Tomkyns Dew*, *William Evans*, *John Fletcher*, *Thomas Foley*, *William Andrew Foley*, *Edward Harley* Eſquire, commonly called *Lord Harley*, *Francis Harris*, *William Hanbury*, *John Hardwicke* the younger, *John Hill*, *Thomas Jeffries*, *Thomas Jeffries* the younger, Sir *Harford Jones* Baronet, the Reverend *Thomas Jones* Clerk, *William Jones*, *Thomas Frankland Lewis*, *Thomas Lewis*, *John Meredith* of *Kington*, *John Meredith* the younger, *James Woodhouſe Meredith*, *John Meredith* of *Barton*, *John Mitchell*, *John Morris*, *John Muſcott*, *John Muſcott* the younger, *Nightingale*, *Thomas Perry*, *James Perry*, *Charles Humphrys Price*, *Thomas Ricketts*, *William Romilly*, *Morris Sayce*, the Reverend *James Simkinſon* Clerk, *Thomas Smith*, the Reverend *John Robert Smythies* Clerk, Reverend *John Trumper* Clerk, *Edward Wakefield*, *John Whitaker*, *Richard Whitcombe*, *Richard Whitcombe* the younger, and *George Yeld*, together with ſuch other Perſons, not exceeding the Number of Ten, as the ſaid Truſtees or any Seven or more of them ſhall at their Firſt or any other ſubſequent Meeting nominate in that Behalf, ſhall be and are hereby added to and joined with the Truſtees appointed or elected in or by virtue of the ſaid recited Acts, or any of them, for putting the ſame and this Act in Execution; and that the ſaid Truſtees hereby appointed, and the Truſtees appointed or to be appointed by or in purſuance of the ſaid former Acts, or any of them, as herein-after mentioned, ſhall be and they are hereby nominated and appointed Truſtees for ſurveying, ordering, amending, and keeping in Repair all the Roads comprized in the ſaid recited Acts and this

this Act, and for otherwise putting the said recited Acts and this Act in Execution.

Qualification of Trustees.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of the said recited Acts or this Act, unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, being Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person or Persons having a Real Estate of the clear yearly Value of One hundred and fifty Pounds, or shall have and be possessed of a Personal Estate of the Value of Four thousand Pounds above what shall be sufficient to pay all his just Debts, and unless every such Person shall take and subscribe the Oath, or being one of the People called *Quakers* an Affirmation, in the Presence of Two or more of the Trustees for the Time being, who are hereby authorized to administer the same in the Form following; (that is to say),

Oath.

'I *A. B.* do swear, That I am, in my own Right or in the Right of my Wife, truly and *bonâ fide* seised of or entitled to, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, 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 of *C. D.* who, to the best of my Knowledge and Belief, is truly and *bonâ fide* seised of or entitled to, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes]; [*and in case of Personal Estate*, I *A. B.* do swear, That I truly and *bonâ fide* have and am possessed of Personal Estate of the Amount or Value of Four thousand Pounds, over and above what shall be sufficient to pay all my just Debts]; and that I will truly and faithfully execute the Powers and Trusts reposed in me by virtue of an Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act.*] So help me GOD.'

Penalty on Trustee acting not being qualified.

And if any Person not being so qualified shall presume to act as such Trustee contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than 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, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act.

Acts of unqualified Trustees before Conviction to be valid.

VIII. Provided always, and be it further enacted, That all Acts which shall have been done by any Person acting as a Trustee, although he shall not be duly qualified to act in the Execution of this Act, shall, previous to his being convicted of such Offence, be as valid and effectual as if such Person had been duly qualified to act in the Execution of this Act.

Proceedings under former Acts good Evidence.

IX. Provided always, and be it enacted, That all and every Book and Books in which any Entry or Entries of any Proceeding or Proceedings of any of the Truſtees, or other Perſon or Perſons acting by and under the Authority of the ſaid recited Acts, or any of them, or ſuch Entry or Entries (being made in ſuch Book or Books according to the Directions of and rendered Evidence by the ſaid Acts, or any of them), ſhall be good and ſufficient Evidence of ſuch Proceedings in any Court whatſoever, any thing herein contained to the contrary thereof notwithſtanding.

For erecting Turnpikes, and giving Power to take certain Tolls.

X. And be it further enacted, That the ſaid Truſtees ſhall and may, as they ſhall think moſt proper, continue or remove the Turnpike Gates already erected or hereafter to be erected, and cauſe others to be erected, in, upon, or acroſs any Part or Parts of the ſaid Roads, and upon the Side or Sides thereof, and alſo acroſs any Lane or Way leading into or out of the ſame reſpectively; and the ſaid Truſtees ſhall and may erect or provide a Toll Houſe or Toll Houſes, with ſuitable Outbuildings and Conveniences, at or near each Turnpike Gate; and alſo may incloſe ſuch convenient Garden Spots for the ſaid Toll Houſes as they may think fit, not exceeding One-eighth Part of an Acre of Land, Statute Meaſure, to each Toll Houſe; and may from Time to Time afterwards remove, alter, or diſcontinue ſuch Turnpike Gates or Toll Houſes, or any of them, as they the ſaid Truſtees ſhall think expedient.

