ANNO QUARTO

# GEORGII IV. REGIS.

## *Cap.* xliii.

**An Act for making and maintaining a Turnpike Road from the Turnpike Road between the Town of *Mold* in the County of *Flint* and the Town of *Wrexham* in the County of *Denbigh*, to the Turnpike Road between the Town of *Ruthin* in the said County of *Denbigh* and the Town of *Wrexham* aforesaid, and also Two several Branches of Road therefrom. [23d *May* 1823.]**

WHEREAS the making and maintaining of a Turnpike Road, to commence from the present Turnpike Road between the Town of *Mold* in the County of *Flint* and the Town of *Wrexham* in the County of *Denbigh*, at or near a certain Dwelling House situate in the Township of *Leeswood* in the said County of *Flint*, and now in the Occupation of *Thomas Simpson*, called *Pont-Blyddyn*, otherwise *Pont-Blyddyn Public House*, and to terminate at the Turnpike Road between the Town of *Ruthin* in the said County of *Denbigh* and the Town of *Wrexham* aforesaid, at or near the *Crown Inn* in the Township of *Llan*, or *Treflan*, in the Parish of *Llandegla* in the said County of *Denbigh*; and also the making and maintaining of a Branch Road, to commence from the said intended Main Road near a Cottage called *Erwau*, in the Township of *Tryddyn* in the said County of *Flint*, and to terminate at the new

Turnpike Road between the Town of *Mold* aforesaid and the Town of *Ruthin* aforesaid, near to a Farm House situate in the Township of *Gwaen-Ffynnon* in the said County of *Denbigh*, and in the Occupation of *Abraham Francis*, called *Ffynnon-y-Berth*; and also the making and maintaining of another Branch Road, to commence from the said intended Main Road, near an Iron-stone Pit called *Davies's Pit*, in the said Township of *Tryddyn*, and to terminate at or near a certain Bridge called *Ffrith Bridge*, in the Townships of *Uchymynydd Isaf* and *Uchymynydd Ucha*, or one of them, in the said County of *Flint*, would be of great Advantage and Convenience to the Owners and Occupiers of Lands, and other the Inhabitants of the adjacent Country; and the said Turnpike Road would greatly facilitate the Communication between the City of *Chester* and the Market Town of *Bala* in the County of *Merioneth*, and other Towns and Places in the Neighbourhood thereof; and the said intended Roads would also greatly facilitate and be a great Convenience to the Carriage and Conveyance of Coal, Iron, and other Minerals from the Works in the Township of *Tryddyn* aforesaid to different Parts of the Country, and the same would otherwise be of great public Utility, inasmuch as the present Roads are in a very ruinous Condition, and in many Places narrow, incommodious, deep, hollow, circuitous, mountainous, and dangerous to Travellers and Carriages; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His
3 G. 4. c. 126. present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: 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
Trustees. Authority of the same, That all His Majesty's Justices of the Peace for the Time being acting for the respective Counties of *Flint* and *Denbigh*, together with Sir *Thomas Mostyn* Baronet, Sir *Stephen Richard Glynne* Baronet, Sir *Watkin Williams Wynn* Baronet, Sir *Robert Williames Vaughan* Baronet, Sir *Edward Pryce Lloyd* Baronet, Sir *John Williams* Baronet, the Right Honourable *Charles Watkin Williams Wynn*, the Honourable *Frederick West*, *William John Bankes*, *Abraham Ball*, *John Boydell*, *James Boydell*, *John Denton*, *Evan Davies* of *Llan Tryddyn*, *Richard Frederick West*, *Thomas Fitzhugh*, *Thomas Wynne Eyton*, *Henry Glynne*, *Richard Garnons*, *Ellis Hughes* of *Copy*, *Edward Hughes*, *Edward Jones Hughes*, *John Hutchinson*, *Philip Humberston*, *Wilson Jones*, *William Jones*, *Thomas Jones*, *John Jones* of *Accre*, *John Jones* of *Hafod*, *Ralph Lewis*, *Edward Mostyn Lloyd*, *Edward Lloyd* of *Rhagatt*, *Edward Lloyd* of *Leeswood*, *John Madocks*, *Richard Newcombe* Clerk, *Richard Parry*, *Benjamin Conway Potter* Clerk, *Richard Watkin Pryce*, *Henry Potts*, *Charles Potts*, *Cadwallader Blayney Trevor Roper*, *Charles Blayney Trevor Roper*, *William Richards*, *Thomas Roberts* of *Tryddyn*, *Richard Roberts*, *Robert Roberts*, the very Reverend *William Davies Shipley* Dean of *Saint Asaph*, *Hamelin Trelawney*, *William Makepeace Thackeray* Doctor of Medicine, *Gryffydd Howel Vaughan*, *Robert Williames Vaughan*, *Gwyllym Lloyd Wardle*, *Edward Lloyd Gwyllym Wardle*, *William Williams* of *Plasyward*, *Thomas Brock Yates*, *John Brock Yates*, *William Parry Yale*, and their Successors, shall be and they are hereby appointed the Trustees for making, maintaining, altering, widening, and from Time to Time diverting,

