ANNO TERTIO

GEORGII IV. REGIS.

Cap. ii.

An Act for repairing and maintaining certain Roads leading to and from *Chepstow*, and other Places in the Counties of *Monmouth* and *Gloucester*, called *The District of Chepstow* and *The New Passage District*. [21st *March* 1822.]

WHEREAS an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing, widening, and improving the Road from the Village of* Magor *to the Bridge Foot, in the Town of* Chepstow *in the County of* Monmouth, *and several other Roads in the Counties of* Monmouth, Gloucester, Hereford, *and* Brecon; *to continue in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament:* And whereas the several Roads directed to be repaired by the said Act were thereby divided into Eight Districts, and the First and Second Districts therein described were by the said Act directed to be called *The District of Cheptsow*, and *The New Passage District:* And whereas the Trustees for the said District of *Chepstow*, and for the said New Passage District of Roads, have borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Districts of Roads respectively, which still remain due and owing: And whereas the Money so due and owing cannot be paid off, nor can the Roads in the said District of *Chepstow* and New Passage District be 39 & 40 G. 3. c. 15.

sufficiently amended, widened, improved, and kept in repair, unless the Term and Powers of the said Act, so far as the same relate to the said Two Districts of Roads, are enlarged, and unless Powers are given for increasing the Tolls now taken thereon: And whereas it would facilitate the Execution of the Purposes aforesaid if the said former Act, so far as the same relates to the said Two Districts of Roads, was repealed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Act of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, so far as the same relates to the Roads by this Act intended to be amended and kept in repair, shall be and the same is hereby declared to be repealed; and that this Act shall from thenceforth commence and take Effect, and be put into Execution for and during the Term herein-after mentioned, for the Purpose of amending, altering, turning, widening, improving, and keeping in repair the several Roads herein-after described; (that is to say), the Road extending or leading from the Village of *Magor* in the Parish of *Magor*, through the Parishes of *Undy*, *Lanvihangel Rogiet*, *Ifton*, *Rogiet* and *Caldicot*, through *Caldicot*, and through the Parishes of *Portscuet*, *Caerwent*, *Saint Pierre*, *Mathern*, Hamlet of *Hardwick*, and Parish of *Chepstow*, to the Bridge Foot in the Town of *Chepstow* in the County of *Monmouth*; and from thence through the Parishes of *Tidenham*, *Woolastone*, *Alvington*, *Ailburton*, and *Lidney*, through the Parish of *Awre*, and Towns of *Blakeney* and *Newnham*, to a Place called *Hawkins's Pill* in the Parish of *Newnham* in the County of *Gloucester*; and from a Parting in the same Road in the Parish of *Tidenham*, on the Top of *Tutshill*, to a Place called *The Old Passage House* in the said Parish of *Tidenham* in the County of *Gloucester*, and from the Bridge Foot in the said Town of *Chepstow*, through the Parishes of *Chepstow*, *Saint Arvans*, *Newchurch*, *Wolvesnewton*, over the *Devauden*, through the Parish of *Lanvihangel Torymunydd*, to a Place called *Lanishen's Cross* in the Parish of *Lanishen*, and from the *Devauden Common*, through the Parishes of *Lanvihangel Torymunydd*, *Lansoy*, *Landenny*, and *Ragland*, to the Village of *Ragland* in the County of *Monmouth*; and from *Chepstow*, through the Parish of *Chepstow*, Hamlet of *Hardwick*, Parishes of *Mathern*, *Saint Pierre*, *Caerwent*, *Lanvair*, *Discoed*, and *Lanvaches*, to the Rock and Fountain in the Parish of *Lanvaches* in the County of *Monmouth*; which said Roads shall be and constitute the First District of Roads comprized in this Act, and shall be called by the Name of *The District of Chepstow*; and the Roads extending or leading from the New Passage House to *Crick Green*, and from thence to the *Devauden Green*, through the Parishes of *Portscuet*, *Runston*, *Caerwent*, *Shirenewton*, Hamlet of *Dinham*, Parishes of *Itton* and *Newchurch*, and from the New Passage to *Saint Pierre*'s Upper Park Gate, through the Parishes of *Portscuet*, *Mathern*, and *Saint Pierre*, and from the Village of *Caerwent*, through the Parishes of *Caerwent*, *Lanvair*, *Discoed*, *Lanvaches*, *Newchurch*, and *Lantrissent*, to the Cross Lanes in the Parish of *Lantrissent*, which shall be and constitute the Second District of Roads comprized in this Act, and shall be called by the Name of *The New Passage District*; and this Act, and the Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized

Former Act repealed.

First or Chepstow District.

Second or New Passage District.

rized to be taken on the same Roads, 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 on the Credit of the Tolls hereby authorized to be collected, or on account of this Act; and that all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said former Act, so far as relates to the said Districts of *Chepstow* and the New Passage, or either of them, shall be liable to the Payment thereof to the Trustees respectively hereinafter appointed or directed to be appointed 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 former Act for the said Districts of *Chepstow* and the New Passage, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the said Trustees for executing the said former Act, for the said Districts of *Chepstow* and the New Passage, to or with any Person or Persons, or for any other Purpose, shall remain in full Force and Effect, and be observed and kept by the respective Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said former Act; and also, that all Roads made, opened, widened, diverted, shut up, or discontinued under or by virtue of the Powers and Provisions of the said former Act, or of the Act thereby repealed, within the said Districts of *Chepstow* and the New Passage, shall, notwithstanding such Repeal, remain and continue open, widened, diverted, shut up, and discontinued, in such and the like Manner as at the Time of passing this Act.

Appointment of Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Monmouth*, and all His Majesty's Justices of the Peace acting for the County of *Gloucester*, together with *William Ambrose*, *Thomas Ambrose*, the Right Honourable *Charles Bathurst*, *George Buckle*, *John Buckle*, *John Bowsher*, *Daniel Baker*, *John Baldwyn*, *John Baldwyn* junior, *Edward Baldwyn*, *William Brearley*, *Charles Bryan* Clerk, *Samuel Brookes*, *Samuel Brookes* junior, *Daniel Burr*, *Joseph Camplin* Doctor of Medicine, *William Curre*, *William Curre* junior, *John Curre*, *Phillips Cosby*, *Henry Cosby*, *John Evans*, *John Evans* junior, *James Evans*, *Robert Evans*, *John Eagles*, *William Ford*, *James Ashe Gabb* Clerk, *William Hurdman Jane* Doctor in Divinity, *James Jane* Bachelor in Divinity, *Warren Hurdman Jane*, *William Hurdman Jane*, *Richard Jenkins*, *James Jenkins*, *Thomas Jennings*, *Edward Jones* Clerk, *Charles Lewis*, *Thomas Lewis*, *Edward Lewis* Clerk, *Edward Freke Lewis*, *Francis Lewis* Clerk, *Charles James Lewis*, *Capel Hanbury Leigh*, Sir *Charles Morgan* Baronet, *Charles Morgan*, *Charles Henry Morgan* Clerk, the Honourable *William Middleton Noel*, *John Proctor*, *James Proctor*, *George Rooke*, *William Seys* Clerk, *Charles Sandiford* Clerk, *Joseph Swayne*, the Honourable *Henry Somerset* commonly called *The Marquis of Worcester*, the Honourable *Granville Charles Henry Somerset* commonly called *Lord Granville Charles Henry Somerset*, *Thomas Thomas* Clerk, *Robert Thomas* Clerk, *Alexander Trotter*, Sir *Alexander Willson* Knight, *Nathaniel Wells*, *William Wells*, *Nathaniel Wells* junior, *Richard Watkins*, *Henry Wise*, *James Williams* Clerk,