Meetings on Emergencies.

XI. And be it further enacted, That if after any Adjournment of the ſaid Truſtees at any Time it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by any Five or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in Manner before directed, and of the Time and Place which ſhall be mentioned in ſuch Order of the ſaid Truſtees (ſuch Meeting not being leſs than Seven Days after ſuch Notice); and ſuch earlier Meeting ſhall and may be held accordingly, and all the Orders and Determinations of the ſaid Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments, and the major Part of the Truſtees at ſuch Meetings ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by the ſaid recited Acts or this Act authorized to make any ſuch Order, Agreement, or Determination; and no ſuch Order, Agreement, or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs ſpecial Notice of the Intention to apply to revoke or alter the ſame ſhall be given in ſome public Newſpaper printed in the City or County of *Hereford;* and in caſe no ſuch Paper ſhall at that Time be printed, then in ſome public Newſpaper uſually circulated within the County of *Hereford,* at leaſt Twenty-one Days previous to ſuch Meeting, nor unleſs a greater Number of Truſtees ſhall concur in the Revocation or Alteration thereof than concurred in the making of any ſuch Order, Agreement, or Determination.

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

XII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of the ſaid recited Acts and this Act in the Name of their Clerk for the Time being,

being, and that no Action or Suit brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act in the Name of their Clerk ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, or by the Act of any ſuch Clerk without the Conſent in Writing of the ſaid Truſtees or any Five or more of them, but that the Clerk for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Defendant (as the Caſe may be) in every Action: Provided always, that every ſuch Clerk in whoſe Name any Action or Suit ſhall be commenced, ſued, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies to be raiſed by virtue of this Act all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceeding he ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Same Perſon not to be Clerk and Treaſurer.

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

Accounts of Receipts and Diſburſements to be open to Inſpection of Truſtees and Creditors.

XIV. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time, and at all Times during the Continuance of the ſaid recited Acts and this Act, to order and direct a Book or Books to be provided and kept by the Clerk or Clerks of the ſaid Truſtees, in which Book or Books ſuch Clerk or Clerks ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money reſpectively received, paid, laid out, and expended for or on account of the ſaid Roads, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, and every of them, and to the ſeveral Creditors on the Tolls hereby granted, or any of them, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take Copies of or Extracts from any of the ſaid Books without paying any Thing for the ſame; and in caſe any ſuch Clerk or Clerks ſhall refuſe to permit, or ſhall not permit any of ſuch Truſtees or Creditors to inſpect the ſame, or to take ſuch Copies or Extracts as aforeſaid, every Clerk ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds.

XV. And

Toll Collectors to put up their Names.

XV. And be it further enacted, That all and every Toll Collector being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees or by any ſuch Leſſee or Leſſees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of 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 a Breadth in proportion, and painted either 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 ſame 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 than he ſhall be authorized to do by virtue of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof; or ſhall demand and 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, or ſhall refuſe to tell his 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 in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give or deliver a Ticket denoting the Payment of the Toll, and naming and ſpecifying the Gate or Gates freed by ſuch Payment; or upon the legal Toll being paid ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Perſon or Perſons travelling upon the ſaid Roads, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for ſuch 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 Acts or this Act directed to be recovered and applied.

Power to eject Farmers of Tolls.

XVI. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Turnpikes or Toll Gates erected or to be erected on the ſaid Roads ſhall at any Time or Times during the Continuance of this Act be demiſed or let to farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers to whom the ſaid Tolls ſhall be reſpectively demiſed or let, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in arrear for the Space of Ten Days next after any of the Days on which the ſame ought to be paid purſuant to the Agreement for letting the ſame; then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the ſaid County or Diſtrict in which ſuch Toll Houſe may be ſituated, to order a Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter into and upon the Poſſeſſion of the Toll Houſe and Toll Houſes, with the Toll Gates, Buildings, and Appurtenances thereunto belonging, ſo let as aforeſaid, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers, from the Poſſeſſion thereof, and from the Collection of the Tolls there payable; and thereupon it ſhall be lawful for the ſaid Truſtees, by an Order in Writing under the Hands of them or

any

any Five or more of them (if they ſhall think fit), to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall accordingly be utterly void to all Intents and Purpoſes (ſave as to the Covenants and Agreements for Payment of the Rent or Rents which ſhall then be in arrear) as if ſuch Contract or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees or any Five or more of them in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, in the ſame Manner as if no prior Contract or Agreement had ever been entered into relative to the ſame.

