ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 52.

An Act to continue the Term and alter and enlarge the Powers of several Acts of His present Majesty, for repairing certain Roads in the Counties of *Carnarvon* and *Denbigh*, and for more effectually repairing, improving, and keeping in Repair certain other Roads in the County of *Carnarvon*.

[18th *April* 1810.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening the Road leading from* Tal-y-Cafn *Ferry, in the County of* Carnarvon, *through the Towns of* Conway, Bangor, *and* Carnarvon, *to the Town of* Pwllhely *in the same County*: And whereas an Act was passed in the Seventeenth Year of the Reign of His said present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act made in the Ninth Year of the Reign of His present Majesty, intituled,* 'An 'Act for repairing and widening the Road leading from Tal-y-Cafn *Ferry*, 'in the County of Carnarvon, *through the Towns of* Conway, Bangor, *and* 'Carnarvon, *to the Town of* Pwllhely *in the same County*; *and also for* 'repairing and widening the Roads *from* Tal-y-Cafn *Ferry aforesaid, on the* 'Denbighshire *Side of the River* Conway, *to join the Turnpike Road* 'between Conway *and* Saint Asaph, *at a Place called* Sarn-y-Mynech, *and* 'from the Turnpike Road *between* Bangor *and* Conway, *at the Village of* 'Aber, *over* Bwlch-y-Ddwyfaen *Mountain to* Tal-y-Cafn *Ferry aforesaid*, 'and from thence to the Town *of* Llanrwst *in the County of* Denbigh:' And whereas the Trustees appointed in or by virtue of the said recited

9 G. 3. c. 77.

17 G. 3. c. 110.

Acts have proceeded in the Execution of the Powers and Authorities thereby veſted in them, and have for that Purpoſe borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls authorized to be taken on the ſaid Roads, which ſtill remain due and owning: And whereas the Money ſo due and owing cannot be paid off, nor can the ſeveral Roads comprized in the ſaid recited Acts be kept in Repair and properly improved, unleſs the Term of the ſaid Acts be further continued, and the Powers and Proviſions thereof having been found in ſome Reſpects defective and inſufficient, it is therefore expedient that the ſame ſhould be altered, amended, and enlarged, as well for the Purpoſe of amending, improving, and keeping in Repair the ſeveral and reſpective Roads in the ſaid Acts comprized, as alſo the ſeveral and reſpective Roads herein-after

New Roads. mentioned: And whereas the Road leading from the Town of *Carnarvon*, in the ſaid County of *Carnarvon*, to *Beddgelert Bridge* in the ſame County, and which ſaid Road doth paſs from, through, and into the ſeveral Pariſhes of *Llanbeblig*, *Llanrûg*, *Llanfairiſgaer*, *Bettwſgarmon*, *Llanwnda*, and *Beddgelert* in the ſame County; and alſo the Road leading from or near a certain Bridge called *Pontglanrhyd* in the Pariſh of *Llanwnda*, in the ſaid County of *Carnarvon*, to *Traethmawr* in the ſaid County, which ſaid laſt-mentioned Road doth paſs from, through, and into the ſeveral Pariſhes of *Llanwnda*, *Llandwrog*, *Llanllyfni*, *Clynnog*, *Penmorfa*, *Dolbenmaen*, *Llanyſtyndwy*, *Llanfihangel y Penant*, and *Ynyſeynhaiarn* in the ſame County; and alſo the Road leading from the Old Turnpike Road between *Carnarvan* and *Pwllheli*, at or near the Church of *Llanaelhaiarn* to the *Porthdinllaen* Turnpike Road at or near a Place called *Penprys*, and which laſt-mentioned Road doth paſs from, through, and into the ſeveral Pariſhes of *Llanaelhaiarn*, *Carngiwch*, and *Llannor* in the ſaid County; and alſo the Road leading from the ſaid Old Turnpike Road between *Carnarvon* and *Pwllheli* at or near a Place called *Llynygela* in the ſaid Pariſh of *Clynnog* to *Beddgelert Bridge* aforeſaid, which laſt-mentioned Road doth paſs through the ſeveral Pariſhes of *Clynnog*, *Llanllyfni*, *Llandwrog*, *Llanwnda*, and *Beddgelert* in the ſaid County; and alſo the Road leading from a certain Common called *Rhoſygarnedd*, in the Pariſh of *Bangor* in the ſaid County, to *Bangor Ferry*, and from thence to a certain Finger Poſt called *Pen-y-chwintan* Finger Poſt in the Pariſh of *Bangor* aforeſaid, and which laſt-mentioned Road lies in the Pariſh of *Bangor* aforeſaid; and alſo the Road leading from the Town of *Carnarvon* aforeſaid to the Turnpike Road between *Beddgelert* aforeſaid and *Capel Cerrig* in the County aforeſaid, at or near a Place called *Dyffryn Mymbur*, and which laſt-mentioned Road doth paſs through the ſeveral Pariſhes of *Llanbeblig*, *Llanrug*, *Llanberris*, *Beddgelert*, *Llanddeniolen*, and *Llandegai* in the ſaid County, are Roads of publick Utility, and are in many Parts thereof very much out of Repair, narrow, circuitous, and incommodious, and cannot be effectually amended, diverted, widened, improved, and kept in Repair by the ordinary Courſe of Law, but if the ſame were made Turnpike, and made Part of and included in the Powers and Proviſions of this and the ſaid recited Acts, it would be a great Convenience, Advantage, and Accommodation to the Neighbourhood, and of publick Utility; but the ſeveral Purpoſes aforeſaid cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the

the Authority of the ſame, That the ſaid recited Acts, paſſed in the Ninth and Seventeenth Years of His preſent Majeſty, and all and every the Clauſes, Powers, Penalties, Forfeitures, Rates, Remedies, Payments, Proviſions, Articles, Matters, and Things whatſoever therein contained, (ſave and except ſuch Parts thereof as relate to Exemptions from Stamp Duties, and ſuch Part or Parts thereof as are hereby varied, altered, or repealed,) ſhall be and continue in as full Force and Effect, in ſuch and the like Manner, as if the ſame had been repeated and re-enacted in the Body of this Act; and this Act, and the Term and Tolls hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Monies which have been borrowed or are now due and owning on the Credit of the reſpective Tolls authorized to be taken by the ſaid recited Acts, and of all Intereſt due and to grow due thereon reſpectively, as fully and effectually to all Intents and Purpoſes, as if ſuch Monies had been borrowed or become due and owing on the Credit or on Account of this Act; and that all and every Perſon and Perſons owing any Sum or Sums of Money to the Truſtees for executing the ſaid recited Acts ſhall be liable to the Payment thereof to the Truſtees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Perſon or Perſons to or with the Truſtees for executing the ſaid recited Acts, or any Five or more of them, ſhall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the ſame are fully ſatisfied and performed on Account and for the Benefit of the Truſt under this Act; and all Lettings of Tolls, Contracts and Agreements made or entered into by the ſaid Truſtees for executing the ſaid recited Acts, or any Five or more of them, to or with any Perſon or Perſons ſhall remain in full Force and Effect, and be obſerved and kept by the Truſtees under this Act according to the Terms and Stipulations thereof reſpectively.

The Powers of the ſaid Act continued, except, &c.

This Act made ſubject to the Payment of all Monies borrowed on the Credit of former Acts,

Perſons owing Money to continue liable, and all Bonds, Contracts, &c. to remain in force, and all Lettings of Tolls.