Clerk, *Thomas Lewis Williams*, *Thomas Wallis*, *John Wait*, and *John Wetham*, and their Successors to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for amending, altering, turning, widening, improving, and keeping in repair the Roads in the District of *Chepstow* herein-before described, and for otherwise putting this Act in Execution, so far as relates to the said District of *Chepstow;* and that all His Majesty's Justices of the Peace acting for the County of *Monmouth*, together with *George Buckle*, *John Buckle*, *John Bowsher*, *John Baldwyn*, *John Baldwyn* junior, *Edward Baldwyn*, *Samuel Brookes*, *Samuel Brookes* junior, *Joseph Camplin* Doctor of Medicine, *William Curre*, *William Curre* junior, *John Curre*, *John Evans*, *John Evans* junior, *James Evans*, *Robert Evans*, *William Ford*, *James Ashe Gabb* Clerk, *Charles Lewis*, *Thomas Lewis*, *Edward Lewis* Clerk, *Edward Freke Lewis*, *Francis Lewis* Clerk, *Charles James Lewis*, *Capel Hanbury Leigh*, *John Proctor*, *William Seys* Clerk, *Nathaniel Wells*, *William Wells*, *Nathaniel Wells* junior, *Richard Watkins*, *Henry Wise*, *James Williams* Clerk, and *Thomas Lewis Williams*, and their Successors to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for amending, altering, turning, widening, improving, and keeping in repair the Roads in the New Passage District herein-before described, and for otherwise putting this Act in Execution, so far as relates to the said New Passage District.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall and may be lawful for the Trustees hereby appointed for the District of *Chepstow* Roads, and they are hereby authorized and empowered from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons (not exceeding Five in the whole, in addition to the Number of Trustees hereby appointed for the said District) to be Trustees for the said District of *Chepstow;* and it shall also be lawful for the Trustees hereby appointed for the New Passage District of Roads, and they are hereby authorized and empowered from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons (not exceeding Five in the whole, in addition to the Number of Trustees hereby appointed for the said District) to be Trustees for the said New Passage District of Roads; and such Persons so elected, and being duly qualified as herein-after mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

On Death, or Refusal to act, other Trustees to be chosen.

IV. And be it further enacted, That when and so often as any of the Trustees herein named and appointed (except the Justices of the Peace acting for the County of *Monmouth* or County of *Gloucester*), or to be elected and appointed by virtue of this Act, shall die or become disqualified by Bankruptcy, Insolvency, or otherwise, or by Writing under his or their Hand or Hands, delivered to the Clerk to the Trustees acting in Execution of this Act for the District to which such Trustee shall belong, signify his or their Refusal to act, or shall neglect to act for Three successive Years, it shall be lawful for the surviving or remaining Trustees, acting for the District to which such Trustee shall belong, or any Three or more of them, and they are hereby authorized and empowered, to elect and appoint some other Person or Persons to be a Trustee or Trustees in the Room of any Trustee or Trustees so dying or becoming disqualified or refusing

refusing or neglecting to act; and Notice of the Time and Place of Meeting for every Election shall be given by the Clerk to such Trustees, or by any Two or more of such Trustees, which Notice shall be affixed in Writing on all the Turnpike Gates then standing or being within such respective District of Roads, at least Seven Days previous to every such Meeting; and all and every Person and Persons who shall be so elected and appointed, and shall be duly qualified as herein-after mentioned, shall be a Trustee or Trustees for the Purposes of this Act, and is and are hereby invested with the same Powers and Authorities for carrying this Act into Execution as if he or they had been herein named.

Qualification of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation of Qualification herein-after mentioned), unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; nor until he shall have taken and subscribed an Oath, or being a Quaker until he shall have made and subscribed an Affirmation in the following Form of Words; and which Oath or Affirmation the said Trustees, or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized and empowered to administer; (that is to say),

Trustees Oath or Affirmation.

'I do swear [*or, being one of the People called Quakers,* I do solemnly affirm], That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife] in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, [*or*, am possessed of a Personal Estate alone, or Real and Personal Estate together, of the Value of Four thousand Pounds, *or*, am Heir Apparent of
who, to the best of my Knowledge and Belief, is seised of a Real Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, *as the Case may happen*]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*]. So help me GOD.'

[*or*, being a Quaker, omit the Words, 'So help me GOD.']

Penalty on Trustees acting, not being qualified.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act, in any Case wherein he shall be personally interested, other than as a Creditor, or while he holds any Place of Profit under this Act, or who shall sell any Ale, Beer, or Wine, or Spirituous Liquors by Retail, or who shall be interested or concerned in any Contract, or who shall be Lessee or Farmer of the Tolls, or any Part or Parts thereof under this Act; and if any Person not being qualified as aforesaid, or not having taken and subscribed the

the Oath as aforesaid, or being a Quaker not having made and subscribed the Affirmation as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee 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 sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so sued or 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: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that account be deemed unqualified to act as a Trustee in the Execution of this Act; provided also, that such of the said Trustees hereby nominated or to be appointed by virtue of this Act, as are or shall be in the Commission of the Peace for the County of *Monmouth* or County of *Gloucester* respectively, shall not by reason of being such Trustees be deemed disqualified from acting as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be individually interested.

Acts of unqualified Trustees before Conviction to be valid.

Mortgagees may be Trustees.

Trustees, being Justices, may act as such.

Meetings of Trustees.

VI. And be it further enacted, That the Trustees for the said respective Districts of Roads shall respectively hold their First Meeting at *The Beaufort Arms Inn*, or some other convenient Place in the Town of *Chepstow*, on the Fourth *Saturday* after the passing of this Act, or as soon after as conveniently may be; and shall and may then, and from Time to Time after, by an Entry in Writing in their respective Books of Proceedings, adjourn to and meet at such Times, and at such Place or Places near to their said respective Districts of Roads, as they shall respectively think proper to name in such Entry of Adjournment; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place appointed for a Meeting, then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk shall, and they and he are and is hereby respectively authorized to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Forty Days, nor sooner than Ten Days from the Day of such last intended Meeting; and in case at any Time no Adjournment of any Meeting or intended Meeting shall be made as aforesaid, then it shall and may be lawful for the Clerk, or for any Three or more of such Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees by Notice, to be affixed in Writing on all the Turnpike Gates on the respective District of Roads for which such Meeting shall be called, appointing the Trustees to meet at such Time and Place near such District

as the said Clerk, or the said Trustees respectively giving such Notice, shall think proper, not exceeding Forty Days, nor sooner than Ten Days from the Date of advertising such Meeting; and all the Powers and Authorities by this Act given to, and all the Provisions, Matters, and Things by this Act directed or authorized to be done by the said Trustees, shall and may be executed and done by or before any Three or more of them assembled at some Meeting to be held in pursuance of this Act, and shall be of as full Force and Effect as if executed or done by or before all the Trustees for executing this Act (except in such Cases where any such Power, Authority, Provision, Matter, or Thing is by this Act particularly directed or authorized to be executed or done by any other Number of Trustees, or in any other Manner); and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of this Act, made at any such Meeting or Meetings, consisting of Three or more Trustees, wherein the major Part of the Trustees present at such Meeting or Meetings shall concur, shall be as valid and effectual as if all the Trustees present at such Meeting or Meetings had concurred therein; and at all such Meetings a Chairman shall or may be appointed, and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote; and all Orders made under the Powers and Provisions of this Act, or of the former Act hereby repealed, may be revoked or altered, if Occasion shall require, by the Trustees of the District in relation to which such Order was made; provided that no such Order shall be revoked or altered, except at some Meeting where not less than Five Trustees of the same District shall be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three or more Trustees of such District shall give Notice at some previous Meeting for such District, and such Notice be entered in the Book of Proceedings, and affixed on all the Turnpike Gates on the Roads in such District, specifying that such Revocation or Alteration is intended to be moved for, Fourteen Days at least previous to any Meeting to be holden for that Purpose; and the Trustees shall at their several Meetings pay their own Expences.

Meetings on Emergencies.

VII. And be it further enacted, That if, after any Adjournment of any Meeting of the said Trustees of either of the said Districts, it shall at any Time be thought necessary that an earlier Day of Meeting for such District should be appointed than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for the Clerk, by or under an Order in Writing signed by Three or more Trustees of such District, or for any Three or more such Trustees (although not assembled at a Meeting), to call a Meeting of such Trustees, to be held at such Time and Place near such District as they shall think proper, by Notice in Writing mentioning the Time and Place and Purpose of such Meeting, to be affixed on all the Turnpike Gates then standing or being across the Roads in such District (such Time being not less than Seven Days after Publication of such Notice); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case such Trustees had met in pursuance of an Adjournment; but no other Business shall be proceeded upon, but what shall have been specified in such Notice.

VIII. And

Books to be kept of Proceedings of Trustees.

VIII. And be it further enacted, That the said respective Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being; in which Book or Books all Orders and Proceedings of such Trustees shall be regularly entered; and such Orders and Proceedings so entered shall be signed by the Chairman of the Meeting at which the same shall be made, or by the Trustees making the same; and the said Book or Books, and all Books of Proceedings of the Trustees in the Execution of any former Act or Acts, kept according to the Directions or Provisions thereof, and made Evidence thereby, and also the Book or Books herein-after directed to be kept for registering Mortgages, Deeds Poll, and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Books to be kept of Accounts of Receipts and Disbursements.

