ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. cxxi.

An Act to repeal so much of an Act of the Fortieth Year of His present Majesty, for repairing certain Roads in the County of *Monmouth*, as relates to the *Pont Pool* and *Usk* Districts of Road, and for granting other Powers in lieu thereof, and for making a new Branch of Road from the said *Usk* District. [2d *July* 1819.]

WHEREAS an Act was passed in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing, widening, and improving the Road from the Village of* Magor *to the Bridge Foot in the Town of* Chepstow, *in the County of* Monmouth, *and several other Roads in the Counties of* Monmouth, Gloucester, Hereford, *and* Brecon, to continue in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas by the said Act the Roads therein mentioned were subdivided into Eight Districts or Divisions, and a certain Part of the said Roads extending or leading from the Head of *Lantarnam Lane*, through *Red Lane* to *Ponty Pool*, and from thence to *Monkhouse Gate*, and from *Tredunnock* Church, through the Parishes of *Tredunnock*, *Langibby*, *Landegveth*, *Lanthewy*, and *Panteague*, to the Highway between *Cross y Cylog* and the New Inn, in the Turnpike Road leading from *Carleon* to *Ponty Pool*; and also so much and such Parts of

the Roads which then formed Part of the Districts of *Abergavenny* and *Usk*, as lay within the Parish of *Lanvihangel Pontymoil*, in the County of *Monmouth*, were constituted the Fifth District or Division, under the Name or Title of 'The District of *Pont Pool*;' and a certain other Part of the said Roads, extending or leading from *Clytha* by *Trostrey* through *Usk*, and through the Parish of *Gwemesney* to the *Four Ashes*, towards *Monmouth*, and from the Cross Lanes in the Parish of *Lantrissent* through *Usk*, by *Lanbaddock* and *Langibby*, to *Court Blethin*, and from a Place called *Monkshouse Gate*, to and through the Town of *Usk*, to that Part of the High Road leading through Part of *Ragland*, from *Chepstow* to *Abergavenny*, and from the *Four Ash Gate* by *Pontelyvon*, by the Almshouses at *Coed Cunner*, by *Trevella*, by *Tuyvree*, over *Earls Wood*, to *Shire Newton* Church, and from *Langibby* Church through the Parish of *Tredunnock*, over *New Bridge* by the *Loyna*, to a Place called the *Great Farm*, on the Road leading up *Pen-y-Caemawr*, in the Parish of *Lantrissent*, and from *Monks Wood* Chapel to the Turnpike Road in the Parish of *Goytree*, leading from *Pont Pool* to *Abergavenny*, in the County of *Monmouth*, were constituted the Seventh District or Division, under the Name or Title of 'The District of *Usk*:' And whereas the Trustees appointed in and by virtue of the said Acts have proceeded to put the same into Execution, so far as relates to the said Two Districts of Road, and the said Roads have been repaired, widened, and improved, and considerable Sums of Money have been borrowed on the Credit of the Tolls arising therefrom, which still remain unpaid: And whereas since the passing of the last recited Act, in pursuance of an Agreement between the Trustees of the said Two Districts respectively, the Trustees acting in and for the said District of *Pont Pool* have also taken upon themselves to repair that Part of the Road in the District of *Usk* which extends from *Monkhouse Gate*, in the Parish of *Mamhilad* to *Pont Peer* Bridge, in the same Parish: And whereas it would be a great Benefit and Convenience to the Neighbourhood and the Public if a New Branch of Road were made: And whereas the said New Road cannot be made, nor the other Roads in the said Districts of *Pont Pool* and *Usk* kept in good Repair, nor can the Principal Monies already borrowed or hereafter to be borrowed on the Credit of the said Tolls, and the Interest thereof, be paid, unless the said Acts be repealed, so far as relates to the said Two Districts, and unless further and other Powers be granted in lieu thereof: 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 from and after the Twenty-fifth Day of *June* One thousand eight hundred and nineteen, the said recited Act, so far as respects the said Districts of *Pont Pool* and *Usk*, and the Roads therein comprised, shall be and the same is hereby repealed, and instead thereof this Act shall commence and take effect, and be put in Execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, keeping in Repair, and improving the several Roads in the said last recited Act described, and comprised in the Fifth and Seventh or the *Pont Pool* and *Usk* Districts, and for the Purpose of making the said New Branch of Road herein-before particularly mentioned; and that this Act, and all the Tolls which shall be collected on the said Roads, shall be and are hereby made subject and liable to the Payment of all Sums now due and owing on the Credit, or

Former Act repealed, and this Act to commence.

on the Account of the ſaid recited Act, and to the Payment of all Money which ſhall or may hereafter be borrowed or become due on the Credit of this Act, and of all Intereſt due or to grow due in reſpect of the ſame reſpectively.

Diſtricts of Roads.

II. And be it further enacted, That ſuch of the ſaid Roads herein-before particularly mentioned and deſcribed, as by the ſaid Act were ſubdivided into and conſtituted the Diſtrict of *Pont Pool*, and the ſaid Road extending from *Monkhouſe Gate* to the *Pont Peer* Bridge, both in the Pariſh of *Mamhilad*, ſhall be deemed and conſtrued to be compriſed in and to conſtitute a ſeparate Diſtrict, by the Title of 'The Diſtrict of *Pont Pool*;' and that ſuch of the ſame Roads as by the ſaid Act were ſubdivided into and conſtituted the Diſtrict of *Uſk*, (ſave and except the ſaid Road extending from *Monkhouſe Gate* to *Pont Peer* Bridge, both in the Pariſh of *Mamhilad*,) together with the intended New Branch of Road above deſcribed, ſhall be deemed and conſtrued to be compriſed in and to conſtitute a ſeparate Diſtrict by the Title of 'The Diſtrict of *Uſk*.'

Truſtees.

III. And be it further enacted, That all His Majeſty's Juſtices of the Peace, acting in and for the County of *Monmouth* for the Time being, together with *Charles Herbert Croft*, *Evan Davis*, *William Davis*, *Thomas Edwards*, *Charles Thomas Edwards*, *Thomas Evans*, *Walter Evans*, *Watkin George* ſenior, *Watkin George* junior, *William Griffith*, *Capel Hanbury Leigh*, *John Lawrence*, *William Morgan* of *Mamhilad*, *William Morgan* of *Graigwith*, *John Morgan*, *Edward Harris Phillips*, *John Probert* Clerk, *Evan Rees*, *Robert Smith*, *William Stephens*, *Charles Hanbury Tracy*, *Daniel Williams*, *Edmund Williams*, *John White*, and *Charles Williams*, and their Succeſſors, to be elected in the Manner herein-after mentioned, ſhall be, and they are hereby appointed Truſtees for repairing, maintaining, and improving the Road within the ſaid Firſt Diſtrict, and for otherwiſe carrying into Execution all the Powers and Authorities in and by this Act given and granted; and that all His Majeſty's Juſtices of the Peace, acting in and for the County of *Monmouth* for the Time being, together with *Golthurſt Bateman*, *Bateman*, *Bateman*, *Edward Bowyer*, *Thomas Chambers*, *James Barnard Davies* Clerk, *Michael Davis*, Sir *Samuel Brudenel Fludyer* Baronet, *Samuel Fludyer*, *Benjamin Jones* Clerk, *William Jones*, *Edward Jones*, *Henry Wybourne Jones*, *Alexander Jones*, *Thomas Jones*, *John Kemeys*, *Gardner Kemeys*, *Ebenezer Ludlow*, *Samuel Lewellyn*, *Henry Matthews*, *William Matthews*, *Aſhton Nicholas Moſley*, *William Morgan*, *Francis M'Donnell*, *Iltyd Nicholl*, *Iltyd Nicholl* junior, *George Whitelock Nicholl*, *John Overend*, *William Powell* Clerk, *Thomas Prothero* ſenior, *Samuel Browne Prothero*, *Edward Prothero*, *John Pyrke*, *Richard Reece* ſenior, *Thomas Reece*, *John Saunders* Clerk, *Thomas Saunders*, *John Shepard*, *William C. Smythies*, *William Addams Williams* ſenior, *William Addams Williams* junior, *John Addams Williams* Clerk, *John Addams Williams* junior, *Trevor Addams Williams*, *Frederick Addams Williams*, *Edward Addams Williams*, *Thomas Addams Williams* Clerk, *Thomas Williams*, *George Williams*, *Robert Francis Woollett*, *Thomas Woollett*, *John Watkins*, *Alexander Waddington*, and *Robert Yarworth*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for repairing, maintaining, and improving the Road within the ſaid Second Diſtrict,

District, and for otherwise carrying into Execution all the Powers and Authorities in and by this Act given and granted.

Electing more Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees for each of the said Districts of Road, or any Five or more of them, at a Meeting to be held for that Purpose, of which Meeting, and the Purpose thereof, Fourteen Days Notice shall be given in Manner herein-after directed respecting the Appointment of Trustees on Vacancies, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Ten, for each of the said Districts, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so to be appointed shall have the same Powers as if they had been nominated and appointed in and by the said Act or this Act.

Appointing new Trustees.

V. And be it further enacted, That when and as often as any Trustee or Trustees within either District shall die, remove, or refuse or neglect to act, or refrain from acting for Two successive Years, it shall and may be lawful for the Trustees acting for such District respectively, or any Five or more of them, by any Writing or Writings under their Hands and Seals, at their next or any subsequent Meeting, to nominate and appoint One or more fit Person or Persons, qualified as herein-after mentioned, for the respective Districts, in the room of such Trustee or Trustees so deceased, removed, or refusing or neglecting to act, or refraining from acting (Notice of the Time and Place of Meeting for such Election being affixed in Writing on all the Turnpikes erected and set up within such District respectively, at least Twenty-one Days before the Meeting for such Election); and all and every such Person and Persons, so from Time to Time to be chosen and appointed, shall be and are hereby empowered to execute the Powers hereby given, in as full and ample Manner as the Trustees hereby appointed.

Qualification of Trustees.

VI. And be it further enacted, That no Person shall be capable to act as a Trustee in any of the said Districts in the Execution of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Eighty Pounds above Reprizes, situate, lying, and being in the County of *Monmouth*, or shall be Heir Apparent of some Person having an Estate of the Yearly Value of One hundred and fifty Pounds, situate as aforesaid, or possessed of or entitled to Personal Estate, or Real and Personal Estate together, of the Value of Three thousand Pounds; and that all Persons who shall claim to act shall reside in some one or other of the Parish or Parishes through which any of the Roads of the District in which he shall claim to act shall pass or enter, or in which any of the Gates of the said District shall be erected; and if any Person or Persons not being qualified, or not residing within such Parish or Parishes as aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person and Persons shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Suit or Information,

Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified or capable of acting, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons, acting as a Truſtee or Truſtees in the Execution of this Act (although not duly qualified as aforeſaid), previouſly to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

All Acts of Truſtees not qualified, if done before Conviction, valid.