II. And be it further enacted, That the Right Honourable *Henry William Paget*, commonly called *Lord Paget*, the Right Honourable Sir *Arthur Paget* Knight of the Moſt Honourable Order of the Bath, the Honourable *Edward Paget*, the Honourable *Charles Paget*, the Honourable *Berkeley Paget*, the Honourable *Burrell*, *John Wynne Griffith* of *Cefnamwlch*, Sir *Thomas Moſtyn* Baronet, Sir *Robert Williames Vaughan* Baronet, *Hugh Evans* of *Pontnewydd*, *William Griffith* of *Bodegroes*, *John Griffith* of *Tryfan*, *Owen Griffith* of *Tryfan*, *Edward Griffith Roberts* of *Glynnafon*, *Robert Roberts* of *Carnarvon*, *Griffith ap Howel Vaughan* of *Hengwrt*, *William White* of *Glas-yn-fryn*, *Samuel Worthington* of *Llwyn*, *John Jones* of *Tyddyn Bengan*, *Daniel Vawdrey* of *Bryngwynant*, *John Walker*, *Robert Lloyd* of *Geſailgyfarch*, *Barlow* of *Treborth*, *Thomas Burrows* of *Bennarth*, *John Powel* of *Llanfihangel*, *John Owen* of *Llanfaglan*, and *Thomas Jones* of *Plaſbruton* Eſquires, *Hugh Owen* of *Carnarvon* Doctor of Phyſick, *Thomas Roberts* of *Bangor* Surgeon, *Richard Davies* of *Llantriſaint*, *William Ellis* of *Aber* Clerks, *David Hughes* Doctor in Divinity, *Evan Herbert* of *Carnarvon*, *Richard Hughes* of *Brynllwyd*, *John Lloyd Jones* of *Pláſmadoc*, *John Kyffin* the younger of *Bangor*, *Nicholas Owen* of *Bangor*, *Hugh Price* of *Llanfihangel Eſceifiog*, *Samuel Rice* of *Bangor*, *Owen Rowlands* of *Pláſtirion*, *John Williams* of *Llanbedr*, *Hugh Williams* of *Clynnog*, *Edward Owen* of *Llanieſtyn*, *Richard Owen* of *Edern*, *John Roberts* of *Llanengan*, *William Williams* of *Llanaelhaiarn*, and *William Williams* of *Beddgelert* Clerks, being qualified according to the

Additional Truſtees.

the Directions of the ſaid recited Acts and this Act, or either of them, ſhall be and are hereby added to and joined with the ſurviving and remaining Truſtees appointed in or by virtue of the ſaid recited Acts, and ſhall in all Reſpects whatſoever have the like Power and Authority for carrying the ſame Acts and this Act into Execution, as if they had been originally appointed Truſtees in or by virtue of the ſaid Acts or either of them.

The Roads under this Act deſcribed.

III. And be it further enacted, That the Roads directed by this Act to be made, amended, diverted, improved, repaired, and kept in Repair, ſhall be as follows; (that is to ſay,) the High Road leading from the End of *Llanrwſt Bridge*, in the County of *Carnarvon*, through the Towns of *Conway*, *Bangor*, and *Carnarvon*, to the Town of *Pwllheli* in the ſaid County; and alſo the Roads leading from *Tal-y-Cafn* Ferry, on the *Denbighſhire* Side of the River *Conway*, to join the Turnpike Road between *Conway* and *Saint Aſaph* at a Place called *Sarn-y-Mynech*, and from the Turnpike Road between *Bangor* and *Conway*, at the Village of *Aber* over *Bwlch-y-Ddwyfaen* Mountain to *Tal-y-Cafn* Ferry aforeſaid; and alſo the Road leading from *Carnarvon* aforeſaid, through *Bettws Garmon*, to *Beddgelert Bridge* aforeſaid; and the Road leading from *Pontglanrhyd*, and through or near the Village of *Llanllyfni*, and through the Village of *Pennorfa*, to *Traeth Mawr*; and the Road leading from or near *Llanaelhaiarn* Church to join the *Porthdinllaen* Turnpike Road at or near a Place called *Penprys*; and the Road leading from the Old Turnpike Road between *Carnarvon* and *Pwllheli*, at or near a Place called *Llyngela*, to *Beddgelert Bridge* aforeſaid; and the Road leading from a Common called *Rhoſygarnedd* to *Bangor Ferry*, and from thence to a certain Finger Poſt called *Pen-y-chwintan Finger Poſt* in the Pariſh of *Bangor* aforeſaid; and the Road leading from the Town of *Carnarvon* aforeſaid, to join the Turnpike Road between *Beddgelert* aforeſaid and *Capel Cerrig* aforeſaid, at or near a Place called *Duffryn Mymbur* in the ſaid County of *Carnarvon*.

Power to chooſe new Truſtees.

IV. And be it further enacted, That in caſe any of the Truſtees named in or to be appointed by virtue of this Act ſhall die or refuſe to act, it ſhall be lawful for any Five or more of the ſurviving or remaining Truſtees, by Writing under their Hands, (at any Meeting whereof at leaſt Twenty-one Days Notice ſhall have been given upon all the Toll Gates erected or to be erected upon the ſaid Roads, ſpecifying that an Appointment of new Truſtees is intended to be made at ſuch Meeting,) to nominate and appoint ſome other Perſon to be a Truſtee in the Room of ſuch Truſtee ſo dying or refuſing to act as aforeſaid; and every Perſon ſo nominated and appointed (being qualified as by this Act is required) ſhall have the like Power and Authority to act as a Truſtee in the Execution of this Act as the Perſon had in whoſe Stead he ſhall be appointed.

Qualification of Truſtees.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be poſſeſſed of an Eſtate in Lands, Tenements, and Hereditaments in the ſaid County of *Carnarvon*, of the clear yearly Value of Fifty Pounds above Reprizes, or poſſeſſed of or entitled to a Perſonal Eſtate to the Amount or Value of One thouſand Pounds over and above Payment of his Debts, or unleſs ſuch Perſon ſhall be Heir Apparent to a Perſon poſſeſſed of an Eſtate in

Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds in the County of *Carnarvon*, and unleſs ſuch Perſon qualified as aforeſaid ſhall take an Oath in the Words or to the Effect following; (that is to ſay,)

Oath.

'I *A. B.* do ſwear, That I truly and *bona fide* am in my own Right [*or*, in the Right of my Wife] in the actual Poſſeſſion and Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds in the County of *Carnarvon* [*or*, that I am Heir Apparent to a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, in the County of *Carnarvon*] [*or*, that I am poſſeſſed of or entitled to a Perſonal Eſtate alone of the Value of One thouſand Pounds over and above Payment of my Debts].

'So help me GOD.'

Penalty on acting, if not qualified.

And if any Perſon hereby deemed incapable to act ſhall preſume to act in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, by Action of Debt or on the Caſe, 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 qualified, 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; and no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted during the Time in which he ſhall hold any Place of Profit under this or the ſaid recited Acts, or in any Caſe where he ſhall be perſonally intereſted; nor ſhall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee, be capable of holding any Place of Profit under this Act.

No intereſted Truſtee to act, nor any Victualler or menial Servant of a Truſtee to hold a Place of Profit.

VI. Provided always, and be it further enacted, That all Acts which ſhall have been done by any ſuch Perſon touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, ſhall notwithſtanding ſuch Conviction be as valid and effectual as if ſuch Perſon had been qualified to act according to the Directions of this Act.

Acts of unqualified Truſtees before Conviction to remain valid.