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

Penalty for Refusal of Inspection.

Appointment of Officers.

X. And be it further enacted, That the said respective Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls or Money to arise or become due and payable by virtue of this Act, for each District, and a Surveyor or Surveyors of the said respective Districts of Roads, and such other Officers as such Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and every such Appointment shall be entered in the Books of the Proceedings of the Trustees of the respective District where the same shall be made, and the Entry shall be signed by the Trustees making the Appointment, or by the major Part of the Trustees present at the Meeting where the Appointment is made; and Ten Days Notice shall be affixed in Writing on all the Turnpike Gates standing or being across the Roads in such District, of every Meeting where any such Appointment shall be intended to be made, after the respective First Meetings of the said respective Trustees, specifying the Intention of appointing such Officer or Officers; and the said respective Trustees shall and may, and are hereby authorized and empowered, by and out of the Monies arising by

by virtue of this Act, within their respective Districts, to pay such Salaries, and make such Allowances to such Officers, and other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the said respective Trustees shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail.

Old Officers to continue until new ones elected.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurer) appointed under and by virtue of the former Act, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all Respects whatsoever, as if he had been appointed by virtue of this Act.

Offices of Clerk and Treasurer not to be held by one Person.

XII. Provided also, and be it further enacted, That it shall not be lawful for the Trustees of the said respective Districts of Roads, or either of them, to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to continue or appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Trustees may appoint temporary Collectors.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls hereby granted shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, it shall and may be lawful for any Three or more of the Trustees for the said Districts respectively, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, to nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, or until removed by virtue of the Powers and Provisions of this Act, which Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as if he or they had been nominated and appointed at a Meeting called and held in pursuance of this Act; and if any Collector or Receiver who shall be discharged from the said Office by virtue of this

Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall be discharged, or who shall die, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances, to be continued, or erected or set up by virtue of this Act, for the Space of Four Days after Notice to quit shall have been left in Writing at such Toll House or Building, signed by any Three or more of such Trustees (although not assembled at a Meeting), then and in any of the said Cases it shall and may be lawful to and for any Justice or Justices of the Peace for the County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions, upon Application made by such Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal or their Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees or any One of them, or their new appointed Officer, into the Possession thereof.

Officers to account, and pay over Balances.

XIV. And be it further enacted, That each and every Clerk, Treasurer, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the former Act, and who shall be appointed under or by virtue of this Act, for either of the said Districts, shall from Time to Time, within Ten Days after being thereunto required by Notice, signed by Three or more of the Trustees acting for such District respectively, given to him or them, or left at his or their usual Place of Abode, deliver to such Trustees, or to such Person or Persons as they for that Purpose shall respectively appoint, a true and perfect Account in Writing, under his or their Hand or respective Hands, of all Monies which shall have been by him or them respectively had, collected, or received by virtue of the former Act and this Act respectively, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required, within Ten Days after so exhibiting their Accounts, or within such other further Time as such Trustees respectively shall order or appoint, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands to such Trustees, or to such Person or Persons as the said respective Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands within the Time or in Manner aforesaid, if thereunto required by such Trustees; or if any such Officers or Persons shall refuse or neglect to deliver up to such Trustees, or to such Person or Persons as they, or any Three or more of them, shall appoint to take the same, within Ten Days after being thereunto required by such Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power, in anywise relating to the Execution of this Act or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County, Borough, or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, by such Trustees, or by any Person or Persons by them authorized on

their

their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers or Person or Persons, to appear before him, and in case such Officer or Officers or Person or Persons shall not appear upon such Summons (the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes to the Satisfaction of the said Justice being shown for such Non-appearance), to issue a Warrant or Warrants for the Apprehension of such Officer or Officers or Person or Persons; and it shall be lawful for such Justice, upon the Appearance of such Officer or Officers or Person or Persons, upon such Summons, or upon his or their being apprehended and brought before such Justice by virtue of such Warrant, or upon his or their having absconded 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 or Accounts, if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers or Person or Persons, against whom any 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 so had, collected, and received, shall be in the Hands of such Officer or Officers or Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers or Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers or Person or Persons, appearing or being brought before the said Justice in manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or to such Roads, then and in any of the Cases aforesaid such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers or Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall have been made by virtue of this Act in respect thereof, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to such Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition such Trustees are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to such Trustees or to such Justice; but no such Officer or other Person, who shall be committed for default of Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

XV. And

Treasurer, &c. to give Security.

XV. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office, and also shall or may take such Security from any Collector or Receiver of the Tolls, or other Officer acting in Execution of this Act.

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

XVI. And be it further enacted, That the Trustees acting for the said respective Districts may sue and be sued for or concerning any thing relating to the Execution of this Act in the Name of their Clerk for the Time being, or in the Name of any One of such Trustees; and no Action which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the Trustees acting for the District, but that the Clerk or the Trustee in whose Name such Action shall have been brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent, in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee, in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act on such respective Districts, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Defendant, Informant, Appellant, or Respondent.

For erecting Turnpikes.

XVII. And be it further enacted, That it shall be lawful for the Trustees acting for the said respective Districts of Roads to continue the Turnpike Gates already erected upon, across, or on the Sides of the said respective Districts of Roads, or to remove the same, or any of them, or any Turnpike Gate or Gates hereafter to be erected upon, across, or on the Sides of the said respective Districts of Roads, and to erect or cause to be erected any Turnpike Gate or Turnpike Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part of the said respective Districts of Roads, and upon the Side or Sides of any Part of the said respective Districts of Roads, and across any Lane or Way, Waste or Common, leading into or out of the same, and also to erect or provide, or cause to be erected or provided a Toll House, or Toll Houses at or near each Turnpike Gate, with Outbuildings and Conveniences suitable thereto, with any Lamp or Number of Lamps at or near such Toll Houses, and also any Weighing Machine or Weighing Machines, and from Time to Time to remove or alter the same, or any of them, as they the said respective Trustees shall think meet or expedient, and also to take in and inclose Garden Spots to such Toll Houses, not exceeding One-eighth of an Acre for each Toll House.

Toll Gates, Houses, &c. vested in Trustees.

XVIII. And be it further enacted, That the Right and Property of, in, and to all the Turnpike Gates or Toll Gates, and other Gates, Bars, Chains, Weighing Machines, Rails, Fences, Causeways, Bridges, Toll Houses, and other Houses and Buildings, and the several Conveniences and

and Appurtenances thereto erected, made, or provided for the Purposes of the said respective Districts of Roads, and now being upon or near the same respective Districts of Roads, or which shall be continued, erected, made, provided, or authorized by virtue of this Act for the same respectively, and all the Materials thereof, and all Materials for building, making, or repairing the same, or for making, improving, or repairing the said respective Districts of Roads, 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 Trustees acting for such respective Districts of Roads; and it shall be lawful for such Trustees, and they are hereby respectively empowered, to sell and dispose of the same Materials respectively as they shall think proper, and to 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 Building or the Appurtenances, or who shall break down or damage, steal or take away any such Turnpike Gate, Toll Gate, Side Bar, Causeway, Chain, Weighing Machine, Bridge, Toll House, or other House or Building, Conveniences and Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles, or Things, or who shall disturb such Trustees, or their Lessees, Collectors, Agents, or Servants, in the Possession thereof; and in all Actions, Indictments, and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of "The Trustees for "amending, altering, turning, widening, improving, and keeping in "repair certain Roads in the Counties of *Monmouth* and *Gloucester*, "called *The District of Chepstow Roads* [or *The New Passage District* "*of Roads*," as the Case may be], without naming or otherwise describing the said Trustees.

Power to take Tolls.