VII. And be it further enacted, That every Truſtee appointed, or to be elected and appointed by virtue of this Act, before he ſhall act as ſuch (except in adminiſtering the Oath or Affirmation herein-after mentioned), ſhall take and ſubſcribe an Oath or Affirmation before Two or more of the ſaid Truſtees, (who are hereby empowered to adminiſter the ſame), in the Form or to the Effect following; (that is to ſay),

Truſtees to take an Oath.

'I *A. B.* do ſwear [*or* affirm,] That I am, in my own Right, [*or* in the Right of my Wife,] truly and *bonâ fide* ſeiſed or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, of the clear Yearly Value of Eighty Pounds above Reprizes; [*or*, am Heir Apparent of a Perſon truly and *bonâ fide* ſeiſed or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments of the clear Yearly Value of One hundred and fifty Pounds above Reprizes; *or* am truly and *bonâ fide* poſſeſſed of a clear Perſonal Eſtate, *or* of a clear Real and Perſonal Eſtate together, of the Amount or Value of Three thouſand Pounds, *as the Caſe may be.*] So help me GOD.'

VIII. And be it further enacted, That the ſaid Truſtees for the ſaid Firſt Diſtrict of Road ſhall meet and aſſemble at the Town Hall in the Town of *Uſk*, in the County of *Monmouth*, upon the Fifth Day of *July* One thouſand eight hundred and nineteen; and the ſaid Truſtees for the ſaid Second Diſtrict of Road ſhall meet and aſſemble at the ſaid Town Hall, on the ſaid Fifth Day of *July* One thouſand eight hundred and nineteen; and the ſaid reſpective Truſtees ſo aſſembled ſhall and may then and there, or at any other Meeting or Meetings to be afterwards held by them, either adjourn themſelves to and appoint any other Time or Times, Place or Places, in or near to the ſeveral Roads lying and being within the Diſtricts running through the Pariſh or Pariſhes wherein they ſhall reſpectively inhabit and reſide, in order to put this Act in Execution within the ſaid Diſtricts reſpectively, as to the ſaid reſpective Truſtees aſſembled at any ſuch Meeting, or the major Part of them, ſhall ſeem requiſite and expedient.

General Meeting.

IX. And be it further enacted, That all the Acts, Matters, and Things relative to the Execution of this Act, may be done and executed by the Majority of the Truſtees preſent at their reſpective Meetings, the whole Number preſent not being leſs than Five; and all Acts, Matters, and Things, done or executed by ſuch Majority of the Truſtees at ſuch Meetings, ſhall be as good, valid, and effectual, as if the ſame had been done

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

done by all the Truſtees herein named and appointed, except in Caſes herein particularly directed to be done and executed by any greater or leſs Number of them.

Notice to be given of Meetings.

X. And be it further enacted, That in all Caſes where any Meeting of the ſaid reſpective Truſtees ſhall be held in conſequence of the Powers given them by this Act (except in caſe of Adjournment), Fourteen Days Notice thereof at the leaſt ſhall be affixed in Writing on all the Turnpikes erected or to be erected within the ſaid Diſtricts reſpectively, as the Caſe ſhall be; and in caſe at any Time appointed for the Meeting of the Truſtees of either of the ſaid Diſtricts, a ſufficient Number of Truſtees to act at ſuch Meeting ſhall not attend, then the Clerk or Clerks to the ſaid reſpective Truſtees, or any One Truſtee preſent, ſhall, by public Notice in Writing, to be affixed on all the Turnpikes erected or to be erected within the Diſtrict, appoint the ſaid Truſtees reſpectively to meet on that Day Fortnight at the Houſe or Place where ſuch Meeting was appointed to have been held, or at ſome other convenient Houſe or Place in or near the ſaid Diſtrict of Road.

Truſtees to pay their own Charges.

XI. And be it further enacted, That the ſaid Truſtees ſhall at all their Meetings defray their own Charges and Expences; and all Orders and Determinations of the ſaid Truſtees in the Execution of this Act ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe (except as herein-after provided); and that no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent ſhall concur therein: Provided always, that no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act in any Caſe where he ſhall be perſonally intereſted.

Juſtices, notwithſtanding they are Truſtees, may act as ſuch in Caſes relating to this Act.

XII. And be it further enacted, That it ſhall and may be lawful to and for any acting Juſtice or Juſtices of the Peace for the County of *Monmouth*, to act as ſuch in all Caſes, Matters, and Things, as may be neceſſary for the putting in Execution the ſeveral Authorities and Powers in this Act mentioned and contained, notwithſtanding ſuch Juſtice or Juſtices ſhall or may happen to be a Truſtee or Truſtees for putting this preſent Act into Execution.

Truſtees not to accept of Places of Profit.

XIII. And be it further enacted, That no Perſon or Perſons appointed or to be appointed by this Act a Truſtee or Truſtees for putting the ſame into Execution, ſhall have or accept of any Place or Employment of Profit, or concerned or intereſted in any Contract or Contracts under this Act; but ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting, and during the Enjoyment of ſuch Place, or whilſt concerned or intereſted in any ſuch Contract or Contracts as aforeſaid, and for Twelve Months afterwards; and that no Victuallers, &c. not to enjoy Places of Profit.

Innkeeper or other Perſon who ſhall ſell Ale, Beer, Cyder, Perry, Wine, or any Sort of Spirituous Liquors by Retail, ſhall act or be capable of taking, holding, or enjoying any Place of Truſt or Profit under this Act.

Meetings on emergent Occaſions.

XIV. And be it further enacted, That if after any Adjournment of the Truſtees of either of the ſaid Diſtricts, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting for ſuch Diſtrict ſhall be appointed than the Day to which ſuch Meeting ſhall be adjourned, the

Clerk or Clerks to the Truſtees of ſuch Diſtrict, upon an Order in Writing ſigned by the Truſtees of ſuch Diſtrict, mentioning the Time and Place of ſuch Meeting, ſhall forthwith give Notice in Writing, to be affixed upon all the Turnpike Gates then erected within the Diſtrict in reſpect of which ſuch Meeting ſhall be held at the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, expreſſing therein the Purpoſe for which ſuch Meeting is intended to be held (ſuch Time not being leſs than Seven Days after ſuch Notice); and all Proceedings of the Truſtees at ſuch Meeting ſhall be as valid as they would have been in caſe the ſaid Truſtees of ſuch Diſtrict had met in purſuance of any Adjournment; but no other Buſineſs ſhall be proceeded upon but what ſhall have been ſpecified in ſuch Notice.

No Order to be revoked unleſs by Nine Truſtees.

XV. And be it further enacted, That no Order made by the Truſtees of either of the ſaid Diſtricts ſhall be revoked or altered, unleſs Nine Truſtees at the leaſt of the ſame Diſtrict ſhall be preſent, and concur therein, at a Meeeing to be held for that Purpoſe for the particular Diſtrict reſpecting which ſuch Order ſhall have been made, of which Alteration Ten Days Notice ſhall be given by an Entry thereof, to be made in their Book of Proceedings at a previous Meeting.

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

XVI. And be it further enacted, That the Truſtees acting for the ſaid reſpective Diſtricts may in all Caſes ſue or be ſued in the Name of their reſpective Clerk or Clerks; and that no Action which may be brought or commenced, or Indictment preferred or proſecuted by or againſt the ſaid Truſtees, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Clerks, ſhall abate or be diſcontinued by the Death, Removal, or Act of ſuch Clerk or Clerks, without the Conſent of the ſaid reſpective Truſtees; but the Clerk to the Truſtees of each reſpective Diſtrict for the Time being ſhall always be deemed Plaintiff, Proſecutor, or Defendant, in ſuch Action or Indictment, as the Caſe may be; and that every ſuch Clerk, in whoſe Name any Action, Indictment, or Suit ſhall be commenced, preferred, proſecuted, or defended, in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to be raiſed by virtue of this Act in ſuch Diſtrict in which he or they ſhall act as Clerk or Clerks, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put to or become chargeable with by reaſon of his being made Plaintiff or Defendant therein.

Former Officers may execute this Act.

XVII. Provided always, and be it enacted, That all the Officers appointed by virtue of the ſaid former Act ſhall and are hereby authorized to act in the Execution of this Act, until they ſhall be removed or others appointed in their Stead; and that all Agreements, Contracts, and Orders made by virtue of the ſaid former Act ſhall ſtand and be as valid to all Intents and Purpoſes as if made by virtue of this preſent Act until altered or revoked by the Truſtees hereby appointed.

Clerk not to be Treaſurer, and vice verſâ.

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

appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed.

Accounts to be kept of Receipts and Diſburſements.

XIX. 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 this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Road, and of the ſeveral Articles, Matters, and Things for which any 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 any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall or may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees, or ſuch Creditors, or any of them, to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner in the ſaid Act directed.

Truſtees may appoint Officers;

and may remove them and appoint others in caſe of Sickneſs or Death.