VII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk without the Conſent of the ſaid Truſtees, or any Five or more of them, at a Meeting held in purſuance of this Act; but that the Treaſurer or Clerk for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Defendant (as the Caſe may be) in every ſuch Action or Suit: Provided always, that every ſuch Treaſurer or Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully indemnified, reimburſed, and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences

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

Treaſurer or Clerk to be reimburſed the Expences.

pences as by the Event or in conſequence of any ſuch Action or Proceedings he ſhall pay, bear, expend, or be put unto or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

First Meeting of the Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Grand Jury Room in the Town of *Carnarvon*, or ſome convenient Houſe or Place in the ſaid Town, during the Quarter Seſſion Week, and on the Day next after that on which the Quarter Seſſions ſhall be held next after the paſſing of this Act, or as ſoon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and ſhall then and there proceed to the Execution of this and the ſaid recited Acts, and adjourn themſelves from Time to Time, and afterwards meet there or at any other Place on or near the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, ſhall think proper and appoint, as often as it ſhall be neceſſary for putting this and the ſaid recited Acts in Execution: Provived always, that Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only; and that in caſe a competent Number of Truſtees ſhall not appear at the Time and Place appointed for a Meeting of the Truſtees for putting this Act in Execution, either to act or to adjourn to any other Time, or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, then and in either of the ſaid Caſes it ſhall be lawful for the ſaid Truſtees to meet on *Saturday* in the then next Quarter Seſſion Week at the Grand Jury Room aforeſaid, or for the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by a Notice in Writing to be affixed on all the Turnpikes or Toll Gates erected upon the ſaid Roads, or inſerted in ſome Newſpaper printed or circulated in the ſaid County, at leaſt Seven Days before the next Meeting, to appoint them to meet at the ſame Place where the laſt Meeting was held, or was appointed to have been held, on ſuch future Day as ſhall be ſpecified in ſuch Notice, not exceeding Four Weeks after the Day on which ſuch laſt Meeting was held or was to have been held as aforeſaid; and in caſe ſuch Clerk or Treaſurer reſpectively ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Three of the ſaid Truſtees, although not aſſembled at a Meeting, at any Time or Times after ſuch Refuſal, Neglect, or Prevention reſpectively as aforeſaid, by Notice in Writing under their Hands, to be affixed or inſerted in Manner aforeſaid, to appoint the Truſtees to meet at the ſaid Grand Jury Room, or at ſome convenient Houſe on or near to the ſaid Roads, upon ſome convenient Day within Four Weeks next after the Date of ſuch laſt-mentioned Notice.

Power to adjourn.

The Majority of Truſtees aſſembled to concur in all Orders.

Truſtees, being Juſtices of the Peace, may act as ſuch.

IX. And be it further enacted, That all the Orders and Determinations of the ſaid Truſtees ſhall be made at Meetings to be held in purſuance of this Act and not otherwiſe (except as herein mentioned), and no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent at any Meeting ſhall concur therein; and all ſuch Truſtees as are or may be Juſtices of the Peace may act as Juſtices in the Execution of this Act notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

How Orders of Truſtees

X. Provided always, and be it further enacted, That no Order which ſhall be made by any Five or more of the ſaid Truſtees under the Powers of

of this or the ſaid recited Acts ſhall be revoked or altered, unleſs the Number of Truſtees revoking or altering the ſame ſhall exceed the Number of Truſtees by whom ſuch Order was made, and unleſs the Perſon or Perſons applying or intending to move to have ſuch Order revoked or altered ſhall, One Calendar Month at leaſt before ſuch Application or Motion, give Notice thereof in Writing to the Clerk to the ſaid Truſtees, who within Fourteen Days after Receipt of ſuch Notice ſhall cauſe true Copies thereof to be affixed on the Toll Gates then erected upon the ſaid Roads, or to be inſerted in ſome Newſpaper circulated in the ſaid County of *Carnarvon*. to be revoked or altered.

XI. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, or the major Part of them; which ſaid Book or Books, and alſo the Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments of the Tolls, or Tranſcripts thereof, ſo ſigned by the ſaid Truſtees, ſhall and may be read in Evidence in Caſes of Appeal, and in all Suits or Actions touching any Thing done or to be done by virtue or in purſuance of this Act. Proceedings to be entered in a Book and ſigned.

XII. And be it further enacted, That each and every Treaſurer, Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers nominated and appointed under or by virtue of the ſaid recited Acts, or any or either of them, ſhall hold and enjoy their ſeveral and reſpective Offices and Employments until he or they ſhall be removed therefrom reſpectively by the ſaid Truſtees; and each and every ſuch Treaſurer, Clerk, Collector, and other Officer and Officers, ſhall have the like Powers and Authorities for carrying this Act into Execution, and be ſubject and liable to the like Pains and Penalties, and the like Powers of Removal, and to the like Rules and Regulations in all reſpects whatſoever, as if he and they had been nominated and appointed under or by virtue of this Act. Old Officers to continue till others appointed.

XIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at their firſt or any ſubſequent Meeting as occaſion ſhall require, may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of ſuch Money as ſhall ariſe or may be due and payable by virtue of this Act, and alſo a Surveyor or Surveyors, and all ſuch other Officers as they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary and proper to be employed in the Execution of the Powers of this and the ſaid recited Acts; and alſo may remove from Time to Time all ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall ſee Occaſion; and the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Money to be raiſed or received by virtue of this Act, make ſuch Allowance unto the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees, or any Five or more of them, ſhall ſeem proper; and every Officer and Perſon who ſhall be appointed as aforeſaid ſhall from Time to Time, when thereunto required by the ſaid Truſtees, or any Five or more of them, by Writing under their Hands, Truſtees may appoint Officers, and remove them, &c.

make out and deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Account upon Oath if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any One of them, are or is hereby empowered to administer); and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Seven Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this or the said recited Acts, then and in every such Case, Complaint being made thereof by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf, of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account if produced in such Manner as the said Trustees, or any Five or more of them, might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible 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 or owing from such Officer or Person, such Justice may and he is hereby authorized and empowered upon Non-payment thereof, by Warrant 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 Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to verify the same on Oath as aforesaid (if so required by the said Justice), or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction

rection of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account, and have verified the same upon Oath as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees, or any Five or more of them, for such Money and Charges, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make,) and shall have delivered up as aforesaid all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Treasurer to give Security.

XIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized, directed, and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Trustees may appoint temporary Collectors.

XV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted shall neglect to perform or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act) may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver of the Tolls shall die, the said Trustees, or any Two or more of them, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged, and such Person so nominated and appointed shall have the like Power and Authority and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged could have had or would have been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or any of the Appurtenances thereof, for the Space of Seven Days next after Demand thereof made and Notice in Writing given for that Purpose by any Two or more of the said Trustees, (although not assembled at any Meeting,) or by their Clerk or Treasurer for the Time being, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which the same shall be situate, by Warrant under his or their Hand and Seal or Hands

and Seals, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe and Appurtenances in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein or in Poſſeſſion of the ſaid Gate, together with his, her, or their Goods out of and from the ſame, and to put the ſaid Truſtees, or any One of them, or ſuch new appointed Collector or Receiver, into the Poſſeſſion of ſuch Toll Gate, Toll Houſe, and Appurtenances.

Power to continue and erect Toll Gates, &c. and to remove, diſcontinue, or alter them, and incloſe Gardens.

XVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, as they ſhall think proper, continue or remove all or any of the Toll Gates, Bars, or Chains erected by virtue of the ſaid recited Acts, and may erect and ſet up, or cauſe to be erected and ſet up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or acroſs any Part or Parts of the ſaid Roads, and upon the Sides thereof, and alſo acroſs any Lane or Way leading into or out of the ſame, ſo that ſuch other Toll Gate or Gates, Bar or Bars, Chain or Chains, to be erected or ſet up do not exceed the Number already erected or ſet up on the ſaid Roads by virtue of the ſaid recited Acts, or either of them, ſuch preſent Number being Nine; and may alſo continue, erect, or provide a Toll Houſe with ſuitable Outbuildings and Conveniences at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or diſcontinue ſuch Toll Gates, Bars, Chains, or Toll Houſes, or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall think expedient; and alſo may take in and incloſe from the Side of the ſaid Roads convenient Ground for building ſuch Toll Houſes, and Garden Spots for the Toll Houſes reſpectively, not exceeding One-eighth Part of an Acre to each Toll Houſe.

Power to take Tolls.

XVII. And be it further enacted, That the reſpective Sums of Money following ſhall be demanded and taken at each and every of ſuch Toll Gates, Chains, and Bars (except as herein-after mentioned), from the Owner or Owners of or Perſon or Perſons uſing or attending any Horſe, Beaſt, Cattle, or Carriage, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time authorize or appoint for that Purpoſe, before any ſuch Horſe, Beaſt, Cattle, or Carriage ſhall be permitted to paſs through the ſame; (that is to ſay,)

Tolls.