XIX. And be it further enacted, That it shall and may be lawful for the Trustees acting for the said respective Districts of Roads, or any Person or Persons appointed or continued or to be appointed Collector or Collectors by virtue of this Act, to demand and take the Tolls hereinafter mentioned at the Turnpike Gates or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said several and respective Districts of Roads, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse, Mule, Ass, or other Beast of Burden, whether laden or unladen, and not drawing, any Sum not exceeding Two-pence, except those laden or going to be laden with Charcoal only:

For every Horse, Mule, Ass, or other Beast of Burthen, laden or going to be laden with Charcoal only, any Sum not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast, drawing any Coach, Chariot, Chaise, Berlin, Landau, Phaeton, Curricle, Gig, Car, Calash, Caravan, Hearse, Litter, Waggon, Wain, Cart, or other Carriage (except as is herein-after excepted), any Sum not exceeding Sixpence:

For every Horse, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, loaded with Timber, between

the First Day of *November* and the First Day of *March* in every Year (except as is herein-after excepted), any Sum not exceeding One Shilling:

For every Drove of Oxen or other Neat Cattle, any Sum not exceeding One Shilling and Eight-pence *per* Score; and so in proportion for any greater or less Number: And,

For every Drove of Calves, Sheep, Lambs, or Swine, any Sum not exceeding Ten-pence *per* Score; and so in proportion for any greater or less Number.

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any Turnpike Gate or Toll Gate, or Side Bar or Side Gate or Chain, already erected and continued, or to be erected and continued by virtue of this Act, upon or across the said Roads, or any Part thereof, or upon or across any Lane or Way leading into the same; and which said respective Tolls, to be collected or to arise within each of the said respective Districts, shall be and are hereby vested in the Trustees acting for each such respective District where the same shall be so collected or arise, and shall be applied for the Purposes of this Act in manner herein-after directed.

Tickets to be printed.

XX. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver, gratis, to the Person paying such Toll, a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free.

Two Oxen to be considered as One Horse.

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

Tolls to be taken but once a Day, and not more than once within a certain Number of Miles.

XXII. Provided also, 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, Cattle, or Carriage 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, or through any other Gate or Turnpike within the same District, situated within the Distance of Seven Miles from the Gate or Turnpike where he so paid, with the same Horses, Beasts, Cattle, or Carriage, 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 Toll is hereby required to deliver gratis on Receipt of such Toll.

XXIII. Pro-

No Toll to be taken at certain Places.

XXIII. Provided also, and be it further enacted, That nothing in this Act contained shall empower the said respective Trustees to take any Toll, or to set up or cause to be set up any Turnpike or Toll Gate upon or across the Lane or Road, or any Part thereof, leading from a Place called *Perton Passage*, in the County of *Gloucester*, directly to the Forest of *Dean*, across the High Road leading from *Lidney* to *Newnham*, or to collect or take any Toll at, or to erect or set up any Turnpike or Toll Gate at *Hawkins's Pill*, or on any Part or Side of the Road leading from thence to or through the Town of *Newnham* aforesaid, or within Three hundred Yards beyond the Church there, on the said Road to *Chepstow*.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3.

XXIV. Provided also, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages (in respect whereof, or of the Horses or Beasts drawing the same, the Tolls hereby granted are made payable) having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be entitled to have and enjoy the Privileges and Exemptions granted by the said Act in manner therein mentioned.

Tolls may be distrained for.

XXV. And be it further enacted, That if any Person or Persons, subject to the Payment of any of the Tolls by this Act granted or made payable, shall, after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Collector or Collectors of such Tolls, by himself, herself, or themselves, or taking such Assistance of any other Person or Persons as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Bridles, Reins (except the Bridle or Reins apart from the Horse or Horses), Saddles, Harness, Gears, or Accoutrements of such Horse, Beast, or Cattle, or the Loading of such Horse, Beast, Cattle, or Carriage, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay the Toll as aforesaid; and if such 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 shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so 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 or Owners thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted, to be ascertained and determined as herein-after mentioned in case of any Dispute concerning the same.

Disputes concerning Tolls to be settled by a Justice.

XXVI. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of

of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place in which the Cause of Dispute shall arise, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any), after Payment of such Costs, and the reasonable Costs of such Distress and Sale, to be ascertained and determined in case of Dispute concerning the same by such Justice, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Penalty on Persons evading the Tolls.

XXVII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass, with any Horse, Beast, Cattle, Cart, or Carriage, through or by any private Land, Ground, Road, Lane, Passage, Way, Gate, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants who may have Occasion to pass to, into, or from the same Land or other Premises for the Use, Occupation, and Management of the same), for the Purpose of evading the said Tolls, or any of them; or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway) near to the said Roads, or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass, with any Horse, Beast, Cattle, or Carriage, through or by such private Land, Ground, Road, Lane, Passage, Way, Gate, or Place, with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall omit to drive any Waggon, Wain, Cart, or other Carriage on any Weighing Machine or Engine erected or to be erected on the said Roads, when requested so to do by the Collector of the Tolls at such Weighing Machine, or shall drive such Waggon, Wain, Cart, or other Carriage off before the Collector shall have weighed the same, or shall drive away the same without having paid the Tolls for the Overweight thereof (if any); or if any Person shall forge or counterfeit or alter, or shall give or deliver to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of Toll shall be thereby evaded; or if any Person, not having paid the said Toll, shall offer or produce and use any such Ticket with Intent to evade or avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after 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

the said Roads, or unload wholly or in part any Carriage, with Intent to evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly or wilfully pass through any Turnpike Gate or Toll Gate, with any Horse, Beast, Cattle, or Carriage, without Payment of the Toll, or of any Part thereof, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Collectors of Tolls and others not incompetent Witnesses.

XXVIII. And be it further enacted, That in all Cases of Dispute, Suit, or Litigation, touching or in anywise relating to the Tolls by this Act granted, or to the Execution of this Act, no Person being a Trustee or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of or other Person employed by the said Trustees, or any of their Officers, nor any Inhabitant of any Township, Parish, or Place through or into which the said Roads or any Part thereof doth or shall pass, shall be incompetent to give Testimony or Evidence therein by reason of his or her being such Trustee, Collector, Clerk, Treasurer, Surveyor, Officer or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid.

General Exemptions from Toll.

XXIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; nor 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 any Horses, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review (provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption); nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *Monmouth*, or the said County of *Gloucester*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying, or returning from carrying or conveying any Person or Persons committed to any Prison or House of Correction

under a legal Warrant, for Felony, Larceny, or any other Breach of the Peace; nor from any Rector, Vicar, Curate, or officiating Clergyman, going to officiate or returning from officiating at his proper Parish Church or other Place of Divine Worship, or on other his Parochial or Ministerial Duty, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays* or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Person who shall be buried in any Parish, Township, or Hamlet, in which any Part of the said Roads lies; nor for any Horses, Beasts, Cattle, or Carriages, used or employed for the Purpose of carrying or conveying Hay or Straw, or Corn in the Straw only, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, or Yards, or on the Lands of the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage, employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry, or Things used therein, belonging to any Inhabitants or Occupiers of Lands in any such Parish, Township, or Hamlet, or any Mould, Dung, Ashes, Manure, or Compost, for manuring or improving any Garden or Land; nor for any Cattle, Horses, or Farming Stock going to or from Lands or Grounds in the Occupation of any Person or Persons to other Lands or Grounds in the Occupation of the same Person or Persons within any such Parish, Township, or Hamlet, or the Parish, Township, or Hamlet next adjoining thereto; nor for any Horse, Beast, or Cattle, going to or returning from ploughing or harrowing, or going to or from Water or Pasture, or going to be or returning from being shoed or farried; nor for any Horse, Beast, or Cattle, or for any Waggon, Wain, Cart, or other Carriage, used or employed for the Purpose only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Gravel, or other Materials for making or repairing the said Roads, or any other Highway or public Road, within any such Parish, Township, or Hamlet, or for building or rebuilding, enlarging or repairing any present or future public Bridge or Bridges, or Causeway or Causeways, on the said Roads; nor for any Horse, Cattle, Beast, or Carriage, crossing the said Roads only, or going no more than One hundred Yards upon the said Roads; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Carriages for His Majesty's Service not to be weighed.

XXX. Provided always, and be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other Public Stores of

or

or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses or other Cattle drawing the same, whilst so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls may be lessened, &c.

XXXI. And be it further enacted, That it shall and may be lawful for the Trustees acting for the said respective Districts, and they are hereby respectively empowered, from Time to Time as they respectively shall think proper, to lessen or reduce and again to raise and advance all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken; and so that Notice, specifying the Intention of reducing or altering the Tolls, and the Time and Place of holding the Meeting or Meetings for the Purpose, shall have been affixed in Writing on all the Turnpike Gates on the Roads within such respective Districts Twenty-one Days at least before the Time of holding any Meeting for the Purpose; and provided that no such Reduction be made without the Consent of the Persons who shall then be entitled to Five-sixth Parts of the Money which shall then be due upon the Credit of the Tolls intended to be reduced; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, and applied, as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be compounded for.