XX. And be it further enacted, That the ſaid Truſtees within their reſpective Diſtricts may and are hereby empowered to continue the preſent Clerks and Treaſurers, Collectors, Surveyors, and other Officers, or to remove them, any or either of them, and from Time to Time afterwards, when they ſhall think fit, to remove any other of their Clerks, Treaſurers, Collectors, Surveyors or other Officers; and upon ſuch Removal, or when any of them ſhall die, miſbehave, or reſign their Office, or be incapable of performing it, they the ſaid Truſtees within their reſpective Diſtricts may by Writing under their Hands appoint One or more fit Perſon or Perſons to be their Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and Surveyor or Surveyors of the Diſtricts of Roads, in the Room of ſuch of the ſaid Officers as they ſhall think proper to remove, or that ſhall die, miſbehave, or reſign their Office, or be incapable of performing it, and ſhall take ſuch Security for the due Execution of their reſpective Offices, as they the ſaid Truſtees within their reſpective Diſtricts ſhall think proper; and may by and out of the Tolls allow and pay to ſuch Clerks, Treaſurers, Collectors, and Surveyors, and to ſuch other Perſons as ſhall be aiding or aſſiſting them in their reſpective Offices, or that ſhall be anywiſe employed in the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their reſpective Attendance, Care, and Service, as to the ſaid Truſtees ſhall ſeem reaſonable; and the ſaid Truſtees reſpectively ſhall and they are hereby required

Truſtees to allow Officers Salaries and take Security from them.

to

to take good and ſufficient Security from ſuch Treaſurers and Collectors reſpectively, for the faithful Execution of their Offices; and all ſuch Officers and Perſons ſhall, from Time to Time, when thereunto required, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as the ſaid Truſtees ſhall for that Purpoſe appoint, a true and perfect Account in Writing, under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected, or received, and how and to whom, and for what Purpoſes the ſame and every Part thereof ſhall have been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments; and all ſuch Officers and Perſons ſhall and are hereby reſpectively required to pay all ſuch Monies, as upon the Balance of ſuch Account or Accounts ſhall appear to be in their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees, within their reſpective Diſtricts, ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render and give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to pay the Balance remaining in their Hands, when thereunto required, in Manner aforeſaid, a Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live or reſide, ſuch Juſtice may and is hereby authorized and required by a Warrant or Warrants to cauſe ſuch Officer or Officers, Perſon or Perſons to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods and Chattels can be found to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed for that Purpoſe, or ſhall not allege ſome juſt and reaſonable Excuſe for not appearing, or if appearing ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, then and in either of the Caſes aforeſaid, the ſaid Juſtice may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol of the County where the Offence ſhall be committed, there to remain without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their Accounts, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale, as ſhall in that reſpect have been made, or until he or they ſhall have compounded with the ſaid Truſtees for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive

Juſtices may grant Warrants for levying the Balance in the Officer's Hands by Diſtreſs,

and for want of Diſtreſs, Offender to be committed.

receive the ſame, and which Compoſition the ſaid Truſtees, within their reſpective Diſtricts are hereby empowered to make; provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs only, ſhall be detained in Priſon by virtue of this Act for any longer Space of Time than Six Months.

For appointing Officers in certain Caſes, though not at Meetings.

XXI. And be it further enacted, That as often as any Collector of the Tolls ſhall die, or ſhall be negligent, or be incapable of performing his Duty, or ſhall miſbehave himſelf, then it ſhall be lawful for any Three or more of the ſaid Truſtees, within their reſpective Diſtricts, though not aſſembled at a Meeting purſuant to this Act, by any Writing under their Hands, to diſplace ſuch Collectors, and appoint others in the Stead of ſuch Perſons ſo dying or diſplaced; and all ſuch Collectors ſo appointed ſhall have the ſame Authority to act in the Execution of their reſpective Offices, as the Perſons they ſhall ſucceed was or were veſted with, until the ſaid Truſtees in ſuch reſpective Diſtrict ſhall, at a Meeting held in purſuance of this Act, appoint a Collector of ſuch Tolls as aforeſaid, any thing herein contained to the contrary notwithſtanding; and if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family, or other Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged as aforeſaid, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll-houſe, Buildings, or Premiſes already erected and made, or to be erected and made by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpoſe by the ſaid Truſtees, or by their Clerk or Treaſurer, then and in any of the ſaid Caſes, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County of *Monmouth*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe, Buildings and Premiſes, 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 the ſaid Truſtees or their new appointed Officer in the Poſſeſſion thereof.

Perſons who have received Tolls, &c. by virtue of former Acts to account with theſe Truſtees.

XXII. Provided always, and be it further enacted, That all Perſons who ſhall have been employed, or who ſhall have received any Tolls or other Money by virtue or on account of the ſaid recited Act, made in the Fortieth Year of the Reign of His preſent Majeſty, or ſhall have in their Cuſtody or Poſſeſſion any Books, Accounts, Papers, Writings, or other Things relating to the Roads included in the ſaid Act which are now included in this Act, ſhall account for the ſame and every Part thereof to the Truſtees in this Act named and appointed, within their reſpective Diſtricts, in like Manner and under the like Penalties as the ſeveral Collectors and others receiving any Money by virtue of this Act are herein-before directed to account.

Truſtees may erect Turnpikes and take Tolls.

XXIII. And be it further enacted, That the ſeveral Truſtees, or any Seven or more of them, or ſuch Perſon or Perſons as they or any Seven or more of them ſhall for that Purpoſe nominate and appoint, ſhall and may, and they are hereby authorized and empowered to continue or remove, erect and ſet up, or cauſe to be continued or removed, erected and ſet up, One or more Gate or Gates, Turnpike or Turnpikes,

Toll House or Toll Houses, Chain or Chains, Bar or Bars, in or upon any Part or Parts of the said Roads, within their respective Districts, as to the said Trustees or any Seven or more of them shall seem requisite and proper, and to receive and take thereat, before any Coach, Berlin, Landau, Chariot, Calash, Chaise, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mule, Ass, or any Sort of Cattle, shall be permitted to pass through the same, the several Tolls and Duties following; (that is to say),

Tolls.

For every Horse, Mule, or other Beast of Draught, drawing a Coach, Landau, Chariot, Chaise, Calash, Chair, Caravan, Litter, Hearse, Waggon, Wain, Cart, or other Carriage, the Sum of Three-pence in the *Pontpool* District, and the Sum of Sixpence in the *Usk* District:

For every Horse, Mule, Ass, or other Beast of Draught, drawing any Carriage laden with Lime only, the Sum of Two-pence in the *Pontpool* District, and the Sum of Four-pence in the *Usk* District:

For every Horse, Mule, or other Beast of Draught, drawing any Carriage loaded with Timber, between the First Day of *November* and the First Day of *March*, Double Toll in both Districts:

For every Horse, Mule, Ass, or other Beast of Burthen, laden or going to be laden with Charcoal only, the Sum of One Halfpenny in the *Pontpool* District, and the Sum of One Penny in the *Usk* District:

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny in the *Pontpool* District, and the Sum of Two-pence in the *Usk* District:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score in the *Pontpool* District, and One Shilling and Eight-pence *per* Score in the *Usk* District, and so in Proportion for any greater or less Number:

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence *per* Score in the *Pontpool* District, and Ten-pence *per* Score in the *Usk* District, and so in Proportion for any greater or less Number.

Provided always, that in computing the Tolls or Duties to be paid as aforesaid for the passing of any Waggon, Wain, or other Carriage through any of the Gates or Toll Bars now erected or to be erected on the said Roads, or any of them, or any Part thereof, Two Oxen drawing in any Waggon, Wain, Cart, or other Carriage, shall be considered equal to and shall pay only such and the like Sum or Sums of Money as is herein-before directed to be taken and received for One Horse so drawing as aforesaid; any thing herein-before contained to the contrary notwithstanding.

Toll on Sundays.

XXIV. Provided also, and be it further enacted, That all Coaches, Berlins, Landaus, Chariots, Hearses, Calashes, Chaises, Chairs, Waggons, Wains, Carts, Carrs, and Carriages whatsoever, and all Horses and other Cattle passing through any or either of the Turnpike Gates to be erected or continued under the Authority of this Act, between the Hours of Twelve of the Clock on *Saturday* Night and Twelve of the Clock on *Sunday* Night, shall be charged with and pay One Half more in addition to the Tolls hereby authorized to be taken at every such Turnpike Gate.

Tolls may be levied by Distress.

XXV. And be it further enacted, That if any Person or Persons subject to the Payment of any such Tolls shall, after Demand thereof made, refuse or neglect to pay the same or any Part thereof, it shall be lawful

lawful for the Perſon or Perſons appointed to collect the ſaid reſpective Tolls, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize and diſtrain any Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt or Cattle, or of any Carriages, upon which ſuch Tolls are by this Act impoſed, or any of the Bridles, Saddles, Harneſs, or Accoutrements upon any of the Horſe or Horſes or other Cattle (but no Bridle ſhall be taken ſeparate from the Horſe or other Beaſt), and to detain and keep the ſame until ſuch Tolls, together with the reaſonable Charges of diſtraining and keeping the ſame, ſhall be paid; and it ſhall be lawful for ſuch Perſon or Perſons, after the Space of Five Days next after ſuch Diſtreſs ſo taken, to ſell the Cattle, Carriage, Bridles, Saddles, Harneſs, or Accoutrements ſo diſtrained, returning the Overplus (if any ſhall be) upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges of diſtraining and ſelling the ſame, ſhall be deducted and paid.

Exemptions from Tolls.

XXVI. And be it further enacted, That from and after the paſſing of this Act, no Toll ſhall be demanded or taken for any Horſe, Cattle, Beaſt, or Carriage, employed in carrying or conveying, or going to carry or convey, or returning 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 repairing the ſaid Roads, or any other Roads, or any Public Bridge, in the Townſhips or Pariſhes in which any Parts of the ſaid Roads lie, or Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, or going to be ſold or diſpoſed of, but paſſing to be laid up or placed in the Out-houſes, or on the Lands of the Owners, for the Purpoſe of threſhing out ſuch Corn, or of feeding out ſuch Hay or Straw; or for any Horſe, Cattle, or Beaſt employed in carrying and conveying, or in drawing any Carriage loaded with or going empty to carry or convey, or returning empty from carrying or conveying, having been employed in carrying or conveying any Ploughs, Harrows, or other Implements of Huſbandry, or Hurdles for the Purpoſes of Huſbandry only, or any Dung, Compoſt, or Manure (Lime excepted) employed in Huſbandry for manuring or improving Lands; nor for any Horſes or Cattle going to or returning from Paſture or Watering Places; nor from any Perſon going to or returning from his or her proper Parochial Church or Chapel, or other Place of Religious Worſhip tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon who ſhall die and be buried in any of the ſaid Townſhips or Pariſhes; or from any Clergyman going to or returning from viſiting any Sick Perſon, or going to or returning from his Parochial or Miniſterial Duty on a *Sunday*, or any other Day on which Divine Service is ordered by proper Authority to be celebrated; nor for any Horſe, Cattle, or Carriage, 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, fetching, or guarding ſuch Mails or Expreſſes, or in returning from conveying the ſame; or for any Horſe or Carriage belonging to His Majeſty or any of the Royal Family, or any Horſe or Carriage attending His Majeſty or any of the Royal Family; or for any Horſe, Cattle, or Beaſt attending any Soldiers on their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; nor for any Waggon, Wain, Cart, or other Carriage whatſoever,

whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſe, Cart, Cattle or Beaſt, employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning therefrom; nor for any Horſe, Cattle, or Beaſt carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Monmouth*, or any Borough or Boroughs ſituate within the ſame, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and that no Tolls ſhall be demanded or taken for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for or on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption as aforeſaid; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit for every ſuch Offence, any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Exempting Carriages with Stores from 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, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or this Act contained, to the contrary notwithſtanding.