Protecting Collector of Tolls.

XVII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder, or diſturb, or cauſe, promote, or encourage to be aſſaulted, interrupted, hindered, or diſturbed, the Collector of the Tolls, or any of them, in the Performance of his Duty as ſuch Collector, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Ten Pounds; which Penalty ſhall be applied towards the Repairs of the ſaid Roads, and ſhall be recovered in ſuch Manner as the other Penalties are by the ſaid recited Acts and this Act, or any of them, directed to be recovered.

Power to appoint temporary Collectors.

XVIII. And be it further enacted, That upon the Death, Incapacity, Abſconding, or Abſence of any Collector or Receiver of Tolls, any Five or more of the ſaid Truſtees, though not aſſembled at any General Meeting of the Truſtees appointed by virtue of the ſaid recited Acts and this Act, by Writing under their reſpective Hands, ſhall and may nominate and appoint ſuch Perſon as they ſhall think proper to be a Collector or Receiver of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, in the Stead of ſuch Collector or Receiver who ſhall ſo die, become incapable, abſcond, or abſent himſelf; and every Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all Reſpects, as the Perſon who ſhall ſo die, become incapable, abſcond, or abſent himſelf would have had or been ſubject to; and if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from the ſaid Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family, or Repreſentatives of any Collector or Receiver who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon having the Poſſeſſion of any Toll Houſe or Buildings to be erected or ſet up by virtue of the ſaid recited Acts or this Act, ſhall neglect or refuſe to deliver up ſuch Poſſeſſion for the Space of Three Days after Demand made, and Notice in Writing given for that Purpoſe by any Three or more of the ſaid Truſtees, or by their Clerk or Treaſurer, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the ſaid County of *Hereford*, by Warrant under his Hand, and with ſuch Aſſiſtance as ſhall be neceſſary or expedient, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and to put in Poſſeſſion thereof the ſaid Truſtees or any Five or more of them, or any of their Officers, or any Perſon or Perſons whom the ſaid Truſtees or any Five or more of them ſhall appoint to receive ſuch Poſſeſſion.

Repealing former Tolls, and granting new ones.

XIX. And be it further enacted, That the ſeveral Tolls granted and made payable by virtue of the ſaid recited Acts of the Twenty-ninth Year of the

the Reign of His late Majesty King *George* the Second, and the Thirteenth and Thirty-fourth Years of the Reign of His present Majesty, or any of them, on the said Roads, shall continue and be payable until the First Day of *January* One thousand eight hundred and twenty, and shall from thenceforth cease, determine, and be no longer paid or payable; and that instead thereof the following Tolls, or such Portion thereof, and at such Gate or Gates as the said Trustees or any Five or more of them shall from Time to Time see fit, shall be demanded and taken at any of the Turnpikes or Toll Gates erected or to be erected upon the said Roads, or on the Sides thereof, before any Horse, Beast, or other Cattle, or any Coach, Waggon, or other Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Tolls. For every Horse, Mule, or other Beast, drawing any Coach, Berlin, Landau, Hearse, Chariot, Chaise, or Chair, the Sum of Sixpence, and on every *Sunday* the Sum of Nine-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage with Wheels of less Breadth than Six Inches, between the Twentieth Day of *March* and the Twentieth Day of *October* in every Year, the Sum of Sixpence, and on every *Sunday* the Sum of Nine-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage with Wheels of less Breadth than Six Inches, between the Twentieth Day of *October* and the Twentieth Day of *March* in every Year, the Sum of Seven-pence Halfpenny, and on every *Sunday* the Sum of One Shilling and Two-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage with Wheels of the Breadth of Six Inches, and less than Nine Inches, the Sum of Four-pence Halfpenny, and on every *Sunday* the Sum of Sixpence Halfpenny:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage with Wheels of the Breadth of Nine Inches and upwards, the Sum of Three-pence, and on every *Sunday* the Sum of Four-pence Halfpenny:

For every Ox, Neat Cattle or Ass, drawing any Waggon, Wain, Car, Cart, or other Carriage, the Sum of Three-pence, and on every *Sunday* the Sum of Four-pence Halfpenny:

For every Horse or Mule, laden or unladen and not drawing, the Sum of One Penny Halfpenny, and on every *Sunday* the Sum of Two-pence Halfpenny:

For every Ass, laden or unladen and not drawing, the Sum of One Penny, and on every *Sunday* the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling *per* Score, and on every *Sunday* the Sum of One Shilling and Sixpence *per* Score; and so in proportion for any greater or less Number than a Score: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and on every *Sunday* the Sum of Eight-pence *per* Score; and so in proportion for any greater or less Number:

For every Horse or other Beast of Draught drawing any Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Six Inches at the Bottom or Sole thereof, which shall be employed in carrying any Timber, or Tree or Trees, a Toll equal to Double the Toll which might otherwise be demanded and taken for such Horse or Beast of Draught;

and

and from and after the First Day of *January* One thousand eight hundred and twenty-one, for every Horse or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth at the Bottom or Sole thereof than Three Inches, a Toll equal to One Half in addition to the Toll which might otherwise be demanded and taken for such Horse or other Carriage:

Ticket to be given to the Person paying Toll.