XXXII. And be it further enacted, That it shall be lawful for the Trustees, acting for the said respective Districts, from Time to Time to compound, for any Term not exceeding One Year at any one Time, with any Person or Persons for any Horses, Beasts, Carriages, or Cattle, travelling on the said Roads, or any Part thereof, in their respective Districts, for all or any of the said Tolls to be paid in respect of such Horses, Beasts, Carriages, or Cattle; and such Composition Money shall be paid in advance quarterly or otherwise, and in default of such Payment the Composition or Agreement with the Person so making Default shall from thenceforth be void, and all such Composition Money shall be applied in the same Manner as the Tolls are directed to be applied by this Act.

Tolls may be leased.

XXXIII. And be it further enacted, That it shall be lawful for the said respective Trustees from Time to Time 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 within the said Districts respectively, and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the best Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable quarterly in advance, or at such other Time or Times

Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions, Provisoes, and Agreements, and with such Sureties for the Payment thereof, as the said Trustees respectively shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees for the Districts respectively shall have and be entitled to one or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for such Trustees to accept a private Tender for the same for such Letting, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding: Provided always, that Notice specifying the Intention of letting the Tolls shall be published Three Times in some public Newspaper usually circulated in the said Counties, and affixed upon all the Toll Gates upon such District of Road, Twenty-one Days at least before the Time of holding any Meeting for the Purpose; and the Rent or Money arising by such Letting shall be applied in manner directed by this Act.

Present Leases to continue in force.

XXXIV. Provided always, and be it further enacted, That all and every Leases and Lease, or letting of the Tolls, arising on the said Roads, granted and made, or agreed upon by the Trustees for executing the said former Act, and the several Covenants thereof, shall, notwithstanding the Repeal of the said Act, remain and continue in full Force and Effect until the Expiration of the Term thereby respectively granted or agreed for, or until any other legal Determination of any such Lease or Letting, and the same and the respective Grantees shall be subject to the Powers and Provisions of this Act, in the same Manner as if such Leases or Lease or Letting had been granted or made or agreed upon by the Trustees for executing this Act, and as if the Trustees granting, making, or agreeing upon the same had been Trustees for executing this Act: Provided also, that until the Expiration of any such existing Lease or Leases, or Letting or Lettings of the Tolls authorized by the said former Act to be taken on the said Roads within the said Districts of *Chepstow* and the New Passage, or until a new Scale of Tolls, according to the Table herein-before contained, shall be adopted by the said respective Trustees, such Lessees shall not be entitled to demand or take a larger Proportion of the respective Tolls hereby granted than shall be equal to the Tolls which by virtue of such Lease or Leases they were authorized to demand or take on the said Districts of Roads respectively before the passing of this Act.

Present Lessees not to take increased Tolls,

Lessees, or Persons appointed by them, may collect Tolls.

XXXV. And be it further enacted, That during such Time as the Tolls arising on the said Roads, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which

the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls, during so long Time only as such Lessee or Lessees, Farmer or Farmers, shall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise; and that such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, farmed or let, in the like Manner and with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls, appointed or continued by virtue of this Act, may by virtue of this Act demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed or continued by virtue of this Act is subject or liable to.

Enabling Trustees to take Possession of Toll Houses when let to farm.

XXXVI. And be it further enacted, That in case all or any of the Tolls arising on the said Roads 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, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the said County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions, upon Application made by the Trustees acting for either of the said Districts respectively, or by any Person by them appointed on their Behalf, 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 upon and take Possession of every or any Toll House, Toll Gate, Bar or Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for such Trustees respectively, if they shall think fit, to vacate and determine the Lease, Agreement, or Contract, for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part), as if such Lease, Agreement, or Contract had never been made; and it shall and may

may be lawful for the said respective Trustees, 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 Lease, Agreement, or Contract had been made relative thereto.

Penalty on Collector, &c. taking greater or less Toll than allowed.

XXXVII. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls arising upon the said Districts, or either of them, shall demand and take, or cause to be demanded and taken from any Person or Persons, any Toll not authorized to be taken, or a greater or less Toll than is authorized to be taken under the Authority of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and his Contract for renting the Tolls shall be vacated, if the Trustees acting for such Districts or District shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: 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 or Taking, it shall be lawful for such Justice either to mitigate the said Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

For preventing Toll Collectors from misbehaving, &c.

XXXVIII. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, within either of the said respective Districts, or appointed either under this Act or by the Trustees for such respective Districts, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required, on each and every Day previous to his entering on Duty for Collection of the said Tolls, to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Turnpike Gate or Toll Gate, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate at which such Toll has been paid, and also the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike Gate or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge;

adjudge; provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing Collectors.

XXXIX. And whereas at the Time of passing this Act divers Sums of Money are due and owing upon the Credit of the Tolls by the former Acts authorized to be taken on the said Roads in the said District of *Chepstow*, and divers Sums of Money are also due and owing upon the Credit of the Tolls by the former Acts authorized to be taken on the said Roads in the said New Passage District; be it therefore further enacted, That the Tolls hereby granted, and which shall arise on the said Roads in the said District of *Chepstow*, shall be and are hereby made subject and liable to the Payment and Discharge of all Sums of Money so due and owing on account of the said Roads in the said District of *Chepstow*, and of all Interest thereon; and that the Tolls hereby granted, and which shall arise on the said Roads in the said New Passage District, shall be and are hereby made subject and liable to the Payment and Discharge of all Sums of Money so due and owing on account of the said Roads in the said New Passage District, and all Interest thereon.

Each District made liable to its respective Debts.

XL. And be it further enacted, That the said respective Trustees at any of the Meetings to be holden under or by virtue of this Act, within their respective Districts, 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, arising within such respective Districts, such Sum or Sums of Money as they shall think necessary, beyond the Amount of the Debts due on the Credit of the Tolls arising within such respective Districts at the Commencement of this Act; and they the said respective Trustees are hereby also authorized and empowered, either at any 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, arising within such respective Districts (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, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance and lend the same at Interest; which Mortgages shall be signed and sealed by Five or more of such Trustees, and shall be in the following Form, or in Words to the like Effect; (that is to say),

Power to borrow Money and to assign Tolls.

Form of Mortgage.

‘ BY virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], we of the Trustees acting in the Execution of the said Act for the District of in consideration of the Sum of to the Treasurer of the said District in Hand paid, do grant, bargain, sell, and demise unto *A. B.*, his [her *or* their] Executors, Administrators, and Assigns, such Proportion of the Tolls arising under or by virtue of the said Act within the said District, 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

'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 to the Trustees of the respective Districts; but no Money shall be borrowed upon the Credit of the said Tolls, unless Notice in Writing of the Meeting to be holden for that Purpose shall be affixed upon all the Turnpikes or Toll Gates within such District respectively, at least Twenty-one Days before the borrowing thereof; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of any former Act, or who shall be entitled to the Money secured by any such Mortgages or Assignments, may from Time to Time transfer his, her, or their Right or Title to the Principal and Interest thereby secured, and all his, her, or their Interest therein, or any Part thereof, to any Person or Persons whomsoever, by signing before one credible Witness an Instrument, whether endorsed upon such Mortgage or not so endorsed, but separate, in the following Form, or in 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 or their] Executors, Administrators, and Assigns. Dated this Day of in the Year 'of our Lord

'Witness *E. F.* *A. B.*'

Transfer to be entered in a Book.

Which said Transfer shall be produced and notified to the Clerk to the Trustees within the District wherein the Tolls comprized in or affected by such Mortgages or Securities do respectively arise, within Six Months next after the Date of such Transfer; and such Clerk or Clerks 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 Entry such Clerk shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her, or their Executors or Administrators, may in like Manner assign and 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.

Power to borrow Money on Deeds Poll.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Trustees within their respective Districts, at any Meeting to be held in pursuance of this Act, to borrow any one or more Sum or Sums of Money, not less than Twenty Pounds, of any Person or Persons who shall be willing to advance the same, and upon Receipt thereof to execute

execute respective Deeds Poll unto each of the Person or Persons so advancing such Sum of Money respectively; each of which Deeds Poll shall purport that the Sum of Money therein mentioned, with Interest for the same, is payable out of the said Tolls to the Person named in such respective Deeds Poll, or the Bearer thereof; and which said Deeds Poll respectively shall be sealed with such Seal as the said Trustees within their several Districts respectively at such Meeting shall direct; and the Trustees assembled at such Meeting shall also sign their Names to each of the said Deeds Poll, which signing and sealing shall be attested by the Clerk of such Trustees, or in any other Manner as such Trustees respectively shall think necessary and direct.