Tolls veſted in Truſtees of reſpective Diſtrict where taken.

XXVIII. And be it further enacted, That the ſaid ſeveral and reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll or Duty, and the ſaid ſeveral Sums of Money ſo to be raiſed and collected at the ſeveral Turnpikes or Toll Gates within each of the ſaid Diſtricts reſpectively, ſhall be and are hereby veſted in the Truſtees of the ſaid Diſtricts reſpectively, and the ſame and every Part thereof ſhall be paid, applied, and diſpoſed of, or aſſigned in Manner following; (that is to ſay),

Expences of this Act apportioned.

the Charges and Expences attending the obtaining and paſſing this Act ſhall in the Firſt Place be paid and defrayed in equal Proportions by the Truſtees of each Diſtrict reſpectively, out of the Tolls ariſing in the ſaid reſpective Diſtricts, or out of any Money to be borrowed on the Credit of the ſaid reſpective Tolls; and afterwards the Money ariſing and collected within the ſaid Diſtricts reſpectively ſhall be iſſued, paid, and applied

applied for putting this Act in Execution, and for the Payment of all Money advanced or to be advanced, and the Intereſt thereof, in ſuch Manner as is hereafter declared and directed.

Reſtrictions on taking Toll.

XXIX. Provided always, and be it enacted, That nothing in this Act contained ſhall empower the ſaid Truſtees of either Diſtrict to collect or take, or cauſe to be collected or taken, upon the ſame Day, any further or other Tolls at any Turnpike or Turnpikes, Chain or Chains, Bar or Bars, erected or ſet up, or to be erected or ſet up, within Eight Miles of any other Turnpike or Turnpikes, erected or ſet up, or to be erected or ſet up, in or upon the ſame, or any other Road within their reſpective Diſtricts, and whereat any of the ſaid Tolls ſhall have been paid.

Only one Toll to be payable.

XXX. Provided always, and be it enacted, That no more than One Toll ſhall be demanded or taken from any Perſon or Perſons for paſſing and re-paſſing on the ſame Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night), with the ſame Horſes, Cattle, or Carriage, through all the Gates or Turnpikes to be erected on the ſaid Firſt Diſtrict of Road; and that no more than One Toll ſhall be demanded or taken from any Perſon or Perſons paſſing and re-paſſing on the ſame Day (to be computed as aforeſaid), with the ſame Horſes, Cattle, or Carriage, through all the Gates or Turnpikes to be erected on the Second Diſtrict of Road.

Toll's to be paid but Once a Day.

XXXI. And be it further enacted, That if any Perſon ſhall have paid the Toll hereby authorized to be taken, for the paſſing of any Horſe, Cattle, Beaſt, or Carriage, through any of the ſaid Toll Gates erected or ſet up by virtue of this Act within either of the ſaid Diſtricts of Road, ſuch Perſon ſhall, upon producing a Note or Ticket denoting the Payment thereof on that Day, be permitted to paſs Toll-free with the ſame Horſe, Cattle, Beaſt, and Carriage, through the ſame Toll Gate, or any other Toll Gate within ſuch Diſtrict, at any Time or Times during the ſame Day, to be computed as aforeſaid.

Tickets to be delivered on Payment of Tolls.

XXXII. And be it further enacted, That upon Payment of the ſaid Tolls the Collector or Receiver thereof ſhall and he is hereby required to deliver, *gratis*, to the Perſon paying ſuch Tolls, a Note or Ticket denoting ſuch Payment; and there ſhall be printed and ſpecified thereon the Names of the ſeveral and reſpective Gates freed by ſuch Payment.

Penalty on obſtructing Collectors of Tolls.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder, obſtruct, or diſturb, or cauſe, promote, or encourage to be aſſaulted, interrupted, hindered, or diſturbed, any Collector of the Tolls, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Toll Collectors to put up their Names.

XXXIV. And be it further enacted, That all and every Toll Collector, appointed either by the ſaid Truſtees, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the ſaid Act or this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, and ſhall

continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length, and of a Breadth in proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of this Act, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, 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 give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Road, or ſhall, without ſufficient Cauſe, detain or delay any Perſon or Perſons travelling thereon, then and in every ſuch Caſe every ſuch Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge.

Lamps to be erected at Turnpike Gates.

XXXV. And be it further enacted, That it ſhall and may be lawful to and for the Truſtees of the ſaid reſpective Diſtricts to provide, ſet up, and maintain a Lamp or Lamps, with proper Furniture, at each Turnpike Gate or Bar erected or to be erected on the ſaid Roads; and if any Perſon ſhall break, throw down, or damage any of the ſaid Lamps, or the Poſts or Irons thereof, or wilfully extinguiſh any ſuch Lamp, he, ſhe, or they ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Coſts of repairing and amending ſuch Lamps, Poſts, Irons, or Furniture, ſo broken, thrown down, or damaged as aforeſaid,

For ſettling Diſputes concerning Tolls.

XXXVI. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful for the Collector, or the Perſon ſo diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, be aſcertained by ſome Juſtice of the Peace for the County or Place wherein ſuch Diſpute ſhall happen to ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties, or other Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized to adminiſter), and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party, as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) upon Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

XXXVII. And

Truſtees and Collectors not incompetent Witneſſes.

XXXVII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation, ſhall ariſe, touching or in anywiſe relating to the Tolls to be taken on either of the ſaid Diſtricts of Road, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being ſo appointed, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the ſaid Truſtees.

Truſtees may erect Side Gates.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, within their reſpective Diſtricts, to erect One or more Gate or Gates, Turnpike or Turnpikes, Chain or Chains, Bar or Bars, with ſufficient Toll Houſes, on the Side or Sides of the Roads hereby directed to be made and amended, and upon, in, or acroſs any Lane or Bye-way leading into the ſame; and at ſuch Gate or Gates, Turnpike or Turnpikes, Chain or Chains, Bar or Bars, to demand, receive, and take, or recover in Manner aforeſaid, ſuch Tolls as are by this Act granted and made payable at any Turnpike to be erected by virtue thereof, upon or acroſs the ſaid Roads, ſo as the ſame do not extend to a double Charge upon any Perſon or Perſons paſſing with any Cattle, Beaſt, or Carriage through any other of the Gates or Turnpikes erected by virtue of this Act within the ſame Diſtrict of Road.

Tolls may be reduced.

XXXIX. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, from Time to Time, when and as often as they ſhall think proper, to leſſen or reduce any of the Tolls hereby granted or made payable within their reſpective Diſtricts, and to raiſe the ſame again, ſo as they do not at any Time exceed the Toll by this Act granted and made payable, and ſo as every Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being, entitled to Five-ſixths Parts of the Money then due on the Security of the Tolls within the Diſtrict where the Reduction is to take place; but no ſuch Reduction ſhall be made, unleſs Fourteen Days previous Notice ſhall be affixed in Writing on all the Toll Gates then erected acroſs the ſaid Roads; and alſo inſerted in One or more of the Newſpapers publiſhed or generally circulated in the County of *Monmouth*: Provided always, that ſuch Reduction of Tolls, to the Extent of One-half Part thereof, may be made on the ſaid *Uſk* Diſtrict of Road, without requiring the Conſent of any of the Perſons who, previous to the paſſing of this Act, have lent any Money on the Credit of the Tolls ariſing on the ſaid Diſtrict of Road; provided nevertheleſs, that in caſe the ſaid Truſtees ſhall borrow any Sums of Money beyond the Amount of the preſent Debt, on the Credit of the Tolls ariſing on the ſaid *Uſk* Diſtrict, then ſuch Reduction ſhall not take place without the Conſent, in Writing of Five-ſixths in Value of the Perſons lending ſuch additional Sums of Money.

Truſtees may compound.

XL. And be it further enacted, That the ſaid Truſtees, within the ſaid Diſtricts reſpectively, may and are hereby empowered, from Time to Time, as they ſhall think convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Perſon or Perſons, for any Carriages, Horſes, Beaſts, or Cattle travelling on the ſaid Roads, or any Part thereof, for all or any of the Tolls to be paid for and in reſpect of ſuch Carriages, Horſes, Beaſts, or Cattle; and all ſuch Compoſition

Compoſition Money ſhall be paid in advance, and in Default thereof the Compoſition or Agreement with the Perſon or Perſons making ſuch Default ſhall from thenceforth be void, and all ſuch Compoſition Money ſhall be applied as the Tolls, in reſpect whereof ſuch Compoſition is made are directed to be applied.

Truſtees may let Tolls.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, within their ſaid Diſtricts reſpectively, upon One Month's Notice to be given thereof, in Writing to be affixed upon all the Turnpikes, and advertiſed Twice in ſome Newſpaper circulated within the ſaid County, from Time to Time to let and demiſe, or agree to let and demiſe, the Tolls ariſing by virtue of this Act, within the ſaid Diſtricts reſpectively, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Times, and to ſuch Perſon or Perſons, and under ſuch Conditions and Agreements, and with ſuch Securities for the Payment thereof, as the ſaid Truſtees, within their reſpective Diſtricts ſhall think fit; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied; any thing in any other Law or Statute to the contrary thereof notwithſtanding.

Power to eject Farmers of Tolls in arrear.

XLII. And be it further enacted, That if any Perſon who ſhall be the Farmer or Renter of any of the Tolls hereby authorized to be collected, ſhall not pay, or cauſe to be paid, to the ſaid Truſtees, or their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, the Rent, Sum, Money, or Portion of Rent which he or they ſhall have agreed to give for the ſame, within the Space of Ten Days next after the ſeveral and reſpective Days on which the ſame ſhall become due and payable, it ſhall be lawful for any Five or more of the ſaid Truſtees, although not aſſembled at a Meeting, to nominate and appoint ſome fit Perſon to collect and receive the Tolls ariſing at the Toll Gate or Side Gate of which ſuch Perſon ſhall be a Farmer or Renter, until the next Meeting of the ſaid Truſtees, which Perſon ſo to be nominated and appointed ſhall have the like Power and Authority, and be accountable in the ſame Manner, in all reſpects, as if he had been appointed a Collector at a Meeting held by virtue of this Act; and if any ſuch Farmer or Renter, or other Perſon, who ſhall inhabit the ſame, ſhall refuſe or neglect to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances which he occupied, in right of his being ſuch Farmer or Renter as aforeſaid, for the Space of Four Days next after Notice of ſuch Appointment ſhall be given to him, or leſt at ſuch Toll Houſe, then it ſhall be lawful for any Juſtice of the Peace for the ſaid County of *Monmouth*, by Warrant under his Hand and Seal, to order any Conſtable, or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe and Premiſes in the Daytime, and to remove the Perſons who ſhall be found therein, together with their Goods, out of ſuch Houſe and Premiſes, and to put the new appointed Collector into the Poſſeſſion thereof; and that then, and from thenceforth, the Contract or Leaſe by which the ſaid Tolls ſhall be rented or holden, ſhall become null and void to all Intents and Purpoſes whatſoever, and the Sum or Sums of Money (if any) which ſhall have been depoſited in the Hands of the ſaid Truſtees or their Treaſurer, for better

ſecuring the regular Payment of the ſaid Rent, and all Intereſts which ſhall be then due thereon, ſhall become forfeited to the ſaid Truſtees, and ſhall be by them applied to the ſeveral Purpoſes of this Act.