Which said respective Tolls shall be demanded and taken before any Horse or other Beast, Coach, Waggon, Wain, Cart, or other Carriage whatsoever, or Drove of Oxen, Cows, or other Neat Cattle, Calves, Swine, Sheep, or Lambs, shall be permitted to pass through any Turnpike or Toll Gate, Bar or Chain, erected or to be erected upon the said Roads by virtue of this Act, or upon or across any Lane or Way leading into the same; and upon the Payment of any of the said Tolls, 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.

Exemptions by 55 G. 3. not to be affected.

XX. Provided always, and be it further enacted, That all Waggons, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases, and the Horses and other Cattle drawing the same*, shall and have enjoy the Privileges and Exemptions granted thereby.

Repeal of Power to require Officers to account on Oath.

XXI. And be it further enacted, That so much of the said recited Act of the Twenty-ninth Year of His late Majesty as directs or requires any Receivers, Collectors, Surveyors, or other Officers or Persons to account upon Oath, and subjects them to any Penalty for refusing to verify their Accounts upon Oath, and as authorizes any Persons to administer any such Oath; and also so much of the said Act as directs, that if there shall be Two or more Turnpikes upon the said Roads the Tolls and Duties might be divided and allotted into so many Parts, and that such Parts should be taken and received at such of the said Turnpikes as the said Trustees should appoint, shall be and the same are and is hereby repealed and made void.

Tolls vested in Trustees.

XXII. And be it further enacted, That the said respective Tolls shall be and the same are hereby respectively vested in the said Trustees for carrying the said recited Acts and this Act into Execution, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, varied, reduced, assigned, and disposed of in such and the same Manner, and by the same Ways and Means, and with such Remedies for securing and enforcing the due Payment thereof, and with such Penalties for the Non-payment or Evasion of the same, and with such Powers, Provisions, and Regulations, as are contained in the said recited Acts with respect to the Tolls thereby authorized to be taken, except so far as the same Provisions, Regulations, Remedies, Penalties, and Exemptions are by this Act varied and altered.

Disputes as to Tolls to be settled by a Justice.

XXIII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining

to ſell ſuch Diſtreſs, or to retain the ſame, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of Toll due, and the Charges of ſeizing, diſtraining, keeping, or ſelling ſuch Diſtreſs (as the Caſe may happen), ſhall be aſcertained by a Juſtice of the Peace for the County, Riding, or Diſtrict wherein the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe, ſhall examine into the ſaid Matter upon Oath of the Parties, or any Witneſs or Witneſſes, and determine the Amount of the Toll due; and it ſhall be lawful for ſuch Juſtice to aſſeſs and award ſuch Coſts to be paid by either of the Parties to the other of them as he ſhall think juſt and reaſonable; and in caſe of Nonpayment thereof on Demand, ſuch Coſts ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Party liable to pay the ſame by Warrant under the Hand and Seal of ſuch Juſtice.

Toll Bar Keepers not incompetent Witneſſes.

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

Toll payable but once in Six Miles repealed, and payable but once in Five Miles.

XXV. And whereas it is by the ſaid recited Act of the Thirty-fourth Year of the Reign of His preſent Majeſty enacted, that no Perſon, having paid Toll at any Gate or Turnpike upon any Part of the Roads directed to be repaired by the ſaid Acts, ſhould on the ſame Day be ſubject or liable to the Payment of any further Toll for or in reſpect of any Horſe, Cattle, Beaſt, or Carriage for which Toll ſhould have been paid at any Gate or Turnpike within Six Miles from the Gate or Turnpike where ſuch Toll was paid: And whereas the Money ariſing upon the ſaid Roads hath been found inſufficient to enable the ſaid Truſtees to amend and keep the ſaid Roads in good Repair; be it therefore further enacted, That ſo much of the ſaid recited Act ſhall be and is hereby repealed: Provided nevertheleſs, that no Perſon, having paid any of the ſaid Tolls at any Gate or Turnpike erected or to be erected by virtue of the ſaid recited Acts and this Act, ſhall on the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), for or in reſpect of any Horſe, Beaſt, or Carriage for which ſuch Tolls ſhall have been paid, be ſubject or liable to the Payment of any further Toll at the ſame Gate or Turnpike, or at any other Gate or Turnpike erected or to be erected within Five Miles from the Gate or Turnpike where ſuch Toll ſhall have been ſo paid, upon producing a Ticket denoting that ſuch Toll hath been paid on that Day; all which Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of ſuch Toll; and each Ticket delivered ſhall be provided by the ſaid Truſtees, and ſhall ſpecify the ſeveral Gates through which any Perſon having once paid Toll ſhall be allowed to paſs without again paying Toll on the ſame Day, and ſuch Ticket ſhall alſo name or ſpecify the ſeveral and reſpective Turnpikes or Toll Gates freed by ſuch Payment.