ing, turning, and otherwise improving and keeping in Repair the Roads herein-before mentioned and described, and for executing the Powers and Provisions of the said recited Act and this Act.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered, at their First Meeting to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the said recited Act, in addition to the Trustees hereby and by the said recited Act appointed; and such Trustees so elected, and being qualified according to the Directions of the said Act and this Act, shall be and are hereby invested with the same Powers and Authorities for executing this and the said recited Act, as if they had been hereby nominated and appointed.

Trustees to take an Oath truly to execute the Acts.

III. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act unless he shall be qualified in such Manner as in and by the said recited Act is directed and prescribed; and unless (being so qualified) he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said recited Act, and the Oath herein-after mentioned), take and subscribe before any One or more of the said Trustees an Oath, or being a Quaker, an Affirmation, in the Words or to the Effect following; (that is to say),

Form of the Oath.

'I *A. B.* do swear, [*or, being a Quaker*, do affirm], That I will truly, honestly, and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], and also an Act passed in the Third Year of the Reign of His said Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England. So help me GOD.'

Which Oath or Affirmation any one or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or 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, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; provided nevertheless, that no Act or Proceeding touching the Execution of the said recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by the said recited Act and this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

Extending the Powers of the said

IV. And be it further enacted, That all the Powers, Provisions, Exemptions, Penalties, Forfeitures, Remedies, Matters, and Things in the said recited

Act to this Act.

recited Act contained, shall extend, and be deemed, construed, and taken to extend to this Act, in as full, large, and ample a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same respectively were repeated and re-enacted in the Body of this Act, save and except where the same are, or any Part thereof is expressly altered or repealed by this Act.

First Meeting of the Trustees, and Power to appoint Officers.

V. And be it further enacted, That the First Meeting of the said Trustees shall be held at the House known by the Name or Sign of *Pont Blyddyn*, or at some other convenient House or Place in the Township of *Leeswood* in the said County of *Flint*, on the Third *Friday* next after the passing of this Act, or as soon after as conveniently may be; at which Meeting the said Trustees shall and may proceed in the Execution of the said recited Act and this Act, and shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors of the Tolls, and of all the Monies to be collected, or which shall or may be due and payable under or by virtue of the said recited Act and this Act, and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Roads, and all such other Officers as they the said Trustees shall think proper; and that they the said Trustees shall and may from Time to Time remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers, or any of them, when and as often as they shall see occasion, and appoint others in their Stead, as to the said Trustees shall seem proper; and the said Trustees shall and may, out of the Tolls and other Monies to be collected and received under or by virtue of the said recited Act and this Act, make such Allowance, by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for and in consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said recited Act and this Act, as to the said Trustees shall seem proper.

Clerk and Treasurer not to be the same Person.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under this Act, other than that of Treasurer, every such 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, with full Costs of Suit, in any of

His

His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Power to erect Turnpikes and Toll Gates.

VII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized to erect or cause to be erected such Toll Gates, Bars, or Turnpikes in, upon, or across the said Roads, by this Act authorized to be made, or in, upon, or across any Part or Parts thereof, or upon or near the Side or Sides thereof, or across any Street, Lane, or Way leading into or out of the same, as they shall think proper, together with such Toll House or Toll Houses, and other Conveniences adjoining or near to the said respective Toll Gates, Bars, or Turnpikes, as to them shall seem meet or expedient; and that the respective Tolls following shall be demanded and taken at all such Toll Gates, Bars, or Turnpikes respectively before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mule, or other Beast drawing any Carriage whatsoever, the Sum of Sixpence:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

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:

And 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:

Tolls vested in the Trustees.