For every Horſe, Mare, Gelding, Mule, or other Beaſt of Burthen, laden or unladen and not drawing, the Sum of One Penny Halfpenny:

For every Horſe, Mare, Gelding, or other Beaſt or Cattle, drawing any Waggon, Wain, Cart, or other ſuch like Carriage, on ſome conſpicuous Part of which the Owner's Chriſtian and Surname and Place of Abode ſhall be painted in large legible Letters of Two Inches long at leaſt, the Sum of Eight-pence:

For every Horſe, Mare, Gelding, or other Beaſt or Cattle, drawing any ſuch Waggon, Wain, Cart, or other ſuch Carriage, on ſome conſpicuous Part of which the Owner's Chriſtian and Surname and Place of Abode ſhall not be painted in large legible Letters Two Inches long at leaſt, the Sum of One Shilling:

For every Horſe, Mare, Gelding, Mule, or other Beaſt, drawing any Coach, Chariot, Chaiſe, Landau, Phæton, Machine, Hearſe, Calaſh, Caravan, Chaiſe Marine, Curricle, Gig, Car of Pleaſure or for Traveling,

velling, Bed Carriage, Chair, or any other ſuch like Carriage, the Sum of Eight-pence:

For every Score of Oxen or other Neat Cattle, the Sum of One Shilling; and for every Score of Calves, Swine, Goats, Sheep, or Lambs, the Sum of Sixpence; and ſo in Proportion for any greater or leſs Number of Oxen or other Neat Cattle, Calves, Swine, Goats, Sheep, or Lambs.

Double Tolls on Sunday.

XVIII. And be it further enacted, That it ſhall be lawful for the reſpective Toll Gatherers or Collectors on the ſaid Roads, and they are hereby authorized and empowered, on each and every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year during the Continuance of this Act, to demand and take for and in reſpect of each and every Carriage, Horſe, Beaſt, or other Cattle paſſing through any Gate or Turnpike upon the ſaid Roads, or any of them, Double the Toll or Sum which may for the Time being be demanded and taken by virtue of this Act for the ſame reſpectively on any other Day of the Week, before ſuch Carriage, Horſe, Beaſt, or other Cattle, ſhall be permitted to paſs through any ſuch Gate or Gates, Turnpike or Turnpikes; which ſaid reſpective Sums of Money hereby authorized to be taken as aforeſaid, ſhall be demanded and taken in the Name of or as Tolls, and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied as herein-after is directed; and if any Perſon ſubject or liable to the Payment of any of the ſaid Tolls ſhall after Demand thereof made neglect or refuſe to pay the ſame, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons authorized and appointed as aforeſaid to collect ſuch Tolls, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Cattle or other Thing upon or in reſpect of which ſuch Toll is hereby impoſed, together with their reſpective Bridles, Saddles, Gears, Harneſs, or Accoutrements, or any Carriage in reſpect of the Horſes or Carriage drawing the Carriage on which ſuch Toll is impoſed, or any of the Goods or Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay; and if the Toll, or any Part thereof ſo neglected or refuſed to be paid, and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining may ſell the Cattle, Carriage, or Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any), and what ſhall remain unſold upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted.

Tolls veſted in the Truſtees, and Manner of Recovery in caſe of Non-payment.

Diſputes concerning Tolls how to be ſettled.

XIX. And be it further enacted, That if any Diſpute ſhall happen about the Amount of Toll due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Toll due, and the Charges of ſeizing, diſtraining, keeping, and ſelling (as the Caſe ſhall happen), ſhall be aſcertained by One or more Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Diſpute ſhall ariſe, who, upon Application made to him or them for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties or other Witneſs or Witneſſes, and determine the Amount of the Toll due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and

alſo

also of the Collector's Attendance for that Purpose on the said Justice or Justices; all which Sums so determined or assessed shall be paid to the said Collector or other Person before he shall be obliged to return the Distress or the Overplus, after the Sale thereof, or of any Part thereof.

Collectors of Tolls competent Witnesses.

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

Trustees may let the Tolls.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, (at any Meeting whereof One Calendar Month's Notice shall have been given in Writing, to be affixed upon all the Toll Gates then erected on the said Roads, or inserted in some Newspaper printed or circulated in the Neighbourhood of the said Roads,) from Time to Time, by Writing under their Hands, to demise or let to Farm, or agree to demise or let to Farm, all or any of the Tolls arising by virtue of this Act, for any Term not exceeding Three Years, upon publick Bidding to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Times to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees, or any Five or more of them, shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied; any Thing in any Law or Statute to the contrary thereof notwithstanding.

Limitation of Toll Gates on the new Branches of Road.

XXII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect or set up, or cause to be erected or set up, the several Toll Gates, Bars, or Chains herein-after mentioned, on the said several new Branches of Road herein-before described; but that it shall not be lawful to or for the said Trustees to erect or set up or cause to be erected or set up a greater Number of Toll Gates, Bars, or Chains on the said several new Branches of Road, or any or either of them, than as herein-after specified, (that is to say,) not exceeding Three Toll Gates, Bars, or Chains upon the said Road leading from *Carnarvon* aforesaid to *Beddgelert* Bridge aforesaid; not exceeding Three Toll Gates, Bars, or Chains on the said Road leading from *Pontglanrhyd*, and through or near the Village of *Llanllyfni*, and through the Village of *Penmorfa* to *Tracthmawr*; One Toll Gate, Bar, or Chain upon the said Road leading from or near *Llanaelhaiarn* Church, to join the *Porthdinllaen* Turnpike Road at or near a Place called *Penprys*; One Toll Gate, Bar, or Chain upon the said Road leading from the Old Turnpike Road between *Carnarvon* and *Pwllheli*, at or near a Place called *Llyngela* to *Beddgelert* Bridge aforesaid; One Toll Gate, Bar, or Chain upon the said Road leading from a Common called *Rhos-y-garnedd* to *Bangor Ferry*, and from thence to a certain Finger Post called *Penychwintan* Finger Post in the Parish of *Bangor* aforesaid, and not exceeding Three Toll Gates, Bars, or Chains upon the said Road leading from the Town of *Carnarvon* aforesaid,

ſaid, to join the Turnpike Road between *Beddgelert* aforeſaid and *Capel Cerrig* aforeſaid, at or near a Place called *Dyffryn Mymbur* in the ſaid County of *Carnarvon*.

Perſons paſſing through Side Gates to be exempt from Toll at the next Gate on the Road.

XXIII. Provided alſo, and be it further enacted, That every Perſon who ſhall have paſſed through any Side Gate to be erected upon the ſaid Roads, and ſhall have paid Toll for paſſing through the ſame, ſhall be exempt from paying any Toll at the next Turnpike Gate which ſhall be erected or ſet up acroſs the ſaid Roads.

Tolls to be taken but once a Day.

XXIV. And be it further enacted, That if any Perſon ſhall have paid the Toll by this Act granted for the paſſing of any Horſe, Beaſt, or Cattle through any Gate or Turnpike erected or to be erected on the ſaid Roads, ſuch Perſon, upon producing a Note or Ticket denoting the Payment of ſuch Toll, ſhall be permitted to paſs through the ſame Gate or Turnpike with the ſame Horſes, Beaſts, or Cattle, Toll-free at any Time or Times during the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next ſucceeding Night; which Note or Ticket the Collector of the Tolls is hereby required to deliver *gratis* on receipt of ſuch Toll, except where any Carriage let for hire ſhall happen to bring other Paſſengers than thoſe that have paſſed through before.

Enabling the Truſtees to take Poſſeſſion of Toll Houſes, &c. when let to farm.

XXV. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for demiſing or letting thereof, then and in either of thoſe Caſes the ſaid Truſtees, or any Five or more of them, or their Clerk or Treaſurer, or any other Perſon authorized by Writing under the Hands of any Five or more of them, or of their Clerk or Treaſurer, ſhall be at liberty and they are hereby authorized to enter upon and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers, of the Tolls ariſing thereat reſpectively from the Poſſeſſion thereof and from the Collection of ſuch Tolls; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, (if they ſhall think fit,) to vacate and determine the Contract or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants, or Agreements on the Leſſees Part,) as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees, or any Five more of them, in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner, as if no former Demiſe, Contract, or Agreement had been made relative thereto.

General Exemptions from Toll.