Deeds Poll to be effectual Security.

XLII. And be it further enacted, That any of the said Deeds Poll so to be executed shall be an effectual Security both at Law and in Equity upon the said Tolls charged therewith respectively, so as to entitle the Lender or Bearer thereof to the Sum so advanced, with such Interest for the same, to be paid quarterly or otherwise, as in such Deeds Poll shall be mentioned and expressed as Part of such Sum or Sums of Money, which the Trustees are hereby empowered and directed to borrow and take up as aforesaid for the Purposes of this Act; and the respective Clerks of the said respective Trustees shall, in such Book or Books as aforesaid, make Entries of the Dates of the said Deeds Poll, and the Names of the Persons advancing the Sums thereby secured, and also of the Persons signing and attesting the same respectively; and every Person and Persons willing to advance and lend any Sum or Sums of Money upon the Credit of the said Tolls, shall and may have free Liberty to inspect the said Books at his and their Will and Pleasure, without paying any Fee or Reward for the same; and the respective Clerks to the said respective Trustees are hereby respectively required to produce the said Books to any such Person or Persons upon Request, upon Pain of forfeiting and paying for every Neglect or Refusal thereof any Sum not exceeding Five Pounds.

All Creditors deemed equal in Degree.

Trustees not subject to the Payment of Debts.

Assignments not to be valid unless entered by the Clerk within Six Months.

XLIII. And be it further enacted, That there shall be no Preference given to the Persons advancing any of the said Sums of Money, in respect to the Priority of advancing the same respectively, but that all Persons, to whom such Mortgages or Deeds Poll or Assignments thereof shall be made as aforesaid, shall be and are hereby declared to be in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in an equal Degree one with another: Provided always, that nothing herein contained shall extend or be construed to extend to charge any of the said Trustees personally with the Payment of any of the Monies so borrowed, by reason of their signing and sealing the said Mortgages, or signing the said Deeds Poll, or any or either of them: Provided also, that no Assignment of any of the said Mortgages or Deeds Poll shall be valid and effectual, unless the same shall be notified to the Clerk of the Trustees for the respective Districts, within Six Months after the Date of such Assignment, and an Entry made thereof by such Clerk in such Book or Books as aforesaid.

Old Mortgages and Deeds Poll may be cancelled and new ones granted.

XLIV. And be it further enacted, That the said respective Trustees shall and may, when thereunto required, receive in and cancel all or any of the Mortgages, Deeds Poll, or Securities now standing out, that were made by virtue of any former Act or Acts relating to the said Roads, and give

give and execute another Mortgage, Deed Poll, or Security, or other Mortgages, Deeds Poll, or Securities, instead and in lieu thereof respectively, in manner and transferable as herein-before mentioned.

Mortgages and Deeds Poll under former Acts to be valid.

XLV. Provided always, and be it further enacted, That all such Mortgages, Deeds Poll, and Securities granted and made under the Powers and Provisions of any such former Act, which shall not be so cancelled, shall be as valid and effectual to all Intents and Purposes as the same respectively would have been in case the said Acts had remained in force or unrepealed.

An Action of Ejectment may be supported by One Mortgagee.

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

Power to borrow Money under the Act 57 G. 3. c. 34.

XLVII. And whereas an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned;* be it therefore enacted, That it shall and may be lawful for the said respective Trustees, and they are hereby empowered, to borrow Money of the Commissioners for executing the said Act, for the Purpose of amending, altering, turning, widening, improving, and keeping in repair the respective Districts of Roads in this Act mentioned.

Application of Money.

XLVIII. And be it further enacted, That out of the Tolls or other Monies already raised or received by virtue of the said former Act for the said District of *Chepstow*, and the said New Passage District, or which shall be raised and received by virtue of this Act, the Trustees acting for the said respective Districts shall, in the first Place, pay and discharge all the Costs, Charges, and Expences, relative to or attending the obtaining and passing this Act, in preference to all other Payments whatsoever; and all such Costs, Charges, and Expences, shall be borne by each District, and be defrayed and paid by the Trustees of each District respectively, in proportion and according to the Amount of the yearly Income arising from the Tolls in each respective District; and the Remainder of all such Monies arising within the said Districts respectively shall from Time to Time be issued, paid, and applied in keeping down the Interest of the Principal Monies which have been heretofore borrowed

or advanced on the Credit of the Tolls granted by any former Act on the said respective Districts of Roads, and which may be hereafter borrowed and advanced on the Credit of the Tolls granted by this Act on the said respective Districts of Roads; and then in amending, altering, turning, widening, improving, and maintaining in repair the said respective Districts of Roads, and in otherwise putting this Act into Execution, and in repaying the Principal Monies which have been heretofore borrowed or advanced on the Credit of the Tolls arising on such respective Districts, and the Principal Monies which may be hereafter borrowed and advanced upon the Credit of the Tolls hereby granted on the said respective Districts of Roads.

Trustees may widen, &c. the Roads.

XLIX. And be it further enacted, That it shall be lawful for the said respective Trustees, and they are hereby authorized and empowered to make, amend, alter, turn, widen, and improve the Course or Path of any Part or Parts of the said Roads within their respective Districts, in, upon, over, or through any private Lands or Grounds, and lay into the said Roads any Lands or Grounds of any Person or Persons (not being a House or other Building, or Part of any Garden or Yard adjoining to any House, or any Orchard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House), not exceeding Thirty Feet in Width, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and also through any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and it shall also be lawful for the said respective Trustees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon such Roads or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Roads or Alterations in such Manner as such Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making such Roads or Alterations, or prevent or obstruct the putting down of such Stakes or other Marks, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees not liable to repair Streets, &c.

L. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or require the said respective Trustees to repair or amend the Foot Pavement in the Streets of any Town through which the said Roads lead, or any County or Hundred, Bridge or Bridges, Drains or Sewers.

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

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

Powers

Trustees not to pull down Dwelling Houses, &c. without Consent of the Owners.

Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

Trustees may contract for the Purchase of Land.

LII. And be it further enacted, That it shall be lawful for the said respective Trustees from Time to Time to treat, contract, and agree with the Owners of and Persons interested in any private Lands, Tenements, or Hereditaments within their respective Districts, to be taken or made use of by virtue of this Act, for the Purchase thereof, or for the Loss or Damage the Owners or Persons may sustain by making, amending, altering, turning, widening, or improving the said Roads, or any Part thereof, through or over such Lands, Tenements, or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees or Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, 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, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to treat, contract, and agree with the Trustees for executing this Act, within such respective Districts, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto such Trustees respectively any such Lands, Tenements, 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 Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, 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 Damage to be settled by a Jury.

LIII. And be it further enacted, That if such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons interested in any such Lands, Tenements, 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 Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Tenements, or Hereditaments intended to be taken in and added to the said Roads, and through which any Part of such Roads is to be made, varied, diverted, turned, or altered, shall for the Space of Twenty-one Days next after such Notice given or left, neglect

neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said respective Trustees shall cause such Damage or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Monmouth* or County of *Gloucester*, as the Case may require; and in order thereto such Trustees respectively are hereby empowered and required, from Time to Time as Occasion shall be or require, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath any One or more of such Trustees respectively is and are hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own Information, as for the Information of the said Jury, in the Premises; and after the said Jury shall have enquired of, ascertained, and assessed such Damage and Recompence, such Trustees 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, Tenements, or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all other Persons whomsoever; and for the summoning and returning such Jury the said respective Trustees are hereby empowered to issue their Warrant or Warrants, under the Hands of any Three or more of them the said Trustees, to the Sheriff of the County in which such Lands, Tenements, or Hereditaments lie, requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before such Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, such Trustees 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, or his Deputy or Deputies, or such 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 respective Trustees 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, without showing any reasonable and sufficient Excuse, 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, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without any reasonable and sufficient Excuse, or appearing shall refuse to be sworn or examined, or give Evidence, so that no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for one Offence.

How Expences of Jury shall be paid.