For erecting Weighing Machines.

XLIII. And be it further enacted, That the ſaid Truſtees, within their reſpective Diſtricts, ſhall and may erect and ſet up, or cauſe to be erected and ſet up, ſuch Engines or Machines for weighing Carriages or Goods as by any Act of Parliament now in force for repairing the Public Highways and Roads of this Kingdom are directed, provided, and appointed.

Turnpikes, &c. veſted in Truſtees.

XLIV. And be it further enacted, That the Right and Property of all the Turnpikes, Gates, Bars, Chains, Rails, and Fences, Toll Houſes and Buildings, Gardens, Lands and Appurtenances, now belonging to the ſaid Roads, or that ſhall be erected or provided by virtue of this Act, and the Right and Property of the Materials provided for erecting, building, or repairing the ſame, or any of them reſpectively; and alſo of all the Tolls, Materials, and other Requiſites, got, provided, or collected for any of the Purpoſes of this Act, ſhall be and are hereby veſted in the ſaid Truſtees within each reſpective Diſtrict; and they are hereby empowered to diſpoſe thereof as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions in the Name of their reſpective Clerks, or to prefer or order the preferring of Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, carry away, ſpoil, injure, or deſtroy the ſame, or any Part or Parts thereof, or diſturb the reſpective Truſtees, their Agents or Servants, in the Poſſeſſion thereof; in which Bill or Bills of Indictment it ſhall be ſufficient to ſtate generally ſuch Toll Gates, Toll Houſes, Conveniences, Appurtenances, Materials, Articles, or Things, to be the Property of the Clerk for the Time being, to the ſaid Truſtees for either of the ſaid Diſtricts of Road (as the Caſe may be), without naming or otherwiſe deſcribing the ſaid reſpective Truſtees.

Penalty on Perſons going through or permitting private Paſſages.

XLV. And be it further enacted, That if any Perſon or Perſons ſhall go or paſs with any Cattle, Beaſt, or Carriage, through or over any Ground, Parcel of Land, or other Place, (not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants), adjoining to or lying near any or either of the Gates, Turnpikes, Chains, or Bars already erected or to be by virtue of this Act erected and ſet up, (the ſame not being a Common Road), in order or with the Intent to avoid the Payment of the Tolls by this Act granted or any Part thereof; or if any Perſon or Perſons owning or occupying any Ground, Land, or Hereditaments (not being a Public Highway) which ſhall adjoin or lie near to any or either of the ſaid Gates or Turnpikes, ſhall knowingly and willingly permit or ſuffer any Perſon or Perſons with any Cattle, Beaſt, or Carriage, to go, paſs, or repaſs through or over ſuch Grounds, Lands, or Hereditaments (not being his, her, or their Servant or Servants, or of his, her, or their Family), in order or with Intent that the Payment of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall forge, counterfeit, or alter, or ſhall deliver to or receive from any other Perſon or Perſons, (except the Perſon or Perſons appointed to collect or receive the Tolls hereby made payable), any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the ſaid Tolls, with Intent to

avoid the Payment of the ſame, or any Part thereof; or if any Perſon or Perſons ſhall unload, or cauſe to be unladen, any Goods or Merchandize, or ſhall forcibly paſs through any ſuch Turnpike with any Horſe, Carriage, Cattle, or Beaſt, or ſhall take off or cauſe to be taken off any Horſe or other Cattle from any Carriage with Intent to avoid the Payment of any of the ſaid Tolls, or ſhall leave or cauſe to be left upon or near the ſaid Road, any Cattle or Carriage, ſuch Perſons and every of them ſhall, for each Offence, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered in ſuch Manner as is hereafter mentioned and provided for the Recovery of Penalties and Forfeitures, One Moiety whereof when raiſed ſhall be paid to the Informer, and the other Moiety thereof ſhall be applied in ſuch Manner as the other Penalties and Forfeitures are herein-after directed to be applied within the Diſtricts wherein they are incurred.

Power to borrow Money on Mortgage of the Tolls.

XLVI. And be it further enacted, That it ſhall and may be lawful for the ſaid reſpective Truſtees, at the Firſt Meeting to be held for carrying this Act into Execution, or any ſubſequent Meeting or Meetings whereof Twenty-one Days Notice ſhall be given in Writing, to be affixed on the reſpective Toll Gates ſtanding on the ſaid Turnpike Roads, and in One of the public Newſpapers to be publiſhed in the ſaid County of *Monmouth*, to borrow and take up at Intereſt, upon the Credit and Security of the Tolls hereby granted on each of the ſaid Diſtricts of Road, any Sum or Sums of Money not exceeding in the whole, the Sum of Four thouſand Pounds on each Diſtrict, and for ſecuring the Payment of the ſame, with Intereſt, to mortgage and aſſign the ſaid reſpective Tolls, and alſo the ſaid Toll Gates and Toll Houſes, with the Appurtenances thereto belonging, to the Lender or reſpective Lenders of ſuch Sum or Sums of Money, or his, her, or their Nominee or reſpective Nominees; which Money ſo to be borrowed ſhall be applied and diſpoſed of in ſuch Manner as is herein-after directed, and not otherwiſe; and which Mortgage or Mortgages, Aſſignment or Aſſignments, (the Charges whereof are to be paid by the ſaid Truſtees), may be in the Form following, or in ſuch other Form as the ſaid Truſtees ſhall think proper; (that is to ſay),

'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*], We, whoſe Hands and Seals are hereunto ſubſcribed and ſet, being of the Truſtees for putting the ſaid Act into Execution ſo far as relates to the Firſt [*or* Second] Diſtrict of Road therein deſcribed, in Conſideration of the Sum of advanced and paid by *A. B.* of to the Treaſurer of the ſaid Truſtees, do hereby grant and aſſign unto the ſaid *A. B.* and his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing and to ariſe on the ſaid Diſtrict of Road, and the Toll Gates and Toll Houſes erected or to be erected for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum now or hereafter to become due and owing on the Security thereof; to have, hold, receive, and take the ſaid Proportion of the ſaid Tolls, Toll Gates, Toll Houſes, and Premiſes, with the Appurtenances, unto the ſaid *A. B.* and his Executors, Adminiſtrators and Aſſigns, for and during the Reſidue of the ſaid Term for which the ſaid Tolls are granted by the ſaid Act: Provided always, that if the ſaid Sum of ſhall be repaid

'to

'to the said *A. B.* or his Executors, Administrators, or Assigns, together 'with Interest for the same after the Rate of *per Centum* '*per Annum*, without any Deduction whatsoever, on or before the 'Day of now next ensuing, then this Assignment shall be 'void, or else shall remain in full force. In Witness whereof we have 'hereunto set our Hands and Seals, the Day of One 'thousand eight hundred and .'

Mortgages to be entered in a Book or Books, and may be assigned.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said respective Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees respectively, and by any Creditor or Creditors of the said respective Trusts, without Fee or Reward; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Mortgage, and the Principal Money and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to, or by indorsing on the Back of such Security, before one credible Witness, the following Words or Words to the like Effect; (that is to say),

Form of Transfer.

'I the within named *A. B.* or I, *C. D.* Assignee, Executor, or Admi-'nistrator of the within named *A. B.* [*as the Case may happen*] do 'transfer the within Mortgage Security, with all my Right and Title to 'the Principal Money thereby secured, and to all Interest now due, and 'hereafter to accrue thereon, unto *E. F.*, his or her Executors, Administra-'tors, and Assigns. Dated this Day of 'Witness, *G. H.*'

Transfers to be entered by the Clerk.

Which Transfer shall be produced and notified to the said Clerk within Thirty Days next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Dates, Names of the Parties, and Sums of Money therein transferred, for which Entry the said Clerk shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his or her Executors, Administrators, and Assigns to the Benefit of the Mortgage Security, and Payment of the Principal and Interest thereby secured; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators) to make void, release, or discharge the original Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sum or Sums of Money therein respectively mentioned, Creditors on the said respective Tolls, and other the Premises aforesaid, in

No Priority of Mortgages.

equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or the Dates of such Mortgages, Assignments, or Transfers: Provided always, that nothing herein contained shall extend, or be construed to extend, to charge any of the said respective Trustees personally with the Payment of any of the Monies so borrowed by reason of their signing the said Mortgages or any or either of them.

XLVII. And

If additional Tolls shall be raised to pay off any Loan of Exchequer Bills, the same to be raised only on such Roads where Money is expended.

XLVII. And whereas an Act was passed in the Fifty-seventh Year of the Reign of His present Majesty, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in Manner therein mentioned:* And whereas the Trustees for executing this Act may borrow Money of the Commissioners for executing the said Act of the Fifty-seventh Year of the Reign of His present Majesty, for making and repairing the Roads in this Act mentioned, and it is just and reasonable that the additional Tolls which may be imposed by virtue of the said Act of the Fifty-seventh Year of the Reign of His present Majesty, should only be payable on such of the said Roads comprised in this Act, for which such Money shall be so borrowed; be it therefore enacted, That it shall not be lawful for the said Trustees to demand or take, or cause to be demanded or taken, any Part of the additional Tolls authorized to be imposed by virtue of the said Act of the Fifty-seventh Year of the Reign of His present Majesty, on any other Parts of the said Roads than those whereon the said Money so borrowed shall be expended: Provided always, that the Money so to be borrowed from the said Commissioners shall be paid off and discharged in preference to any other Debts to become due on the Credit of the Tolls hereby granted; any thing herein contained to the contrary notwithstanding.

Trustees may contract for the Purchase of Land for making Road.