XXVI. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken, or received at any of the Toll Gates erected or to be erected or continued upon the ſaid Roads, for any Horſes, Cattle, or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other publick Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their Parochial Church, Chapel, or other uſual Place of Religious Worſhip on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Hamlet, or Place through which any Part of the ſaid Roads lie, or any other Pariſh, Hamlet, or Place in the ſaid County of *Carnarvon*; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid Counties of *Carnarvon* and *Denbigh*; or for carrying or conveying Vagrants ſent by legal Paſſes; or for carrying or conveying Hay, Graſs, Saintfoin, Fodder, Straw, or Corn in the Straw, or Potatoes from or to a Farm for the Uſe of the Owner and not for Sale or purchaſed; or for carrying or conveying any Dung, Mould, Marl, Soil, or Sand, Manure or Compoſt, Lime, or other Manure of what Nature or Kind ſoever, to be uſed only for manuring of Land, or going or returning empty in that Employment, except Sand or Lime in Carts or Waggons with narrow Wheels; nor for any Horſes, Beaſts, or Cattle 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 any Plough, Harrow, or other Implement of Huſbandry, or any Corn, Grain, Malt, Wheat, or Flour to or from any Corn Mill or Oat Kiln, for the Owner's Uſe or Conſumption in his or her Dwelling Houſe and not for Sale, unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implement of Huſbandry, Corn, Grain, Malt, Wheat, or Flour, be alſo laden with any other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle paſſing to or repaſſing from Water or Paſture not beyond the Diſtance of Four Miles, and for either of thoſe Purpoſes going or paſſing only from one Pariſh into the next adjoining Pariſh, and not travelling more than Four Miles along the ſaid Roads; nor for any Horſe, Beaſt, or other Cattle when going to or returning from being ſhoed or farried, not beyond the Diſtance of Six Miles; nor for any Horſe, Beaſt, or Cattle uſed or employed for the Purpoſe only of carrying or conveying Materials for the making or repairing any Highway or publick Road within

within any ſuch Pariſh, Hamlet, or Place as aforeſaid; or for rebuilding, building, or repairing any preſent or future Bridge or Bridges on the ſaid Roads under this Truſt, or any County Bridge; nor for any Horſe, Beaſt, Cattle, or Carriage which ſhall croſs the ſaid Roads only, or ſhall not paſs more than One hundred Yards thereon; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exerciſe, Inſpection, or Review, provided that ſuch Perſon is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for ſuch Corps at the Time of claiming the Exemption; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

Penalty on fraudulently taking Benefit of Exemptions.

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 publick 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 in this or the ſaid recited Acts contained to the contrary notwithſtanding.

Carriages employed in the publick Service not ſubject to Penalties for Overweight, &c.

XXVIII. And be it further enacted, That if any Perſon or Perſons ſhall ride, drive, go, or paſs with any Horſe, Beaſt, Cattle, or Carriage through or over any Land, Ground, or Place lying by the Side of or near to any Part of the ſaid Roads, or if any Perſon or Perſons owning or occupying any Land, Ground, or Place ſituated as aforeſaid, (the ſame not being a publick Highway, or a common and ancient Road to or from ſome Mill,) ſhall knowingly or wilfully permit or ſuffer any other Perſon or Perſons to go or paſs with any Horſe, Beaſt, Cattle, or Carriage through or over ſuch Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the ſaid Tolls, or any Part thereof, or whereby or by Means whereof any ſuch Evaſion ſhall take Place or be effected; or if any Perſon or Perſons ſhall forge, counterfeit or alter, or ſhall deliver to or receive from any other Perſon, any Note or Ticket with Intent to evade the Payment of the ſaid Tolls, or any Part thereof, or ſhall unload or cauſe to be unloaded any Goods or other Things with the View of taking more than One Load of ſuch Goods or other Things through any Toll Gate in one and the ſame Day, or ſhall take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage before having paſſed through any Toll Gate, or having paſſed through any Toll Gate ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Roads, with Intent to evade the Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall eſcape or paſs through

Penalty on evading Tolls.

through any of the ſaid Toll Gates without paying Tolls as aforeſaid, or ſhall do any other Act in order or with Intent to evade the Payment of the ſaid Tolls, or any Part thereof; all and every ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, (over and beſides ſuch Damages and Puniſhments as he, ſhe, or they ſhall otherwiſe be liable to by Law,) to be recovered in ſuch Manner as is hereinafter provided for the Recovery of Penalties and Forfeitures, One Moiety whereof when raiſed ſhall be paid to the Informer, and the other Moiety to the Treaſurer of the ſaid Truſtees, to be applied to the Purpoſes of this Act.

Penalty on Collectors, &c. of Tolls taking greater or leſs Tolls than allowed.

XXIX. And be it further enacted, That if any Farmer, Renter, or Collector of the ſaid Tolls, ſhall demand and take, or cauſe to be demanded and taken from any Perſon or Perſons, any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized, ſuch Farmer or Renter ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, and alſo his Contract for renting the Tolls ſhall be declared to be vacated, if the ſaid Truſtees, or any Five or more of them, ſhall think fit to vacate the ſame; and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings; ſuch Forfeitures reſpectively to be recovered in Manner herein-before mentioned: Provided always, that if the Juſtice, by or before whom the Matter of Complaint ſhall be heard, ſhall be of Opinion that the Offender had probable Grounds for ſuch Demand and Taking, it ſhall be lawful for ſuch Juſtice either to mitigate the ſaid reſpective Penalties, or wholly to exonerate the Offender therefrom, as ſuch Juſtice ſhall think fit; any Law or Statute to the contrary notwithſtanding.

Toll Gates, Houſes, &c. veſted in Truſtees, who may diſpoſe of the ſame and bring Actions, &c.

XXX. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Gates, and Toll Houſes, and the ſeveral Conveniences and Appurtenances thereto belonging, which are already erected or made upon or on the Sides of the ſaid Roads, or which ſhall be erected or made by virtue of this Act, and all Materials for building and repairing the ſame, and for repairing the ſaid Roads, and all the Lamps, Lamp Poſts, Lamp Irons, and the Furniture thereof reſpectively, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and bring or cauſe to be brought any Action or Actions, or to prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall without Right keep Poſſeſſion of any ſuch Houſe or Appurtenances, or ſhall ſteal, take away, break down, or damage any of ſuch Turnpikes, Toll Gates, Toll Houſes, Conveniences, Appurtenances, Materials, Articles or Things, or diſturb them or their Agents or Servants in the Poſſeſſion thereof.

Debts upon the old Truſt to be firſt paid off.

XXXI. And be it further enacted, That the Tolls and Duties ariſing and payable at the Toll Gates now ſet up and erected on the preſent Roads under the ſaid recited Acts, ſhall, in the firſt Inſtance, be appropriated to the Payment of the Expences of keeping the preſent Roads in Repair and other neceſſary Expences connected with the Repairs of the ſaid Roads, and the Reſidue ſhall be laid out and applied by the ſaid Truſtees, or any Five

Five or more of them, in Payment of the Money now due and owing on the Credit of the ſaid recited Acts, together with all Intereſt due and to grow due thereon from Time to Time, until the ſame ſhall be wholly paid off and ſatisfied; and that after the ſame ſhall be fully paid off and ſatisfied, then the Reſidue ariſing from the ſaid Tolls or Duties ſhall be laid out by the ſaid Truſtees, or any Five or more of them, in the general Execution of this and the ſaid recited Acts.

Power to borrow Money, and to aſſign Tolls.

XXXII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, duly aſſembled at any Meeting to be holden at any Time or Times hereafter, may and they are hereby authorized and empowered from Time to Time to borrow and take up at Intereſt, on the Credit of the Tolls hereby granted, any Sum or Sums of Money as they ſhall think neceſſary, beyond the Amount of the Debt due on the Credit of the ſaid Acts at the Commencement of this Act; and they are hereby alſo authorized and empowered, either at every ſuch Meeting or afterwards, by any Writing or Inſtrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees as ſhall advance and lend the ſame (ſubject and without Prejudice to all prior Mortgages made under the ſaid Acts hereinbefore recited); which Mortgages ſhall be made in the following Form of Words, or in any other Form of Words to the like Effect; (that is to ſay,)

Form of Mortgage.