Exemption from Toll.

XXVI. And be it further enacted, That from and after the Firſt Day of *January* One thouſand eigh thundred and twenty, all the Exemptions from Toll granted and allowed by the ſaid recited Acts, or any of them, ſhall ceaſe,

ceaſe, and in lieu thereof the ſeveral Exemptions from Toll herein-after mentioned ſhall be allowed; (that is to ſay), no Toll ſhall be demanded or taken for any Horſe or Carriage belonging to or attending His Majeſty or any of the Royal Family; nor for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in 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 Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Roads, or any Bridges thereon, or any of the Roads or Bridges in the Townſhips or Pariſhes in which any Part of the ſaid Roads lie; or with Seed for ſeeding the Ground, or Hay, Turnips, Potatoes, Straw, or Corn in the Straw not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle or Carriage employed in 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 Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure (Chalk, Lime, and Limeſtone only excepted), employed in Huſbandry for manuring or improving Land; or for any Horſes or other Beaſts going to or returning from Plough or Harrow, or to or from Paſture or Watering Place, or going to be or returning from being ſhoed or farried; or from any Perſon or Perſons going to or returning from his, her, or their 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 any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Roads lie; or for any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes, or Carriages of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of Officers or Soldiers, or Militia or Local Militiamen on their March or on Duty; or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon 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 employed only in carrying or conveying or returning empty from carrying or conveying any ſick, wounded, or diſabled Officers or Soldiers; or for any Wain, Waggon, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, employed in conveying any Ordnance, Barrack, 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; or for any Horſe furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for or on the Days of Exerciſe, Inſpection, or Review; provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulation of ſuch Corps, at the Time of claim-

ing the Exemption; or for the Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes, or returning empty after having been ſo employed; or for any Horſe or Horſes, Coaches or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Hereford*, on the Days or Day of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon or Perſons 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 forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of the ſaid recited Acts and this Act; and the ſame ſhall be levied and recovered in the ſame Manner as other Penalties and Forfeitures are by the ſaid recited Acts and this Act, or any of them, empowered or directed to be levied and recovered.

Owners or Drivers of Waggons in the Service of His Majeſty, not ſubject to any Penalty for Overweight.

XXVII. 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, 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, or the Horſe or Horſes drawing the ſame, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to any ſuch Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the ſaid recited Acts and this Act contained to the contrary notwithſtanding.

Truſtees may call in and cancel old Mortgages, and may grant new ones.

XXVIII. And be it further enacted, That the ſaid Truſtees or any Seven or more of them may and ſhall, if thereunto required, receive in and cancel all or any Mortgages or Aſſignments now ſtanding out that were made by virtue of the ſaid recited Acts, or any of them, and give and execute another or others for the reſpective Sums therein mentioned inſtead and in lieu thereof reſpectively.

Application of Compenſation if amounting to 200l.

XXIX. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments which ſhall be purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Acts and this Act, of any Bodies Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Tenant for Life or Tenant in Tail, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Femes or Feme Covert, or other incapacitated Perſon or Perſons, ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Truſtees for executing this Act, 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

the Perſon or Perſons who would have been entitled to the Rents or Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, and Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and 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 and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſes or Settlements were made.

Where leſs than 200l. and above 20l.

XXX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in the Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Five or more Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved by 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 therefrom, may be applied in Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where Compenſation under 20l.

XXXI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled

entitled to the Rents and Profits of the Lands and Hereditaments ſo purchaſed, taken, or uſed as aforeſaid, in ſuch Manner as the ſaid Truſtees 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.

Purchaſe Money to be paid into the Bank of England in certain Caſes.

XXXII. 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 Lands or Hereditaments, to be purchaſed, taken, or uſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees; or in caſe the 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 or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees 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 Lands or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, 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 Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles, the Perſon in Poſſeſſion of the Lands, &c. to be deemed entitled thereto.

XXXIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of any 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 be lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt 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

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.

Court may order Expences to be paid by Truſtees.