Which said Tolls and all other Tolls authorized to be taken upon the said Roads, and all Monies arising by virtue of the said recited Act and this Act, shall be and the same are hereby vested in the said Trustees, and shall and may be levied and recovered in the Manner directed by the said recited Act.

Tolls to be paid only Once a Day.

VIII. Provided always, and be it further enacted, That no Person shall be liable to pay Toll more than Once in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), for passing or repassing with the same Horses, Cattle, Beasts, or Carriages through all or any of the Turnpikes or Toll Gates maintained and supported by virtue of the said recited Act and this Act; but that all and every Person and Persons, after having paid Toll Once as aforesaid, and producing a Note or Ticket or Notes or Tickets denoting the Payment of such Toll, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages Toll-free during such Day, to be computed as aforesaid, through all and every the Gate and Gates, Turnpike and Turnpikes erected on the said Roads, or across any Road or Way leading out of the same (except as herein-after mentioned); and all the respective Collectors of the Tolls are hereby required to deliver such Notes or Tickets *gratis*, on Receipt of the Toll in manner aforesaid.

Stage Coaches, Caravans, and Post Chaises to pay every Time of passing.

IX. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turn-

pike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Turnpike or Toll Gate in like Manner as if no Toll had been before paid, and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day with a Ticket denoting a fresh Hiring.

One-half only of the Tolls to be taken for Carriages conveying Limestone to be used for improving Land.

X. And be it further enacted, That no Person shall be liable to any more than One-half of the Tolls hereby granted for or in respect of any Horse, Mule, or other Beast of Draught drawing any Waggon, Cart, or other Carriage of the like Nature, laden with Limestone to be used solely for the Improvement of Land, or in going for or returning empty after having been laden with such Limestone, any thing in this or the said recited Act to the contrary notwithstanding.

Power to sell Toll Houses when they are not wanted.

XI. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land, as is by the said recited Act directed to be given where any Piece or Pieces of Ground, or old Road not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Enabling Trustees to borrow Money from the Commissioners for the Issue of Exchequer Bills.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them present at any Meeting or Meetings to be held by them under the Provisions of the said recited Act and this Act, to borrow of and from the Commissioners for carrying into Execution an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty, and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, such Sum or Sums of Money as the Majority of the said Trustees present at such Meeting or Meetings may deem expedient for the Purposes of the said recited Act and this Act, or either of them, upon Mortgage or Assignment of all

Tolls to arise on the Roads in this Act mentioned or referred to, and the Toll Gates and Toll Houses to be erected for collecting the same, with their Appurtenances, subject nevertheless to such of the Provisoes and Conditions particularly mentioned and expressed in the said last herein-before mentioned Act, and the Acts therein recited and referred to, and in such Form as the said Commissioners shall direct and appoint.

Mortgages granted to the Commissioners for the Issue of Exchequer Bills to have Priority over other Mortgages.

XIII. And be it further enacted, That any Mortgage or Assignment which shall be given by the said Trustees to the said Commissioners, shall have Priority over and shall precede all other Mortgages and Securities which shall be granted by the said Trustees, any thing contained in the said recited Act, or this Act, or in any Mortgage or Security which shall be granted under the Powers thereof, to the contrary in anywise notwithstanding.

Application of Tolls.

XIV. And be it further enacted, That all the Tolls and other Monies to arise by virtue of the said recited Act and this Act, shall be applied in the first Place, and in preference to all other Payments whatsoever, in paying and defraying the Charges and Expences incident or in anywise relating to the obtaining and passing of this Act, and then in the Payment of Interest upon the Money to be borrowed for the Purposes thereof, and of the Salaries and Allowances to the Treasurers, Clerks, Collectors, Surveyors, and other Officers and Persons for the Time being employed by the said Trustees, and in paying and defraying all other Charges, Sums of Money and Expences to be incurred or occasioned in or relating to the Execution of this and the said recited Act, and also in repaying the principal Sum or Sums of Money to be borrowed upon the Credit of the Tolls by the said recited Act and this Act granted, and to and for no other Use or Purpose whatsoever.

Power to set out and make the Roads.