LIV. 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 or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements, 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 or on Behalf of the Trustees before the summoning and impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then and in such Case the 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 such Trustees out of the Money to arise by virtue of this Act within their respective District; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions, not interested in the Matter in question (who is hereby authorized and required to 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); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in such Trustees, or of any Goods or Chattels of the Treasurer to such Trustees (unless such Treasurer shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions; which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; 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 or on Behalf of such Trustees, before the summoning and impannelling of the said Jury, as a Recompence and 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 such 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 said County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the

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 Monies 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 such respective Trustees by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said respective Trustees out of the Money to be raised or received under or by virtue of this Act within their respective Districts.

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

LV. And be it further enacted, That all and every such Sum and Sums 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, within the said respective Districts, 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 thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons or their Agents, it shall be lawful for such Trustees respectively, their Surveyors, Workmen, or Agents, to make, alter, turn, or widen the Roads or any Part thereof in the said Districts respectively, through or over such Lands, Tenements, or Hereditaments, and to do all and every such Acts, Matters, and Things, with relation to such Lands, Tenements, or Hereditaments, as such Trustees shall think fit, according to the Directions of this Act; and all the Lands, Tenements, and Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act, shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes be deemed a common Highway, and shall be repaired and kept in repair by the said respective Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in repair, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments; and the Land constituting Part or Parts of 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 new Road does not lead, shall be vested in the Trustees of the District where such Land shall be situate, and sold as herein-after mentioned, or shall or may be shut up and discontinued, or left unrepaired: Provided always, that no such former Road shall be so shut up, or any Part thereof sold as aforesaid, until a Certificate shall have been obtained by the said respective Trustees, or their Surveyor or Surveyors, under the Hands and Seals of any Two of His Majesty's Justices of the Peace for the County or Place in which the same shall be situate, certifying that such old Road is become useless and unnecessary, according to the true Intent and Meaning of this Act; and in case the said Justices shall refuse such Certificate, then such Part or Parts of the said former Roads, for which no such Certificate can be obtained as aforesaid, shall remain open as a

common

common Highway, and the said respective Trustees shall be and are hereby discharged from the Care and Management thereof.

Trustees empowered to sell Land not wanted.

LVI. And whereas by reason of the Purchases which the said respective Trustees are empowered and authorized to make by virtue of this Act, 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 are or shall be necessary for effecting the Purposes of this Act, or of some Piece or Pieces of old Road as aforesaid; be it therefore enacted, That it shall be lawful for the said respective Trustees to sell and dispose of such Piece or Pieces of overplus Ground, or of such Piece or Pieces of old Road (not being Common or Waste Land) as aforesaid, within their respective Districts, either together or in Parcels, and either by public Sale or private Contract, as they shall think fit, and to convey the same for the best Price that can or may be reasonably had or gotten for the same to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said respective Trustees, before they shall sell and dispose of any Piece or Pieces of overplus Ground or old Road as aforesaid, shall first offer such overplus Ground for Sale to the Person or Persons whose Lands or Premises shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master Ordinary or Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions, who are hereby respectively empowered to take such Affidavit, by some Person or Persons no way interested in the Premises, stating that such Offer was made by and on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to 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 such Piece or Pieces of overplus Ground or old Road, and he, she, or they, and such Trustees shall differ or 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 disputed Value of Premises to be taken and used in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said respective Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Pieces of overplus Ground or old Road shall be applied by the Trustees to the Purposes of this Act, within their respective Districts; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and every Conveyance of such Piece or Pieces of overplus Ground, being executed by any Five or more of the Trustees of the District where such Ground shall lie, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof in any Manner they may think proper; and all Conveyances of such Pieces of old Road being executed by any Five or more of such respective Trustees, and enrolled with the Clerk of the Peace for the said County of *Monmouth* or

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor, &c.

In case the Persons cannot agree the Value to be determined by a Jury.

County

County of *Gloucester*, as the Case may require, shall be good and effectual in Law to all Intents and Purposes.

Application of Compensation Money if amounting to 200l.

LVII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

Where less than 200l. and amounting to 20l.

LVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments,

ments to be purchased, taken, or used for the Purposes of the said Roads, 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 or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees for executing this Act within their respective Districts (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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20l.

LIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said respective Trustees shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

LX. 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, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said respective Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said respective Trustees to order the 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 High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said High 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

LXI. 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 High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said High 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, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

LXII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Person, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, or 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 High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said respective Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting Materials to repair the Roads.

LXIII. And be it further enacted, That it shall be lawful for the said respective Trustees, or for the Surveyor or Surveyors of the said respective

tive Districts of Roads, acting under the Authority of the said respective Trustees, and all such Persons as he or they shall appoint, to search for, cut, dig, gather, get, and take away any Furze, Heath, Stones, Gravel, Sand, Earth, or other Materials for amending, improving, and keeping in repair the said Roads, or any Part thereof, and any Footways and Paths on the Sides thereof, out of any Waste or Common, or out of any common River or Brook, in any Parish, Town, Village, Hamlet, or Place, in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, Hamlet, or Place within the said County of *Monmouth* or County of *Gloucester*, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials, proper in the Judgment of such Trustees for the Repair of the said Roads, cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Justice or Justices of the Peace for the County or Place in which the Lands, Fields, or Grounds shall lie or be situate (as the Case may be), search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons, Bodies Politic or Corporate, in any Parish, Township, Hamlet, or Place in which any Part of the said Roads shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being the Ground whereon any Dwelling House stands, nor a Garden, Orchard, Yard, Lawn, Park, Paddock, Plantation, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials, and also for the Damage done to the Owners and Occupiers of any such Lands, Fields, or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for amending, improving, or repairing the said Roads shall be carried, as shall be agreed upon between them and such Owner or Occupier, or in case of their not agreeing, then as any Justice or Justices of the Peace acting in and for such County or Place as aforesaid, on Ten Days Notice thereof being given by such Trustees, or such Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or one of their respective Families or Servants (as the Case may be), shall and may adjudge and determine to be reasonable; provided also, that no such Stone, or other Materials as aforesaid, shall be gotten, dug for, or taken away within the Distance of One hundred Yards of any Bridge, Mill, Millweir, or Dam, nor to injure any Building or Highway on any Account or Pretence whatsoever.

Notice to be given before Materials taken.

LXIV. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads, out of or from any inclosed Land or Ground, until Notice in Writing, signed by Three or more of the said

said Trustees acting for their respective Districts, or by such Surveyor or Surveyors, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Justice or Justices of the Peace acting in and for the said County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions, to show Cause why such Materials shall not be had from such Land or Ground; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath he, they, or any of them is and are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Penalty on taking away Materials raised by Surveyors.

LXV. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered in any Land, Field, Ground, Waste or Common, River or Brook, for the making or repair of the said respective Districts of Roads, or for any of the Purposes aforesaid, or shall get, raise, take, 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 making and repairing such Roads, or any of the Purposes aforesaid, before the said Surveyor and Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his or her own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

For removing Annoyances and Nuisances.

LXVI. And be it further enacted, That it shall be lawful for the said respective Trustees, or for the Surveyor or Surveyors of the said respective Districts of Roads, acting under the Authority of the said Trustees, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances made or occasioned on any Part of the said Roads by any Carriages, or any Timber, Wood, Stone, Ashes, Dung, Filth, Rubbish, Straw, or other Matter or Thing being placed or left thereon; or by any Pig-sties, Hovels, Sawpits, or other Pits on the Sides of the said Roads, within Twenty Feet from the Centre thereof; and to turn or divert any Watercourses, Gutters, Sinks, Conduits, or Drains running into, along, or out of the said Roads to the Prejudice thereof; and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads, or any Part thereof, and to make the same as deep and large as such Surveyor or Surveyors shall think necessary; and also to prune, cut, or lop, at proper Seasons of the Year, any Shrubs or Bushes or Branches of Trees growing on the said Roads, or