XXXIV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Surveyors empowered to get Materials for repairing the Roads.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, or their Surveyor or Surveyors, or ſuch other Perſon or Perſons as he or they ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Stone, Gravel, Sand, or other Materials for making and repairing the ſaid Roads, or any Bridges, Culverts, Walls, or Fences neceſſary thereto, out of and from any Commons and Waſte Grounds, Common River, Brook or Pit, in any Pariſhes, Townſhips, or Places in which any Part of the Roads hereby directed to be repaired ſhall lie, or in any adjoining Pariſhes, Townſhips, or Places, without paying any Thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, and railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and it ſhall alſo be lawful for the ſaid Truſtees, or their Surveyor or Surveyors, and ſuch other Perſon or Perſons as aforeſaid, by Order of any Two or more Juſtices of the Peace for the County or Diſtrict in which the Lands ſhall be ſituate, to ſearch for, cut, dig, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private or incloſed Lands and Grounds of any Perſon or Perſons in any Pariſhes, Townſhips, or Places in which any Part of the ſaid Roads ſhall lie or be ſituate, or in any adjoining Pariſhes, Townſhips, or Places where the ſame may be had or found (ſuch Lands or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk, 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 ſame, and for any Damages done thereby to the Owners and Occupiers of the Grounds and Premiſes where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for repairing the ſaid Roads ſhall be carried, according to their reſpective Rights and Intereſts in the Premiſes, as the ſaid Truſtees ſhall deem reaſonable; and in caſe of any Difference between the ſaid Truſtees and the ſaid Owners or Occupiers, or any of them, concerning the Value of ſuch Materials and Damages, it ſhall be lawful for any Two Juſtices of the Peace for the County or Diſtrict in which the Lands ſhall be ſituate, on Seven Days Notice thereof in Writing being given by either Party to the other, or

left at their respective Places of Abode, to hear, settle, and determine the Matters of such Satisfaction and Damages.

Notice to be given to Occupiers of Land before Materials taken.

XXXVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away any Stone or other Materials for making or repairing the said Roads, or any Bridges, Culverts, Walls, and Fences, out of and from any inclosed Lands and Grounds, until Ten Days previous Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two or more Justices of the Peace acting for the County or Place wherein such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall not attend pursuant to such Notice, or shall attend, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to dig, gather, take, and carry away such Stones and Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent before such Justices as aforesaid, then and in such Case such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if the Occupier or his Agent had attended.

Penalty on Persons damaging or injuring the Road, or committing Nuisances thereon.

XXXVII. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Footway upon or on the Side of or adjoining to the said Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon or cause any Damage to be done to any such Causeway or Footway; or if any Person shall cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing (otherwise than upon Wheeled Carriages), or shall suffer any Timber, Stones, or other Thing, which shall be carried upon Wheeled Carriages, to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the said Roads or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads shall ride upon the Shafts or any other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Roads; or if any Person or Persons shall turn loose, or permit or suffer any Beast or Swine to run loose or stray, or graze or depasture, on the said Roads or on the Side or Sides thereof; or if any Person, after having blocked or stopped any Carriage whatsoever in going up any Hill or rising Ground, shall leave, or permit or suffer to be or remain on the said Roads, or any of them, the Stone or other Thing made use of in the blocking or stopping of such Carriage; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Roads, or play at Football, or any other Game or Games whatsoever, on any Part of the said

Roads, to the Annoyance of any Paſſenger or Paſſengers; or ſhall leave any Carriage (except in Caſes of Accident) upon or on the Side of the ſaid Roads longer than may be neceſſary to load or unload the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or if any Perſon or Perſons not being the Surveyor or Surveyors thereof, or authorized by him or them, ſhall lay any Timber, Stone, Lime, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon the ſaid Roads, or on the Side or Sides thereof, between the Road and Fences erected or to be erected on the Side thereof; or ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Roads, or the Sides thereof; or ſhall remove or carry away any Mud, Soil, or other Matter or Thing which ſhall have been ſcraped and placed thereon, or on the Sides thereof, under the Authority of the ſaid Truſtees or ſuch Surveyor or Surveyors, unleſs the ſame be done at ſuch Times, and under ſuch Regulations, as the Truſtees or their Surveyor ſhall direct; or if any Perſon or Perſons ſhall plough or break up any of the Soil between the Road and ſuch Fences as aforeſaid, for the Purpoſe of making Compoſt or Manure, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after directed.

Preventing Buildings or Trees being placed too near the Road or Side Branch.

XXXVIII. Provided always, and be it further enacted, That from and after the paſſing of this Act, no Building or Buildings ſhall be erected and built nearer than Fifteen Feet from the Centre of the ſaid Roads or either of them, nor ſhall any young Tree or Trees be hereafter planted or permitted to grow up within Fifteen Feet of the Centre of the ſaid Roads or either of them; and if any Buildings ſhall be erected, or any Trees planted contrary to the Directions aforeſaid, it ſhall be lawful for the ſaid Truſtees or any Three of them, or any Perſon or Perſons authorized by them, or any Five of them, to take down or cauſe to be taken down any ſuch Buildings or Tree as a public Nuiſance, and to remove the ſame, and every Part thereof, without making any Compenſation to the Owner or Owners for the Damages, Treſpaſs, or otherwiſe.