'BY virtue of an Act, paſſed in the Fiftieth Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act* [*here inſert the Title of this Act*] We, Seven of the Truſtees for putting the ſaid Act and the Acts therein mentioned in Execution, in Conſideration of the Sum of to the Treaſurer of the ſaid Truſtees in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his [*or*, her] Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Toll Gates and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the Whole of the Monies owing and ſecured on the Credit thereof, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt at the Rate of Pounds *per Centum per Annum*, ſhall be ſooner paid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord'

Copies of Mortgages to be entered in a Book.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer of the ſaid Truſtees, and all and every Perſon or Perſons to whom any ſuch Mortgage or Mortgages ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, or to whom any Mortgage or Aſſignment of Tolls may have been made under the ſaid recited Acts, or any or either of them, may from Time to Time transfer his, her, or their Right, Title, Intereſt, or Benefit to the Principal and Intereſt thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by ſigning before One credible

credible Witneſs an Inſtrument in the following Words, or Words to the like Effect; that is to ſay,

Form of Transfer.

'I *A. B.* do transfer this Mortgage or Security [*or*, a certain Mortgage or Security, *ſhortly ſtating it, as the Caſe may be*] with all my Right and Title to the Principal Money thereby ſecured, and all the Intereſt now due thereon, unto *C. D.* his [*or*, her] Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord

'Witneſs, *E. F.* '*A. B.*'

Transfer muſt be entered with the Clerk.

Which Transfer ſhall be produced and notified to the Clerk or Treaſurer to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books, ſpecifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entries the ſaid Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon, 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) to make void, releaſe, or diſcharge the original Security or any Monies thereby due, or any Part thereof.

No Preference among Creditors for the Money raiſed under this Act.

XXXIII. Provided always, and be it further enacted, That no Preference ſhall be given to any Perſon or Perſons who ſhall advance any Sum or Sums of Money upon the Credit of this Act, in reſpect of the Priority of advancing or of having advanced any ſuch Sum or Sums of Money, except as to the Money advanced and now due on the ſaid recited Acts; but that all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made as aforeſaid ſhall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the ſame Tolls in equal Degree one with another.

Power to get Materials.

XXXIV. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors to the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take, and carry away any Materials for making or repairing the ſaid Roads, or any Bridge or Bridges thereon, out of any River or Brook, or out of or from any Waſte or Common in or near which any Part of the ſaid Roads lies, without paying any Thing for ſuch Materials, the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Grounds, or ſloping down the Banks wherefrom ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſon or Cattle, and paying for the Damages done by going through and over any Lands or Grounds for or with ſuch Materials (ſuch Damages to be aſcertained as herein-after mentioned); and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take, and carry away any ſuch Materials in or out of the Land of any Perſon, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees,) making or tendering ſuch Satisfaction for the Damages done

to

to the Owners or Occupiers of the Land where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed and employed as aforeſaid, and the Owners and Occupiers of ſuch Land, or any of them, concerning ſuch Payments and Damages as aforeſaid, Two or more Juſtices of the Peace at their next General Quarter or Special Seſſion, or at the Second General Quarter or Special Seſſion at the furtheſt, to be holden in or for the County or Town wherein the Place from whence ſuch Materials ſhall have been taken ſhall be ſituate, on Eight Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages; and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to and upon all Parties.

Notice to be given to the Occupiers of Lands before Materials are to be taken.

XXXV. Provided nevertheleſs, and be it further enacted, That no Surveyor, or any other Perſon or Perſons acting under the Authority of this Act, ſhall begin to dig, gather, or carry away any Materials for repairing the ſaid Roads out of or from any incloſed Land, until Notice in Writing ſigned by the ſaid Surveyor ſhall have been given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at ſuch Occupier's uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Five or more of them, or any Two Juſtices of the Peace acting for the County or Place wherein ſuch Land ſhall lie, to ſhew cauſe why ſuch Materials ſhall not be had therefrom; and in caſe ſuch Owner, Agent, or Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or any Five or more of them, or ſuch Two Juſtices ſhall, if they ſhall think proper, authorize ſuch Surveyor or other Perſons to dig, gather, take, and carry away ſuch Materials at ſuch Time or Times, as to ſuch Truſtees or 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, the ſaid Truſtees, or any Five or more of them, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Owner or Occupier, or his or her Agent, had attended; and the Order of ſuch Truſtees or Juſtices reſpectively ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials raiſed by Surveyors.

XXXVI. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall have been dug, gotten, or gathered for the Repair or Uſe of the ſaid Roads, or ſhall raiſe or carry away any Materials out of or otherwiſe interfere with or obſtruct the working of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for repairing the ſaid Roads, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Three Calendar Months, (except the Owner or Occupier of the Land in which ſuch Pit or Quarry ſhall be made as to Materials for his own private Uſe only and not for Sale,) every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to make Cauſeways and Drains.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors,

veyors, to make or cauſe to be made Cauſeways or Footpaths along the Side or Sides of the ſaid Roads, or any Part or Parts thereof, and to cut or divert any Watercourſe in or through any Land adjoining or lying contiguous to any Part of the ſaid Roads in order to drain or waſh the ſaid Roads or prevent the ſame from being overflowed, and to erect Bridges or Culverts over ſuch Drains or Watercourſes if neceſſary, and alſo to make a Way over the Land adjoining to the ſaid Roads, (not being the Scite of or Ground whereon any Houſe or Houſes ſtand, or planted Walk, Yard, Park, Paddock, or Avenue to any Houſe,) to be uſed as a publick Highway whilſt the ſaid Roads or any Bridges or Works thereon are repairing or erecting, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Land for the Damages thereby ſuſtained as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable; and in caſe of any Difference concerning the ſame between ſuch Owners and Occupiers and the ſaid Truſtees, that then it ſhall be lawful for Two or more Juſtices of the Peace, or the major Part of them aſſembled at the next General Quarter or Special Seſſions for the County in which ſuch Roads ſhall be ſituate, or at their Second Quarter or Special Seſſions at the furtheſt, to ſettle, adjudge, and determine what Recompence ſhall be made to ſuch Owners and Occupiers for the Damage they ſhall have ſuſtained as aforeſaid, which Determination ſhall be final and concluſive.

Surveyors may remove Annoyances.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint, to remove all Nuiſances and Annoyances on or by the Side of any Part of the ſaid Roads, and to diſpoſe of the ſame for the Benefit of the ſaid Roads, and at proper Seaſons of the Year to cut down Trees or Buſhes growing thereon, or in the Hedges or Grounds adjacent thereto, and within Fifteen Feet of the Centre of the ſaid Roads, (except Trees or Buſhes planted for ornament or ſhelter to the Houſe, Building, Court Yard or Pleaſure Grounds of the Owner thereof,) and to cut or plaſh ſuch Hedges; the Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Nuiſances and Annoyances for the Space of Ten Days after Notice given in Writing for that Purpoſe under the Hand or Hands of the ſaid Surveyor or Surveyors, or Perſon acting for him or them, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Nuiſances and Annoyances as aforeſaid, at the Rate mentioned in an Act paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament the Statutes now in being for the Amendment and Preſervation of the publick Highways within that Part of* Great Britain *called* England, *and for other Purpoſes*; and in caſe ſuch Owners or Occupiers ſhall not upon Demand pay and reimburſe to the ſaid Surveyor or Surveyors ſuch Charges as aforeſaid, it ſhall be lawful for ſuch Surveyor or Surveyors, by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the County in which ſuch Road ſhall be ſituate, from Time to Time to levy the ſaid Charges upon ſuch Owners or Occupiers by Diſtreſs and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any be) to the Owners thereof upon Demand, after all Expences attending ſuch Diſtreſs and Sale ſhall be paid; and if after the Removal of any of the ſaid Nuiſances and Annoyances

any

any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before any One Justice of the Peace for the County in which such Offence shall be committed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of Watercourses neglecting to scour the same after Notice, Surveyor may do so and charge them.