XLVIII. And be it further enacted, That the said Trustees within their respective Districts shall be and are hereby fully empowered from Time to Time as they shall think proper, to make, widen, or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Roads in their respective Districts, and that any new Road or any Variation of Road may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and it shall be lawful for the said Trustees from Time to Time to contract and agree with the Owners of and Persons interested in any adjoining Lands or Hereditaments for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of such Road through such adjoining Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail general or special, or Lessees for Years determinable on any Life or Lives, Husbands, Guardians, Feoffees, Trustees, Executors, Administrators, and Committees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Infant Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory or Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such adjoining Lands or Hereditaments, to contract with the said respective Trustees for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them all or any of such adjoining Lands or Hereditaments, or any Part thereof, for any the Purposes aforesaid; and all Contracts, Exchanges, Sales, and

Incapacitated Persons may treat.

Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail general or ſpecial, or Leſſees for Years determinable on any Life or Lives, Huſbands, Guardians, Feoffees, Truſtees, Executors Adminiſtrators, Committees, and all other Perſons ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act; and if any ſuch Bodies Politic, Corporate, Eccleſiaſtical, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail general or ſpecial, or for Years determinable on any Life or Lives, Huſbands, Guardians, Feoffees, Truſtees, Executors, and Adminiſtrators, Committees, or any other Perſon or Perſons intereſted in any ſuch adjoining Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, of the Principal Officer or Officers of any Body Politic, Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Roads are to be made, diverted, turned, or altered, ſhall for the Space of Thirty Days next after ſuch Notice given or left neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees ſhall cauſe ſuch Damage and Recompence to be inquired into, and aſcertained by a Jury of indifferent Men of the County wherein ſuch Lands do lie; and in order thereto, the ſaid Truſtees are hereby empowered and required, from Time to Time, as Occaſion ſhall be, to ſummon and call before ſuch Jury, and examine upon Oath, any Perſon or Perſons whomſoever (which Oath any one or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and ſuch Truſtees ſhall, by ordering a View or otherwiſe, uſe all Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Uſe of the ſaid Owners and other Perſons intereſted in the Lands or Hereditaments, according to the Verdict and Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Remainder, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for ſummoning and returning ſuch Juries, the reſpective Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff or Sheriffs of the County, as the Caſe ſhall happen, requiring him or them to impannel, ſummon, and return Twenty-four Perſons, qualified to ſerve upon Juries, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall and they are hereby empowered

Where Perſons neglect or refuſe to treat.

Damage and Recompence to be ſettled by a Jury, who may examine Witneſſes upon Oath;

and the Verdict of ſuch Jury to be final.

For impannelling a Jury.

empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff, or his Deputy or Deputies, or the ſaid Truſtees, ſhall return ſuch other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, who ſhall not appear, or ſhall not allege ſome juſt and reaſonable Excuſe for not appearing, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, on any of the Perſons who being required to give Evidence before the ſaid Jury, and having been previouſly paid or tendered his or their reaſonable Expences, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, ſo that no ſuch Fine be more than Ten Pounds on any One Perſon for One Offence.

Jurors may be challenged.

Sheriff, &c. making Default of returning a Jury may be fined.

XLIX. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the Jury as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the ſaid Truſtees, out of the Tolls hereby granted within their Diſtrict, or out of any Money to be borrowed upon the Credit thereof; but if ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in or Loſs or Damage as aforeſaid, that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the County of *Monmouth*, who is hereby required to examine and ſettle the ſame, ſhall and may be deducted out of the Money ſo aſſeſſed, and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums of Money ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after having been ſo aſcertained and ſettled as aforeſaid, may be levied and recovered by the Ways and Means herein-after provided for levying and Recovery of Penalties and Forfeitures: Provided always, that

Expences of the Jury and Witneſſes how to be borne.

that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, all such Costs and Expences shall be borne and paid by the said Trustees as aforesaid.

Money agreed upon or assessed for Lands, how to be paid and tendered.

L. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for, ascertained, or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies already raised by virtue of the said former Act, or to be raised by virtue of this Act, within the respective District, to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment thereof to such Persons, or to their Agents, or depositing the same in the Bank of *England*, as herein-after mentioned, and after Twenty-eight Days Notice thereof given to such Parties or Persons, or their Agents, or left at their or any of their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to make, widen, divert or turn such Roads through or over such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees shall think fit; and the said Trustees shall and may cause such Parts of the Roads as shall be made, widened, diverted, or turned, through any private Ground, to be drained, ditched, or otherwise fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act shall for ever thereafter, to all Intents and Purposes, be deemed a common Highway, and shall be repaired and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, Hamlet, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said respective Trustees, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the Roads by this Act directed to be repaired within the same District; and all Deeds of Conveyance executed by the said Trustees, and inrolled with the Clerk of the Peace for the County of *Monmouth*, shall be good and effectual in the Law to all Intents and Purposes; but this Act shall not extend to the taking down of any Dwelling House, or other Building, nor to the taking in of any Land that was a Garden or Orchard adjoining to any Dwelling House, or a Yard, Park, Paddock, planted Walk, inclosed Nursery of Trees, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively, or other Persons interested therein: Provided always, that in widening, diverting, or altering the Course or Path of any Part of the said Roads, the said Trustees shall not deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners and Occupiers thereof first had and obtained.

Lands purchased to be deemed public Roads.

Old Roads to be sold.

Trustees empowered to sell Overplus Grounds.

LI. And whereas, by reason of the making or diverting of some Part or Parts of the said Roads, the Trustees may happen to be seised of some Piece or Pieces of Ground over and above what are or shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall

ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in Parcels, and either by public Sale or private Contract, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall offer the ſame to the Perſon or Perſons from whom the ſame ſhall have been purchaſed, or where the ſame ſhall ariſe, by reaſon of diverting any Part or Parts of the ſaid Roads, then to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree (except with reſpect to or on account of the Price thereof, as herein-after mentioned), or ſhall refuſe (except with reſpect to or on account of the Price thereof) to purchaſe or repurchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before Two of His Majeſty's Juſtices of the Peace for the County of *Monmouth* (who are hereby empowered and required to take the ſame), by ſome Perſon or Perſons noways intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by and on behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees, ſhall differ and not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner in this Act directed with reſpect to the diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and be paid in Manner herein-before directed, with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales of ſuch Pieces or Parcels of Ground ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money; and the Conveyances of ſuch Piece or Pieces of Ground ſhall be made to the Purchaſer or reſpective Purchaſers thereof, in ſuch Manner and Form as is herein-before directed with reſpect to the Conveyances to be made of the Land conſtituting any Part of the Roads herein-before directed to be ſold.

Application of Compenſation, when amounting to 200 l.

LII. And be it further enacted, That if any Money ſhall be agreed or aſſeſſed to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, by virtue of this Act, which ſhall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, Truſtees, Femes Covert, or other incapacitated Perſon or Perſons, ſuch Money ſhall, if the ſame amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be paid, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be pre-

ferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements, or 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 ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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 ſaid Lands, Tenements, and Hereditaments to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than 200l. and exceeds 20l.

LIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Body Politic, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, 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 Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the ſaid reſpective Truſtees for executing this Act, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the ſaid Court of Chancery.

LIV. Provided

Application when the Money is less than 20l.

LIV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said respective 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.

In case of not making out Titles.

LV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased 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 respective Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered; then and in every such Case it shall be lawful for the said respective Trustees, to order the Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General for the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the 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 such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

LVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance hereof, 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 such Lands, Tenements, and Hereditaments at the Time of

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, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were unlawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

LVII. 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, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees (out of the Monies to be received by virtue of this Act), who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Plans and Books of Reference.

LVIII. And whereas a Map or Plan, describing the Line of the Variation of the said Road, and the Lands through which the same are to be carried, together with a Book of Reference containing Lists of the Names of the Owners, or reputed Owners or Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Monmouth*; be it therefore enacted, That the said Map or Plan and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may, at any reasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making, widening, or repairing the said Variations, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Misnomers or wrong Descriptions not to prevent the Execution of this Act.

LIX. Provided always, and be it further enacted, That if any of the Lands laid down or described in the said Map or Plan, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed, or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Premises and every Part thereof shall and may be purchased for the Purposes of this Act, as fully and effectually as if the same were more properly named;

provided it shall appear to any Two or more Justices of the Peace for the said County, and be certified in Writing under their Hands, that such Misnomer or inaccurate Description proceeded from Mistake.

Trustees, &c. may enter Lands to make the Roads.

LX. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands, Grounds, and Premises, for making, widening, varying and altering the said Roads herein-before mentioned, or any of them, and to stake out the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, or Premises respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands, Grounds, and Premises for the Damage that shall be done to the Land, Ground, or Premises, on the Sides of any such Road that shall be made, varied, turned, altered, or widened, whilst the same shall be making, in case such Damage shall exceed the Sum of One Shilling; or if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any such Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

For impounding Cattle or Swine straying.

LXI. And be it further enacted, That if any Cow, Horse, Ass, Mule, Pig, or other Live Stock or Cattle, shall at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof, the Owner or Owners of every such Cow, Horse, Ass, Mule, Pig, or other Live Stock or Cattle, shall forfeit and pay any Sum not exceeding Forty Shillings; and it shall and may be lawful to and for the Surveyor of the said Roads for the Time being, or some other Person or Persons employed by him or by the said Trustees, to seize and impound every such Cow, Horse, Ass, Mule, Pig, or other Live Stock or Cattle in the common Pound (if any) of the Parish, Manor, or Place, or in such other Places as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Mule, Pig, or other Live Stock or Cattle so impounded, pay the Sum of Five Shillings 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 Seven Days after such impounding, it shall and may be lawful to and for the said Trustees to sell or cause to be sold every such Cow, Horse, Ass, Mule, 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, keeping, and selling every such Cow, Horse, Ass, Mule, Pig, or other Live Stock or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Penalty on damaging the Roads.