To prevent Encroachments by Fences.

XXXIX. And be it further enacted, That no Perſon or Perſons whatſoever ſhall make, erect, raiſe, or ſet any new Wall or Hedge, or Fence or Fences of Thorns or Quicks, in or upon any of the Lands or Grounds adjoining to the ſaid Roads, or either of them, nearer to the Centre thereof than Fifteen Feet; and that if any ſuch new Incloſure, Wall, Fence, or Hedge ſhall be made, it ſhall and may be lawful to and for the ſaid Truſtees or any Two of them, upon their View and Sight of ſuch new Incloſure, Wall, Fence, or Hedge, or for any Perſon or Perſons authorized by them, or any Five of them, from Time to Time, to order ſuch new Incloſure, Wall, Fence, or Hedge, to be levelled, thrown down, and removed, and to levy the Expence attending ſuch levelling, throwing down, and Removal, upon the Offender or Offenders, in the ſame Manner as any Penalties and Forfeitures are by the ſaid recited Acts or this Act directed to be levied.

For impounding Cattle or Swine ſtraying.

XL. And be it further enacted, That if any Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle, ſhall at any Time be found wandering, ſtraying, or lying about the ſaid Roads, or either of them, or any Part thereof reſpectively,

reſpectively, it ſhall be lawful for the Surveyor of the ſaid Roads, or ſome other Perſon or Perſons employed by him or by the ſaid Truſtees, to ſeize and impound every ſuch Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle, in the Common Pound (if any) of the Hamlet, Townſhip, Pariſh, or Place in which the ſame ſhall be found wandering, ſtraying, or lying about the ſaid Roads, or either of them, or any Part thereof, or in ſuch other Place or Places as the ſaid Truſtees or the ſaid Surveyor ſhall appoint, and the ſame there to detain until the Owner or Owners thereof ſhall for every and each Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle ſo impounded, pay the Sum of Two Shillings and Sixpence to the Perſon impounding the ſame, together with the reaſonable Charges and Expences of impounding and keeping the ſame; and in caſe the ſaid Penalty, Charges, and Expences ſhall not be paid within Five Days after ſuch impounding, it ſhall be lawful for the ſaid Truſtees, or the ſaid Surveyor, to ſell or cauſe to be ſold every ſuch Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle; and the Money ariſing from ſuch Sale, after deducting the ſaid Penalty, and the Charges and Expences of impounding and keeping and ſelling every ſuch Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle, ſhall be paid to the Perſon whoſe Property the ſame ſo ſold ſhall appear to have been.

Gates to open inwards.

XLI. And be it further enacted, That no Gate of any Park, Paddock, Field, or Incloſure whatſoever adjoining the ſaid Roads, ſhall be made to open into or towards any Part of the ſaid Road, or ſuffered to continue ſo to open, except the Hanging Poſt thereof ſhall be Twenty Feet at leaſt from the Centre of ſuch Part of the ſaid Road; and that it ſhall be lawful for the ſaid Truſtees or any Five or more of them, at a Meeting, to order all ſuch Gates as are now hung or erected, or may hereafter be hung or erected, and which open and ſwing outward towards the ſaid Road, to be altered and made to ſwing inwards; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or ſhall be conſtructed ſo as to open and ſwing outward towards the ſaid Road, contrary to the Meaning of this Act, ſhall not, within Ten Days after Notice to him, her, or them given, either perſonally or in Writing from the Clerk or Surveyor of the ſaid Road, cauſe ſuch Gate to be hung ſo that the ſame ſhall not open outward or ſwing toward the ſaid Road, or ſo that no Part of the Gate when open ſhall project over any Part of the ſaid Road, or any Footpath or Cauſeway belonging thereto, the Clerk or Surveyor of the ſaid Road is hereby authorized 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 thereof to any Juſtice of the Peace acting in and for the ſaid Riding, and Proof of ſuch Neglect or Default by the Oath of One credible Witneſs, pay to ſuch Clerk or Surveyor ſuch Sum as the ſaid Juſtice 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.

Penalty on permitting private Paſſages to evade Tolls.