XXXIX. And be it further enacted, That if any Person who of Right ought to scour and cleanse any Ditch, Drain, or Watercourse, which shall adjoin to or lead into or out of the said Roads, shall not in a proper Manner scour and cleanse or cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him or her respectively, or shall be left at his or her respective Place of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors shall and may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for scouring and cleansing the same; and if the said Person shall not repay the Money so paid by such Surveyor or Surveyors on Demand thereof upon him or her respectively made, either in Person or by Writing to be left at his or her respective Place of Abode, the said Money, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more credible Witness or Witnesses before any One Justice of the Peace of the County or Place where such Person shall live, shall and may by Warrant under the Hand and Seal of such Justice be levied by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus (if any be) to the Owner thereof upon Demand, after all Charges are paid.

Trustees may contract for Purchase of Land.

XL. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, as they shall think proper, to make, widen or divert, turn, shorten, vary or alter, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the said Roads, and that such Variation of Road may be made through or over any Common or Waste Ground without making any Satisfaction for the same, and through or over any private Lands, Railways, Tramroads, or Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damages they may thereby sustain; and it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase 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 the said Roads through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporation, Aggregate or Sole, Guardians, Feoffees, Trustees and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Infant Wards, Cestuique Trusts, Lunaticks, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Persons and Person whomsoever, who are or shall be seised of or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them, or any Five or more of them, any

ſuch Lands or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politick, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

When Perſons neglect or refuſe to treat.

XLI. And be it further enacted, That if ſuch Bodies Politick, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, or any other Perſon or Perſons intereſted in any ſuch 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, or of the principal Officer or Officers of ſuch Bodies Politick, 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 is to be diverted, turned, or altered, ſhall, for the Space of Ten 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 ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage or Recompence to be enquired into and aſcertained by a Jury of indifferent Men of the County in which the ſame ſhall be ſituate, and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby empowered and required, from Time to Time as Occaſion ſhall be and require, 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, or any Five or more of them, ſhall, by ordering a View or otherwiſe, uſe all lawful 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, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners and other Perſons intereſted in ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition and Judgement, 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, Lunaticks, Idiots, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County in which the ſaid Roads ſhall be ſituate, requiring him to impannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries to appear before the ſaid Truſtees, or any Five or more of them, 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,

moned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby 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, his Deputy or Deputies, or any Five or more of the ſaid Truſtees, ſhall return 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, or any Five or more of them, 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 who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being 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, and on any of the Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn or examined or give Evidence, ſo that no ſuch Fine be more than Ten Pounds on any One Perſon for One Offence.

How Expences of Jury ſhall be paid.

XLII. 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 him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, Property, 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 Treaſurer to the ſaid Truſtees out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the County in which ſuch Lands or Hereditaments ſhall be ſituate, not intereſted in the Matter in Queſtion, (who is hereby required to examine and ſettle the ſame at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe,) 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 ſo aſſeſſed and adjudged; or otherwiſe ſuch

Coſts and Expences, in caſe the ſame be not paid upon Demand after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon ſhall by Reaſon of Abſence have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees out of the Money to be raiſed or received under or by virtue of this Act.

Money agreed upon or aſſeſſed how to be paid or tendered.

XLIII. And be it further enacted, That all and every ſuch Sums and Sum of Money, Conſideration, Recompence, or Satisfaction to be agreed for or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls or out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents, and that upon Payment or Tender thereof to ſuch Perſons or their Agents, or depoſiting the ſame in the Bank of *England* in the Manner by this Act directed, (as the Caſe may be,) it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to make, extend, 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, or any Five or more of them, ſhall think fit, according to the Directions of this Act; and the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Parts of the ſaid Roads as ſhall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwiſe fenced from the adjoining Land in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct, and all Lands and Hereditaments which ſhall be made a Part or Parts of any Road by virtue of this Act, ſhall 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 the Land conſtituting any former Road in lieu whereof ſome new Road ſhall be made by virtue of this Act, unleſs leading over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, Hamlet, or Place to which the reſpective new Roads do not lead, ſhall be veſted in and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Five or more of them, 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 ſaid Roads by this Act directed to be repaired, and all Conveyances executed by the ſaid Truſtees, or any Five or more of them, and enrolled with the Clerk of the Peace for the County in which the ſaid Roads ſhall be ſituate, ſhall be good, valid, 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, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling Houſe, or any Yard, Park, or Paddock, planted Walk, incloſed Nurſery for Trees, or Avenue to a Houſe, or any Part thereof, without the Conſent of the Owner or Proprietor thereof reſpectively in Writing firſt had and obtained.

Former Roads, in lieu of which other Roads being made, may be ſold.

Act not to extend to taking down Houſes, &c. without Conſent of Owners.

Truſtees empowered to ſell overplus

XLIV. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required to make by virtue of this or the ſaid recited Acts,

Acts, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in Parcels 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, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County in which ſuch Land or Ground ſhall be ſituate, (who are hereby empowered and required to take the ſame,) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was 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 paid in like Manner as 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 Piece or Parcel of Roads or Grounds as aforeſaid ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Grounds, and directing the firſt Offer to be made to the Perſon from whom the ſame was purchaſed.

XLV. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments, which ſhall be purchaſed for the Purpoſes of this Act of any Body Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Femes or Feme Covert, or other incapacitated Perſon or Perſons ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, or any Three or more of them, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents or Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land

Application of Compenſation when exceeding 20*l.*

Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, 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 or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when under 200l. and above 20l.

XLVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall 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 or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in 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 Truſtees, or any Three or more of them, (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 Manner herein-before directed, (ſo far as the Caſe be applicable,) without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When under 20l.

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

ſo

ſo purchaſed, taken, or uſed as aforeſaid, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles; or if Perſons cannot be found, Money to be paid into the Bank; ſubject to the Order of the Court of Chancery.

XLVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands 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 Truſtees, or any Five or more of them, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any Sum or Sums into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to whom the Money ſhall be paid, &c.

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

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

L. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this or the ſaid recited Acts, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court of Chancery, 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 and the ſaid recited Acts, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable to be paid by the ſaid Truſtees, out of the Monies to be received by virtue of this or the ſaid recited Acts, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Reſtraining the Truſtees from deviating beyond a certain Diſtance from the Line deſcribed in Map or Plan.

LI. And whereas a Map or Plan, deſcribing the Lines of the ſaid new Branches of Road, and the Lands through which the ſame are to be carried, together with Books of Reference containing Liſts of the Names of the Owners of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the ſaid County of *Carnarvon*; be it therefore enacted, That the ſaid Map or Plan, and Books of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County of *Carnarvon*, to the End that all Perſons may at all ſeaſonable Times have Liberty to peruſe and inſpect the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan and Books of Reference; and that the ſaid Truſtees in making the ſaid new Branches of Road, or either of them, ſhall not deviate more than One hundred Yards of Three Feet each from the Lines deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politick, Corporate or Collegiate, through or over whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees may make the Roads through Lands although the Names are not in the Book of Reference.

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

Truſtees not reſtrained from diverting the Roads beyond 100 Yards, if Parties conſent.

LIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prevent, hinder, or reſtrain the ſaid Truſtees from widening, diverting, turning, ſhortening, varying, or altering the Courſe or Path of any Part or Parts of the ſaid Roads, beyond the Diſtance of One hundred Yards, through the Lands

Lands or Grounds of any Perſon or Perſons whomſoever, in caſe ſuch Perſon or Perſons ſhall be conſenting thereto, and ſhall ſignify his, her, or their Conſent in Writing to ſuch Diverſion or Alteration being made.

Perſons and Diſtricts liable to repair the Roads, to continue ſo.

LIV. And be it further enacted, That all and every Perſons and Perſon, Hundreds, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, who before the paſſing of the ſaid recited Acts or this Act have or hath uſed or of Right ought by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the ſaid Roads, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall notwithſtanding this Act be ſubject and liable to ſuch Repairs in the ſame Manner as they and every of them have or hath heretofore uſually been, or would have been in caſe the ſaid Acts or this Act had not been paſſed.

For regulating the Statute Labour.