LXII. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, break down, or otherwise damage, or shall ride on, or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Sides of the said

ſaid Roads, or any Part thereof, or ſhall wilfully or negligently damage or deſtroy any of the Fences, Walls, or Gates on the Sides of the ſaid Roads, and belonging thereto, or ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Footpaths or Cauſeways; or if any Perſon or Perſons ſhall plough over or drag any Plough upon any Part of the ſaid Roads, or in ploughing ſhall turn any Horſe or other Beaſt drawing any Plough upon any Part of the ſaid Roads to the Prejudice or Injury thereof; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Roads, ſo as wilfully to damage the ſaid Roads or any Part thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads ſhall ſuffer the ſame to root up or damage the ſaid Roads or any Part thereof, or the Fences, Hedges, Walls, Backings, or Copſe on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep, Beaſt, or Pigs to be and remain looſe on the ſaid Roads; or if any Perſon driving any Coach, Chaiſe, or Waggon, Cart, or other Carriage upon the ſaid Roads, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the Left or Near Side of the ſaid Roads; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon from paſſing him, her, or them, upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Fire-work whatſoever, or play at Football on any Part of the ſaid Roads; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry, (without ſome reaſonable Cauſe to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned or conveyed in order to his or her Conviction, and ſave and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of the ſaid Roads, as conveniently may be), in, upon, or on the Side of the ſaid Roads, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or if any Perſon ſhall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, Coal, Manure, Dung, Soil, Rubbiſh, or any other Matter or Thing whatſoever, on any Part of the ſaid Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hindrance, or Prejudice of any Perſon or Perſons travelling thereon, or ſhall do any other Damage or Injury to the ſaid Roads, or any Part thereof, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to get Materials, &c. in Waſte Grounds, without paying for the ſame;

LXIII. And be it further enacted, That the Surveyors of the ſaid reſpective Diſtricts of Roads, and ſuch Perſons as ſhall be employed by them, or by the ſaid Truſtees within their reſpective Diſtricts, are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for making, repairing, altering, and amending the ſaid Roads, out of or from any

Common or Waſte Ground, Common River or Brook, within any Pariſh, Townſhip, or Place in which any Part of the ſaid Roads do lie or are ſituate, or in any adjoining Pariſh, Townſhip, or Place, without paying any thing for the ſame, they the ſaid Surveyors or other Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries ſo as that the ſame may not be dangerous to Paſſengers or Cattle; and where there is not ſufficient of any ſuch Materials to be procured in any ſuch Common or Waſte Ground, River or Brook, the ſaid Surveyors or other Perſons as aforeſaid may, by Order of any Two or more Juſtices of the Peace for the County in which the Lands ſhall be ſituated, ſearch for, cut, dig, gather, take, and carry away all ſuch Materials as aforeſaid, in, upon, or out of, from and over the Lands of any Perſon or Perſons (not being a Yard, Garden, Park, Paddock, Orchard, planted Walk, or Avenue to any Houſe, or any incloſed Grounds planted and ſet apart as a Nurſery for Trees), paying or tendering Payment for ſuch Materials, and for the Damage done to the Owners and Occupiers reſpectively of the Grounds where or from whence the ſame ſhall be cut, digged, gathered, taken, or carried away, or upon, or over, or through which the ſame or any other Materials ſo cut, dug, and gathered as aforeſaid ſhall be conveyed, ſuch Equivalent in Money as the ſaid Truſtees ſhall adjudge reaſonable; and they the ſaid Surveyors or other Perſons filling up the Pits or Quarries, and levelling the Ground from which ſuch Materials ſhall be ſo taken, or cauſing the ſame to be done; and in caſe of any Difference between the Truſtees or Surveyors, or other Perſons appointed and employed as aforeſaid, and the Owner or Occupiers of private Lands, or any of them, as concerning ſuch Payments and Damages as aforeſaid, it ſhall and may be lawful for any Two Juſtices of the Peace of the County in which the Lands ſhall be ſituated, on Ten 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 Payments and Damages.

and for want thereof they may be taken from private Grounds,

making Satisfaction for the ſame:

Juſtices to determine Differences.

LXIV. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of this Act, to dig, gather, take, and carry away any Materials for making or repairing the ſaid Roads, out of or from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Occupier at his or her uſual Place of Reſidence, to appear before any Two or more Juſtices of the Peace acting for the County or Place wherein ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, the ſaid Juſtices ſhall (if they think proper) authorize ſuch Surveyor or other Perſon or Perſons to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, or ſhall not allege ſome juſt and reaſonable Excuſe for not appearing, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as

Notice to be given to Occupiers of Lands before Materials are taken for repairing Roads.

fully

fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended.

Penalty on taking away Materials.

LXV. And be it further enacted, That if any Person whosoever shall take away any Materials which have been digged or gathered in any Lands, Fields, Waste Grounds, Common River or Brook, for the Purpose of making or amending any of the said Roads, or shall get or take away Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads before the Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale, and in that Case the Owner or Occupier to pay the reasonable Expence of raising the same), every Person so offending shall forfeit for any such Offence any Sum not exceeding Five Pounds: Provided always, that in case any Owner or Occupier shall take or carry away any Materials that have been dug or gathered as aforesaid by the said Surveyor, such Owner or Occupier shall pay to such Surveyor the reasonable Charges of digging and gathering such Materials; and in case of any Dispute, the same to be ascertained by Two Justices of the Peace in Manner hereinbefore mentioned.

Penalty on Persons building within certain Distance of Centre of Road.

LXVI. And be it further enacted, That no Person or Persons whomsoever shall in future erect or build, or cause to be erected or built, upon any Waste or Common, or in any Common Meadow or Common Field, or on any open Land on the Side of the said Roads, any House, Cottage, or other Building whatever, nor shall make any Inclosure on any Waste or Common, nor plant or cause to be planted any Tree or Trees whatever, within the Distance of Thirty Feet from the Centre of any of the Roads to be repaired or made under the Directions of this Act, under the Penalty of Forty Shillings for each Offence, to be recovered and applied in like Manner as other Penalties under this Act are directed to be recovered and applied; and in case any Person shall erect any Building, make any Inclosure, plant or cause to be planted any Tree or Trees within such Distance as aforesaid, it shall and may be lawful to and for the said Trustees, notwithstanding the Payment of such Penalty or Forfeiture, to cause the same to be taken down, thrown open, or cut down and removed, and the Expence of taking down, throwing open, cutting down, or removing the same, shall be borne, paid, and discharged by the Person or Persons who shall be guilty of any or either of the Offences aforesaid.

Surveyor may remove Annoyances;

LXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, within their respective Districts, or their respective Surveyors, and such Persons as they shall appoint, from Time to Time to remove or prevent all Annoyances, Nuisances, and Obstructions, which are or shall be made on any Parts of the said Roads by Timber, Stone, Carriages, Saw Pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for the Benefit of the said Roads, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said

Roads

Roads, to the Prejudice thereof, and to open, ſcour, cleanſe, widen, or make deeper any ſuch Watercourſes, Sinks, or Drains, or any Watercourſes or Ditches adjoining or lying near to the ſaid Roads, and make the ſame as deep and large as they ſhall think neceſſary; and at proper Seaſons of the Year to cut down, lop and top, or ſhear any Branches, Shrubs, Woods, or Buſhes growing in the ſaid Roads or in the Hedges or Banks adjoining thereto, or being within Thirty Feet of the Centre of the ſaid Roads (not being Trees, Shrubs, or Buſhes planted as a Shelter or Ornament to any Houſe or other Building, or not ſtanding in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a Houſe), or to cut, lop, ſhear, or lay ſuch Hedges, and to take and carry away ſuch Branches, and the Buſhes, Cuttings, Loppings, and Toppings aforeſaid, and diſpoſe thereof for the Benefit of the Roads, in caſe the Owner or Owners, Occupier or Occupiers ſhall neglect to remove the ſame, or the Owners or Occupiers of the Lands ſhall neglect to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes, Ditches, Sinks, or Drains, or to cut down, or lop, top, and remove ſuch Branches, Shrubs, or Buſhes, or to cut, lop, ſhear, or lay ſuch Hedges for the Space of Twenty-one Days after Notice in Writing ſhall have been delivered to him, her, or them, or left at his, her, or their Dwelling Houſe, by the ſaid reſpective Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees) ſhall be reimburſed to ſuch Surveyor by ſuch Owners or Occupiers, and recovered in ſuch Manner as Penalties and Forfeitures are herein-after directed to be recovered; and ſuch Owners or Occupiers ſo neglecting to open, ſcour, cleanſe, and deepen ſuch Watercourſes Ditches, Sinks, or Drains, within the Time aforeſaid, after ſuch Notice given, ſhall likewiſe forfeit for every Foot in Length the Sum of One Penny over and beſides the Charges to be ſettled as aforeſaid; and if after Removal of any of the ſaid Annoyances, Nuiſances, or Obſtructions, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſhall, for every ſuch ſubſequent Offence, forfeit any Sum not exceeding Five Pounds.

and cut down Trees, &c.

Surveyors to be reimburſed their Charges for ſuch Removal.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall draw, or cauſe to be drawn, upon any Part of the Roads within either of the ſaid Diſtricts, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the ſaid Roads to the Injury thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for drawing Timber on the Roads, except on Wheel Carriages.

LXIX. And for rendering the ſaid Roads more convenient and commodious, be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors appointed or to be appointed for and within the ſaid ſeveral Diſtricts reſpectively in purſuance of this Act, by Order of the ſaid Truſtees, to make or cauſe to be made, Cauſeways, and to cut and make Drains through any Grounds lying near or more convenient to the ſaid Roads, (not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a Houſe)

Surveyors may make Cauſeways and Drains, and erect Bridges,

and to make and erect and keep in repair Arches of Brick, Timber or Stone thereupon; and also divert and turn any Rivulet, Brook, or Watercourse, near or contiguous to the said Roads, so as to make the same run in a straighter Course or Direction to prevent their overflowing, destroying, or injuring the said Roads; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous or near such Roads, (not being the Ground whereon any House or other Buildings stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, or an inclosed Ground set apart as a Nursery for Trees); and also to cause Ditches or Trenches to be made in such Places and in such Manner as such Surveyor or Surveyors by Order of the said Trustees shall adjudge necessary for the better diverting, turning, amending, and keeping the said Roads in good Repair; making such reasonable Satisfaction to the Owners or Occupiers of such Ground which shall be so used in diverting or turning the said Roads, or laid in or unto the same, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which he, she, or they shall and may thereby sustain, as shall be adjudged by the Trustees; and in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively, concerning the same, then it shall and may be lawful to and for any Two or more Justices of the Peace for the County in which the Cause of Complaint shall arise, to hear, adjudge, and determine the same: Provided always, that in case the ancient and former Way over any Ground shall, by virtue or in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the Old Road which shall thereby be left or discontinued shall lie, shall not be obliged to repair such Old Road, unless the said Old Road lead to some other Village, Town, or Place than the New Road doth.

making Satisfaction to Owners of Grounds.

Justices at Quarter Sessions to determine Differences.

Roads may be stopped to prevent evading Tolls.