XLII. And be it further enacted, That if any Perſon or Perſons whoſoever, owning or occupying any Lands or Tenements near to the ſaid Roads, or either of them, or any Part thereof reſpectively, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons (ſave and except his, her, or their Servant or Servants, or any Perſon or Perſons in his or their employ, or any of his, her, or their Family) to paſs through any incloſed

incloſed Ground, Gate, Paſſage, or private Way, with any Horſe, Beaſt, Cattle, or Carriage on which a Toll is by this Act impoſed, with an Intent to evade the Payment of the ſaid Toll; or if any Perſon or Perſons owning, going in, or driving any ſuch Carriage, or owning, riding, or driving any ſuch Horſe, Beaſt, or Cattle, ſhall therewith paſs through any ſuch Ground, Gate, Paſſage, or private Way (not being the Owner or Owners, Occupier or Occupiers thereof, nor any of his, her, or their Servant or Servants, or a Perſon or Perſons in his, her, or their Employ, or Part of his, her, or their Family), with Intent to evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons ſhall unload or cauſe to be unloaded any Goods or other Things, or ſhall take off or cauſe to be taken off any Horſe or Beaſt of Draught from any Carriage, before the ſame ſhall have paſſed through any of the Toll Gates already erected or to be erected by virtue of this Act; or having paſſed through any of the ſaid Toll Gates ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Roads, or either of them, with Intent to avoid or evade the Payment of any of the Tolls hereby impoſed; or ſhall forge, counterfeit, or alter or ſhall deliver to or receive from any other Perſon or Perſons (except the Perſon or Perſons appointed to receive the Tolls hereby made payable), any Note or Ticket with Intent to avoid or evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons liable to the Payment of any of the ſaid Tolls ſhall forcibly paſs or attempt to paſs any of the ſaid Toll Gates or Turnpikes without Payment thereof at ſuch Gate or Gates, each and every Perſon and Perſons in any Manner aforeſaid offending, and being thereof convicted on the Oath of one or more competent Witneſs or Witneſſes before one or more of His Majeſty's Juſtices of the Peace for the County, Riding, or Diſtrict wherein any ſuch Offence ſhall be committed (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter), ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; one Moiety thereof, when raiſed, ſhall be paid to the Informer, and the other Moiety to the Treaſurer to the ſaid Truſtees, to be applied for the Purpoſes of this Act.

Statute Work.

XLIII. And be it further enacted, That ſo much of the ſaid recited Acts as relate to the Performance of Statute Work on the ſaid Roads ſhall be and the ſame is hereby repealed; and that from and after the paſſing of this Act, all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing or amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace within their reſpective Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees or any Five or more of them, or by their Treaſurer, Clerk, or Surveyor by their Order, and alſo upon giving at leaſt Ten Days previous Notice in Writing to the Surveyors of the Highways of each and every Pariſh, Townſhip, or Place through which the ſaid Roads paſs, of ſuch Application, 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, Townſhips, or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, 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 to their

Treaſurer or Treaſurers; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, within Seven Days after the ſerving of ſuch Summons, of the Names of the ſeveral Perſons who within ſuch Pariſh, Townſhip, or Place are by Law ſubject or 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 paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as are or may be directed by any Law or Statute in force 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 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 on ſuch Parts of the ſaid Roads, within the ſaid reſpective Pariſhes, Townſhips, or Places, as the ſaid Truſtees or any Five or more of them, 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 be ſubject and liable to 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 Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, to be by him or them paid to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as ſuch 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 the ſaid recited Acts authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Five Days Notice in Writing given to or left for him, her, or them at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force for the Repair of the public Highways; and if any Perſon who ſhall come or be ſent 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 to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid as if he had neglected or refuſed to come, or 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 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, and ſhall knowingly or wilfully give in falſe or imperfect Liſts, or ſhall refuſe or neglect to collect or pay over

ſuch Compoſition Money, or any Part thereof, in Manner aforeſaid, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and all ſuch Statute Work may be compounded for, and the Compoſition Money recovered, as in the ſaid recited Acts is provided or mentioned in that Behalf.

For ſecuring tranſient Offenders.

XLIV. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put the ſame in Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers 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 apprehend and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and to take him, her, or them before any Juſtice of the Peace for the ſaid County of *Hereford*.

XLV. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt the ſaid recited Acts and this Act, or any of them, may cauſe the Conviction to be drawn up in the following Form of Words, or to the ſame Effect; (that is to ſay),

Form of Conviction.

'
' to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is con-
' victed before me, one of His Majeſty's Juſtices of the Peace for the
' ſaid County, by virtue of an Act of the Fifty-ninth Year of the Reign
' of King *George* the Third, intituled [*here ſet forth the Title of this Act,*
' *and ſpecify the Offence, and when and where committed*]. Given under
' my Hand and Seal the Day and Year firſt above written.'

Expences of this Act.

XLVI. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid and diſcharged by the Truſtees for putting the ſaid recited Acts and this Act into Execution, or any Five or more of them, out of any Money which hath ariſen by virtue of the ſaid recited Acts, or out of the firſt Monies which ſhall ariſe by virtue of this Act, together with lawful Intereſt for the ſame, from the Time of advancing or diſburſing the ſame.

Public Act.

XLVII. 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.

Term and Continuance of this Act.

XLVIII. And be it further enacted, That this Act ſhall commence on the Day the ſame ſhall receive the Royal Aſſent, and ſhall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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