LV. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or 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 by the Inhabitants of the reſpective Pariſhes or Places in which the ſame do lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of every ſuch Pariſh or Place in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as are or may be directed by any Law or Statute in force for the Repairs of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done at ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Roads as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof, as they the ſaid Juſtices ſhall think proper, 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 recited Acts authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force or Effect for the Repair of the publick Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor 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, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe and imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Occupiers of adjoining Lands to carry off Scrapings on Notice, except in Harveſt Time.

LVI. And be it further enacted, That all and every the Occupier and Occupiers of Lands or Grounds adjoining to the ſeveral Roads to be made and repaired under this Act ſhall, on Six Days Notice to be given to him or them reſpectively by the Surveyor or Surveyors of the ſaid Roads, or any Perſon or Perſons which he or they ſhall appoint, from Time to Time, haul, remove, and carry away all Soil, Earth, or other Matter, 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 Occupier and Occupiers ſhall reſpectively extend, but not farther; and in caſe any ſuch Occupier or Occupiers ſhall neglect or refuſe to haul, carry off, or remove ſuch Soil, Earth, or other Matter 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 other Matter during the Time of Hay or Corn Harveſts.

Truſtees may contract for Repairs or any other Work.

LVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to contract and agree with any Perſon or Perſons for the repairing of the ſaid Roads, or any Part or Parts thereof, or for doing any other Work in purſuance or Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money annually, or for a Term of Years or otherwiſe, as the ſaid Truſtees, or any Five or more of them, ſhall think proper.

LVIII. And

Roads to be measured and Mile Stones erected.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time when and as often as they shall think necessary, to cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, with Inscriptions thereupon denoting the Number of Miles and Distance of Places, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or if any Person shall ride upon any Foot-path formed by the said Surveyor or Surveyors upon or on the Side of or adjoining to the said Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any such Foot-path, or if any Person shall cause to be haled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing, (otherwise than upon wheeled Carriages,) or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Roads to the Prejudice thereof, or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the same or the Fences on either Side thereof, or if any Person driving any Carriage upon the said Roads and meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the said Roads, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her or any Carriage under his or her Care upon the said Roads, or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Roads, or on the Banks or Land adjacent or lying open thereto, or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof to the Prejudice thereof, or to the Annoyance of Persons travelling thereon, or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon the said Roads or any Part thereof, and shall not within the Space of Fourteen Days take or carry away the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for defacing and committing any Nuisances.

Penalty for assaulting Collectors or obstructing the Execution of this Act.

LIX. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees or any of them, employed in the Execution of this Act or the said recited Acts, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For securing transient Offenders.

LX. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or

other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Session to be holden within or for the County or Place in which such Offence or Offences shall have been committed to answer the said Complaint; and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Session as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them to the Common Gaol or House of Correction for the said County or Place, there to remain for any Time not exceeding Fourteen Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred (if any) for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

Penalties and Forfeitures how to be recovered and applied.

LXI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (if the Manner of levying and recovering thereof be not herein otherwise directed,) shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offence shall be committed or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by 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 Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines when paid and recovered, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid to the Treasurer to the said Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, or Fines shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as 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 such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXII. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices and Justice of the Peace, before whom any Person or Persons shall be convicted of any Offence

Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, (as the Caſe ſhall happen,) or in any other Form of Words to the ſame Effect; (that is to ſay,)

Form of Conviction.

'County of (to wit,) } BE it remembered, That on the Day of in the Year of His Majeſty's Reign, and in the Year of our Lord *A. B.* is convicted before His Majeſty's Juſtices of the Peace for the ſaid County, by virtue of an Act of the Fiftieth Year of the Reign of King *George* the Third, intituled, *An Act*, &c. [*here ſet forth the Title of this Act, and ſpecify the Offence, and when and where committed.*] Given under our Hands and Seals [*or*, my Hand and Seal] the Day and Year firſt above written.'

Power to indict for Want of Repair.

LXIII. And be it further enacted, That the ſaid Truſtees, at any Meeting whereof Notice ſpecifying the Time and Place when and where, and the Purpoſe for which ſuch Meeting is intended to be held, ſhall be inſerted in ſuch Newſpaper or Newſpapers, and affixed on ſuch Gates and Turnpikes as aforeſaid, at leaſt Ten Days previous to the Time when ſuch Meeting is appointed to be held, may and they are hereby authorized and empowered, when and as often as they ſhall think fit and neceſſary, to direct Indictments to be preferred and proſecuted, and the Expences to be defrayed out of the Monies ariſing by virtue of this Act, againſt the Inhabitants of all or any of the Pariſhes or Places through which the ſaid Roads, or any of them, ſhall paſs, or againſt any other Perſon or Perſons liable to repair ſuch Roads, if the Inhabitants, Perſon or Perſons ſo liable, ſhall neglect to repair the ſame, and againſt the Hundred or County liable to repair Bridges, if ſuch Bridges be out of Repair.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXIV. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, ſuch Perſon may appeal to the Juſtices of the Peace at the next General Quarter Seſſion of the Peace to be holden for the County in which ſuch Cauſe of Appeal ſhall ariſe, ſuch Appellant (if ſufficient Time after the Cauſe of ſuch Complaint ſhall have ariſen) firſt giving or cauſing to be given Eight Days Notice at leaſt in Writing of his or her Intention of bringing ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Four Days next 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 thereon, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſion; and for Want of ſufficient Time for giving ſuch Notice previous to the Firſt Quarter Seſſion after the Cauſe of ſuch Complaint ſhall have happened, then ſuch Appeal, after ſuch Notice and under ſuch Recognizance, may be made at the Second General Quarter Seſſion of the Peace to be holden for the County in which ſuch Cauſe of Appeal ſhall ariſe; and the Juſtices at ſuch Firſt or Second Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter 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 Seſſion ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid

Juſtices at ſuch Seſſion may alſo by their Order or Warrant levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe or neglect to pay the ſame, and for Want of ſufficient Diſtreſs commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction of or for the County in which ſuch Offence ſhall be committed, there to remain for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Proceedings not to be quaſhed for Want of Form.

LXV. And be it further enacted, That no Order made touching or concerning any of the Matters in this or the ſaid recited Acts contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this or the ſaid recited Acts, ſhall be quaſhed for Want of Form, or be removed or removable by *Certiorari*, or any 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 diſtrained be deemed a Treſpaſſer or Treſpaſſers *ab initio* on Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage (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 Behalf of the Party diſtraining before ſuch Action brought.

Limitation of Actions.

LXVI. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or pretended to be done in purſuance of this or the ſaid recited Acts, until after Fifteen Days Notice thereof ſhall be given to the Clerk or Clerks to the ſaid Truſtees, nor after a ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, and every ſuch Action ſhall be laid and tried in the County in which the ſame was committed, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit 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 that the ſame was ſo done, or that ſuch Action or Suit was brought before Fifteen Days Notice thereof had been given as aforeſaid, or after ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in any Caſe by Law.

Compelling Payment of Subscriptions.

LXVII. And be it further enacted, That if any Person or Persons who hath or have already subscribed any Money towards the Expence of obtaining and passing this Act and carrying the same into Execution, or any other Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall after Twenty Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, or any Five or more of them, to bring or cause to be brought, in the Name of their Clerk, an Action of Debt, or on the Case, Bill, Plaint, or Suit against such Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance shall be allowed; and after Proof of such Person or Persons having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, such Person or Persons, his, her, or their Heirs, Executors, or Administrators, shall be compelled to pay the Sum or Sums of Money so by him, her, or them subscribed or agreed to be subscribed as aforesaid, together with full Costs of Suit.

Expences of obtaining the Act how to be paid.

LXVIII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act shall be paid by the said Trustees, or any Five or more of them, out of the Monies now in the Hands of the Treasurer, or out of the first Monies which shall come into his Hands, excepting only the Expences of surveying, mapping, and estimating the new Roads intended to be made by virtue of this Act, which shall be exclusively paid out of the Money borrowed or to be borrowed towards making such new Roads.

Publick Act.

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

Term of the Act.

LXX. And be it further enacted, That this Act shall commence upon the Third *Saturday* next after the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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