LXX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace of the said County of *Monmouth* at any Special Session, by Order under their Hands and Seals, to stop up and discontinue any Bye Lane or Road opening into or communicating with the said Road and Branch, or either of them, by Means whereof the Tolls hereby made payable, or any of them, can or may be evaded, if they shall think it proper so to do, but subject to such Private or Occupation Roads (if any) as they shall think necessary, so that Public Notice be given of the Time, Place, and Purpose of such Special Session, in the same Manner as by an Act passed in the Fifty-fifth Year of His present Majesty, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*, is directed with respect to the stopping up of unnecessary Roads, which Order shall be subject to Appeal in like Manner as in the said last mentioned Act is provided or mentioned with respect to Orders of stopping up unnecessary Roads.

LXXI. And

Gates not to swing into the Road.

LXXI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Roads shall be made and hung to open and swing inwards towards such Field or Ground, and not outwards towards the said Roads; and that it shall be lawful for the said respective Trustees to order all such Gates as are now erected, or may hereafter be erected, and open and swing outwards towards the said Roads, to be altered and made to open and swing inwards, as they the said respective Trustees shall think proper; 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 outwards towards the said Roads, shall (after Ten Days Notice from the Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards), refuse or neglect to make such Alterations, or after such Alterations shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Soil scraped off the Roads to be removed by Land Owners.

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

Mile Stones and Direction Posts to be erected.

LXXIII. And be it further enacted, That the said Trustees shall cause the Roads within their respective Districts to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distance of Place, as they shall think proper, and also Posts at the several Roads leading out of the Roads hereby directed to be repaired, with Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, as they the said Trustees within their Districts respectively shall think fit; and if any Person or Persons shall wilfully break, damage, or pull up any of the Mile Stones or Posts already erected or hereafter to be erected upon or near any

Part

Part of the ſaid Roads, or ſhall obliterate or deface any of the Letters, Figures, or Marks thereon, every Perſon or Perſons ſo offending ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence, One Moiety whereof ſhall be paid to the Informer, and the other Moiety laid out in repairing the Road within the Diſtrict wherein the Offence was committed.

Truſtees may contract for repairing the Roads.

LXXIV. And be it further enacted, That the ſaid Truſtees within their reſpective Diſtricts are hereby empowered, from Time to Time, to contract and agree with any Perſon or Perſons for the making, repairing, widening, altering, turning, or amending the Roads by this Act directed to be made and repaired, or any Part or Parts thereof, within their reſpective Diſtricts, 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 purſuant to an Order made at any Meeting by the ſaid reſpective Truſtees, ſhall be binding to all Parties who ſhall ſign the ſame, his, her, or their Executors and Adminiſtrators; and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Party or Parties failing in the Execution of ſuch Contracts or Agreements.

Perſons liable to the Repairs of Pavement to continue ſo.

LXXV. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower the ſaid Truſtees or any of them to repair the Pavements of any Streets, or any Part of any Street, in any of the Towns through which the Roads by this Act directed and intended to be repaired ſhall paſs, but that the Repairs of the ſaid Pavements or Streets, or of any Part thereof, ſhall be done and performed by ſuch Ways and Means and in ſuch Manner as ought by Law to be done and performed in caſe this Act had not been made.

County Bridges, &c. to be maintained as heretofore.

LXXVI. And be it further enacted, That when any particular Part of the ſaid reſpective Roads, or any Bridge, Drain, or Sewer, being in and upon any Part or Parts of ſuch Roads, hath been accuſtomed or ought to be repaired and maintained by any particular Perſon or Perſons, Body Politic or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or otherwiſe, or by the ſaid County of *Monmouth*, or any Town, Pariſh, Hamlet, or Place therein, every ſuch Part of the ſaid Roads, and every ſuch Bridge, Drain, or Sewer, ſhall from Time to Time be maintained and kept in Repair by ſuch Perſon or Perſons, Body Politic or Corporate, County, Diſtrict, Town, Pariſh, Hamlet, or Place, and in ſuch Manner as the ſame were or ought to have been reſpectively maintained and kept in Repair before the paſſing of this Act.

Truſtees may compound for the Repairs of Bridges, &c.

LXXVII. Provided alſo, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, within their reſpective Diſtricts, from Time to Time to compound and agree with all or any of the ſaid Perſons, Bodies Politic or Corporate, Townſhip or Townſhips, who or which are or ſhall be liable or chargeable for or towards repairing or maintaining any particular Part or Parts of the ſaid reſpective Roads, Bridges (except the Bridges liable to be

be repaired by the County, which ſhall continue to be reſpectively repaired as aforeſaid), Drains or Sewers, lying in and upon the ſame, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees in their reſpective Diſtricts ſhall think fit, in lieu of ſuch particular Works or Repairs to be done by ſuch particular Perſon or Perſons, Body Politic or Corporate, Townſhip or Townſhips, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by Means of any Truſt or otherwiſe howſoever as aforeſaid.

Profits of Lands liable to Repairs are to continue ſo.

LXXVIII. And be it further enacted, That if any Rents, Profits, or Sum or Sums of Money, iſſuing out of any Lands, Tenements, or Hereditaments, now are or hereafter ſhall be liable or chargeable towards the repairing or amending any Part of the ſaid Roads, ſuch Rents, Profits, Sum or Sums of Money, iſſuing as aforeſaid, ſhall remain liable and chargeable, and the Poſſeſſors and Occupiers of ſuch Lands, Tenements, and Hereditaments, are hereby directed and required to pay ſuch Rents and Profits to ſuch Perſon or Perſons as the ſaid Truſtees within their reſpective Diſtricts ſhall appoint to receive the ſame; and upon Default of Payment thereof, it ſhall be lawful for any Juſtice or Juſtices of the Peace of the County wherein ſuch Lands, Tenements, or Hereditaments ſhall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods of ſuch Perſon or Perſons as ſhall neglect or refuſe to make ſuch Payment as aforeſaid; together with the Coſts and Charges of ſuch Diſtreſs and Sale; and ſuch Rents and Profits, Sum or Sums of Money, when recovered, ſhall be applied from Time to Time towards amending the ſaid reſpective Roads.

Statute Labour.

LXXIX. 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 reſpectively, 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 for the Riding, Liberty, or Place in which the ſaid Roads do lie, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads reſpectively, by the Inhabitants of the reſpective Pariſhes, Townſhips, or Places in which the ſaid Roads reſpectively 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; and in order thereunto, 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 Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten 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 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 are or may be directed by any Law or Statute in Force or Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads respectively, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads respectively as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such Parishes, Townships, or Places respectively, to be by him paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts or any of them authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose by any Surveyor 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 Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in Force or 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 respectively, 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 as aforesaid, in such and the same Manner 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 respectively; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads respectively; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect and 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 Forty Shillings, to be levied, recovered, paid, and applied in such and the same Manner as Penalties are by this Act directed to be levied, recovered, paid, and applied.

Trustees may compound with Parishes, &c. for Statute Labour;

LXXX. And be it further enacted, That it shall be lawful for the said Trustees, within their respective Districts, or their respective Surveyors to be by them respectively appointed, being authorized or empowered so to do by the said respective Trustees, to compound and agree with the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, of and in all or any of the Parishes, Tithings, Hamlets, or Places, from, to, or through which the said respective Roads hereby intended to be repaired, or any Part or Parts thereof, doth or do lie, their Consent being first signified in Writing at a Vestry or other public Meeting of such Inhabitants, summoned to assemble for that Purpose, or with any of the said Inhabitants respectively, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Statute Work to be by them or any of them done; provided such Composition Money be paid yearly in advance by the Surveyor or Surveyors, or other Officer of the Parish or respective Person so compounding, to the Treasurer of the respective Trustees, on or before the Fifth Day of *April* in each Year.

and direct the Proportion to be performed in each District.

LXXXI. And be it further enacted, That in all Cases where Districts of Road herein-before described shall extend into any one Parish, it shall and may be lawful to and for any Two or more Justices of the Peace residing in or near the said Parish, to ascertain, settle, and determine what Proportion of Statute Work shall be performed within each District, and what Proportion of Composition Money shall be laid out and applied upon the respective Parts of the Road; and the Determination of such Justices shall be final and conclusive to all Parties.

Forfeitures and Penalties how to be recovered and applied,

LXXXII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying a Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County in which the Offence shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, to be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner and Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, if not otherwise directed to be applied by this Act, shall from Time to Time be paid to the Treasurer or Treasurers of the said Trustees within the respective Districts, and applied for the Purposes of this Act within such District; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County of *Monmouth*, there to remain without Bail or Mainprize for

for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

LXXXIII. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; *videlicet*,

Form of Conviction.

'BE it remembered, That on the in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the County of [*ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be*]. Given under my Hand and Seal, the Day and Year firſt above-mentioned.'

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXXIV. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the County in which ſuch Cauſe of Appeal ſhall ariſe, within Six Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Ten Days Notice at leaſt, in Writing, of his or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the reſpective Truſtees, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Proceedings not to be quaſhed for Want of Form, nor removable by Certiorari.

LXXXV. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed for Want of Form, or be removed or removable by Certiorari, or other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed

deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damages (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on the Behalf of the Party diſtraining before ſuch Action brought: Provided always, that no Action ſhall be commenced until the Expiration of One Calendar Month after Notice in Writing ſhall have been given by the Party or Parties aggrieved, to the Treſpaſſer or Treſpaſſers, of the Intention of bringing ſuch Action.

Proceedings to be entered in Books.

LXXXVI. And be it further enacted, That all Orders and Proceedings of the Truſtees at their Meetings within their reſpective Diſtricts, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered and ſigned by a competent Number of the ſaid reſpective Truſtees, (as the Caſe ſhall require), or by their Clerk by their Order, ſhall be deemed to be Originals; and which ſaid Book or Books, and alſo the Book or Books directed to be kept for regiſtering the aforeſaid Mortgages, ſhall be admitted as Evidence in all Courts whatſoever.

Limitation of Actions.

General Iſſue.

LXXXVII. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any thing done in purſuance of this Act, in every ſuch Caſe ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed and not afterwards, and ſhall be laid or brought in the County or Place where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſo to be brought ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to be done, or that ſuch Action or Actions ſhall have been brought after the Time herein-before limited for the bringing thereof, or ſhall have been laid in any other County than as aforeſaid, that then the Jury ſhall find a Verdict for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, upon Affidavit made, whereby it ſhall appear that ſuch Suit was proſecuted againſt ſuch Defendant or Defendants for Matters contained in this Act, and ſhall have ſuch Remedy for recovering the ſame, as any other Defendant or Defendants hath or have, or may have, by Law, in other Caſes.

Treble Coſts.

Public Act.

LXXXVIII. 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 Duration of Act.

LXXXIX. And be it further enacted, That this Act shall commence upon and have Continuance from the said Twenty-fifth Day of *June* One thousand eight hundred and nineteen, 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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