XV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to set out and make the said Roads herein-before mentioned and described, in such Manner as to them shall seem right and proper, and for that Purpose to take and use any Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments, they the said Trustees first making Satisfaction to the Owners and Occupiers of such Lands, Grounds, Houses, Erections, Buildings, Tenements and Hereditaments, or such Part or Parts thereof as they the said Trustees may require for making and constructing the said Roads; such Satisfaction, in case of any Difference concerning the same, to be settled and ascertained by a Jury in Manner directed and prescribed in and by the said recited Act.

A Map or Plan of the Roads deposited with the Clerks of the Peace to remain there for the Inspection of the Parties interested, &c.

XVI. And whereas a Map or Plan, describing the Lines of the said Roads, and of the Lands and Premises through which the same are to be made or carried, together with Lists of the Names of the Owners and Occupiers, or reputed Owners and Occupiers of such Lands and Premises, have been deposited at the Offices of the Clerks of the Peace for the said Counties of *Flint* and *Denbigh* respectively; be it therefore further enacted, That the said Map or Plan, and Lists, shall remain in the Custody of the Clerks of the Peace for the said Counties respectively, to the End that all Persons may at seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will

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and Pleasure, (paying the respective Clerks of the Peace for the Time being a reasonable Compensation for making such Copies or Extracts); and that the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent in Writing first had and obtained of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Trustees to make the Roads conformably to such Plan, &c. notwithstanding any Errors or Omissions.

XVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is, or are, or may be Owner or Owners, or Occupier or Occupiers of Lands and Premises through or over which the same are set out and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan, or Lists, in case it shall appear to any One or more Justice or Justices of the Peace of the County or Place where such Lands or Premises shall or may respectively be, and be certified by Writing under his or their Hand or Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be injured.

XVIII. Provided also, and be it further enacted, That the Powers and Authorities hereby, and by the said recited Act given or granted, shall not extend or be construed to extend to authorize or empower the said Trustees, in making the said Roads, to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Regulations as to the Performance of Statute Work.

XIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereunto, 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 empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Roads do lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several

several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do 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 as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees or their Treasurer or Treasurers such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors 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 and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who 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 turn off 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 refused or neglected 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 or Treasurers to the said Trustees, and applied towards amending the said Roads, and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or wholly neglect to give in such Lists as aforesaid, or 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 Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace of the County or Place where such Offence shall be committed, on Complaint made to such Justices by the Surveyor to the said Trustees.

**In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods vested in such Trustees or their Treasurer.**

XX. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that the said Treasurer shall and may retain, out of any Monies which may come into his Hands in pursuance of this Act, all such Costs, Charges, Damages, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

**Power for the Trustees to contract for setting out, making, and repairing the said Roads.**

XXI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are and is hereby empowered to contract and agree with any Person or Persons for setting out, making, altering, widening, repairing, or otherwise improving the Roads by this Act authorized to be made, or any Part or Parts thereof, or for doing any other Work to be performed in the Execution of this and the said recited Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing entered into by or in pursuance of any Order of the said Trustees with any Workman or Workmen, or any other Person or Persons, relating to any Matter or Thing to be done by virtue of this or the said recited Act, shall be binding upon all such Parties and Persons who shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, for the Time being, and in his or their Name or Names respectively, and Damages and Costs be recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum or

Sums of Money as shall or may be requisite for setting out, making, or repairing the said Roads, or for doing any other Matter or Thing to be done by virtue of this or the said recited Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against any such Party or Person, Parties or Persons respectively, so as aforesaid making Default in the Fulfilment of his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Mines reserved to the Owners of Lands.

XXII. Provided always, and be it further enacted, That all Mines of Lead Ore, and all Mines, Veins, Beds or Seams of Coal, Iron Stone, and other Minerals whatsoever, which shall be discovered or found in or under any Lands to be appropriated to the said Roads by virtue of this Act, shall be and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who would have been seised of or entitled to the same in case this Act had not been made; with Liberty for him, her, or them, or his, her, or their respective Agents or Servants, to dig for, mine, and work the same in such Manner as is usual for carrying on Works of that kind in the District or Place where such Mines, Coal, or other Minerals shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the Working thereof no Damage shall be done to the said Roads or any Part thereof.

Public Act.

XXIII. 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.

Commencement and Continuance of this Act.

XXIV. And be it further enacted, That this Act shall commence upon the First *Monday* next after the passing thereof, and shall be and continue in full force and effect for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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