in the Hedges, Fences, or Banks adjacent thereto, within Twenty Feet from the Centre thereof (unless the same be an Ornament or Shelter to any House or other Building, or be in any Garden, Orchard, Yard, Park, Paddock, planted Walk, Avenue to a House, or Nursery for Trees), and to take and carry away the Prunings or Loppings thereof, and to cut and reduce all such Hedges to the Height of Six Feet above the Level of the Ground on which it stands, in case the Person or Persons to whom any such Carriages, Timber, Stone, Dung, or other Matter or Thing, or such Pig-sty, Hovel, or Pit shall belong, or occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Five Days after receiving Notice from the Surveyor or Surveyors so to do, or in case the Owners or Occupiers of the Lands shall neglect to turn, divert, open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to prune, cut, or lop such Shrubs, Bushes, or Branches, or to remove such Prunings, Cuttings, or Loppings, or to reduce such Hedges in such Manner as the Trustees or Surveyor or Surveyors shall require, for the Space of Five Days next after Notice in Writing given for those respective Purposes, under the Hand or Hands of the said respective Trustees or such Surveyor or Surveyors, or so near to such Time as the proper Season will allow for such reducing of Hedges, or cutting or lopping of Branches, the Charges whereof (to be settled by any Justice of the Peace of the County or Place where the same shall occur, by Writing under their or his Hands or Hand) shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune, cut, or lop such Shrubs, Bushes, or Branches, or to cut or reduce such Hedges, or by the Person or Persons occasioning or neglecting, or refusing to remove such Annoyances as aforesaid; which Charges shall be recovered, levied, apportioned, applied, and disposed of in such Manner as the Penalties, Forfeitures, and Fines are by this Act directed to be recovered, applied, and apportioned; and such Owners or Occupiers so neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune, cut, or lop, or to remove such Boughs, Bushes, or Lops, or to cut or reduce such Hedges within the Time aforesaid, after such Notice given, shall likewise forfeit and pay for every Foot in Length of such Gutter, Ditch, Conduit, Drain, Watercourse, or Hedge, the Sum of One Penny over and besides the Charges aforesaid.

For preventing Encroachments on the Roads.

LXVII. And be it further enacted, That if any Person shall from and after the passing of this Act encroach, by making or causing to be made any Dwelling House or other Building, Wall, Hedge, Ditch, or other Fence, on any Part of the said respective Districts of Roads (except Turnpike Houses and Appurtenances thereto erected by Order of the said Trustees), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees within their respective Districts, after Five Days Notice in Writing to remove the same shall have been given by the Surveyor or Surveyors of the said Roads to the Person or Persons making or occasioning such Encroachment, to cause such Dwelling Houses, Buildings, Walls, Hedges, Ditches, or other Fences to be pulled down or filled up at the

Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace in and for the said Counties of *Monmouth* and *Gloucester*, within their respective Jurisdictions, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on demand.

Surveyor may remove Obstructions, &c.

LXVIII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, or any other Person or Persons acting under the Authority of the said respective Trustees, from Time to Time to take down and remove, or cause to be taken down and removed, any Porch, Bulk, Projection, or Penthouse, on any Part of the said Roads or Footpaths on the Sides thereof, which shall be an Obstruction to Passengers, in case the Owners thereof shall neglect to remove the same after Five Days Notice in Writing from the said respective Trustees, signed by any Three or more of them, or their Surveyor or Surveyors, and given to such Owners for that Purpose, or in case the Owners are not known, after a like Notice affixed for Fourteen Days on the nearest Turnpike Gate, and shall make Compensation to the Owner thereof in case the same shall have existed for Twelve Calendar Months before the passing of this Act; and that it shall be lawful for the said respective Trustees to cause all such Posts as are now or which at any Time hereafter shall be put or placed upon any Part of the said Roads, or on the Side or Sides thereof, as they shall think useless or inconvenient, to be taken up and removed; and all Steps, Posts, Show Glasses, and Show Boards encroaching upon the Footways, and all Steps and Doors opening in or leading from any of the said Footways into Vaults or Cellars, to be removed or altered, and shall and may cause all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, and all Sign Posts, Sign Irons, Show Boards, Spouts, and Gutters projecting into or over any of the said Roads, and all other Encroachments, Projections, and Annoyances whatsoever, on the Sides of the said Roads, to be taken down and removed, and shall cause all Signs or other Emblems as aforesaid, Show Boards, Spouts, or Gutters to be fixed or placed on the Ground or against the Walls of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong or were before affixed, and shall return or cause to be returned to the respective Owners thereof so much of such Signs or other Emblems, Sign Posts, or other Posts, Sign Irons, Show Boards, Spouts, and Gutters, as shall not be found necessary for the fixing or placing thereof as aforesaid; and if any Person or Persons shall at any Time hereafter, or after such Removal as aforesaid, hang, place, erect, or build any Sign, Sign Post, or other Post, Sign Iron, Show Board, Spout, Gutter, or other Projection; Obstruction, or Annoyance in or over any Part of the said Roads, or cause the same to be done, he or she shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For preventing Persons building any

LXIX. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, erect or build, or cause to be erected or built,

Porches, &c. against the Sides of Houses.

any Porch, Bulk, Projection, or Penthouse against the Front or Side of any House or other Building now or at any Time hereafter to be erected and built on the Sides of the said Roads, or of any Part thereof, or any Bow or Projecting Window against any Room or other Place on the Ground Floor of any such House or other Building, so as to encroach upon or project over the Footway of the said Roads, or any Part thereof, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and it shall be lawful for the said respective Trustees from Time to Time to cause all such Porches, Bulks, Projections, Penthouses, and Bow Windows to be taken down and removed at the Expence of the Owner or Proprietor thereof.

Waggons and Carts to have Rollers, &c.

LXX. And be it further enacted, That every Waggon, Cart, and Wain travelling on the said Roads, belonging to any Person being Owner or Occupier of any Land or House in any Parish or Hamlet in which any Part of the said Roads is or shall be situate, shall have and be provided with a proper Roller and Chains affixed thereto, and that the Driver of every such Waggon, Cart, or Wain shall place the same behind one of the Wheels thereof whenever such Waggon, Cart, or Wain shall be ascending any Hill; and that every Waggon or Cart, having the Wheels thereof of less Breadth than Six Inches, shall also be provided with a Shoe or Patten or Skid Iron of at least Six Inches in Breadth and Eighteen Inches in Length, placed in some proper or convenient Part of such Waggon or Cart, and that the Driver of every such Waggon or Cart shall affix the same on and under the Wheel of every such Waggon or Cart, which he shall chain or tie, or cause to be chained or tied, whenever such Waggon, Cart, or Wain shall be going down any Hill or Descent where the Fall of Ground shall be Three Inches or upwards in a Yard; and if any such Waggon, Cart, or Wain shall not be provided with any such Roller, or if any such Waggon or Cart as last mentioned shall not also be provided with such Shoe or Patten or Skid Iron of the Breadth and Length aforesaid, it shall be lawful for the respective Toll Gatherers or Collectors on the said Roads, and they are hereby authorized and empowered, to demand and take for or in respect of any such Waggon, Cart, or Wain 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, before any such Waggon, Cart, or Wain shall be permitted to pass through any such Gate or Gates, Turnpike or Turnpikes; which said Sum of Money hereby authorized to be taken as aforesaid shall be demanded and taken in the Name of or as Toll, and shall be and is hereby vested in the said respective Trustees, and shall be applied in such and the same Manner and Way as is herein directed with respect to the Application and Recovery of the Tolls by this Act imposed and made payable; and if the Driver of any such Waggon shall not place such Roller, or affix such Shoe, Patten, or Skid Iron as before directed, he shall forfeit and pay any Sum not exceeding Five Pounds: Provided always, that public Notice hereof be given by affixing a Copy of this Clause on every Toll House erected on the said Roads.

Gates not to open towards the Road.

LXXI. And be it further enacted, That from and after the passing of this Act no Gate of any Park, Paddock, Field, or Inclosure whatsoever, now standing or hereafter to be made, shall remain placed or be placed

so as to open or swing into or towards any Part of the said Roads, except the respective Hanging Posts shall be so far removed from the Centre of the said Roads that no Part of such Gate respectively, when opened, shall swing or hang over any Part of the said Roads or any Footpath belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall, within Ten Days after Notice to him, her, or them given, either personally or in Writing, by or from any Surveyor of the said Roads, cause such Gate to be hung in such a Manner as that no Part of the Gate, when open, shall project over any Part of the said Roads or any Footpath belonging thereto; and in case of the Neglect or Default of any such Occupier or Occupiers, then the Surveyor of the said Roads shall and may and he is hereby authorized to cause the Gate and Hanging Posts to be removed, and to be placed and hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where the Gate shall be situate, and upon Conviction upon the Oath of one credible Witness of the giving of such Notice, and of such Neglect or Default, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum, not exceeding Five Pounds, for his, her, or their Neglect or Default therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Power to make Causeways and Drains.

LXXII. And be it further enacted, That it shall and may be lawful for the said respective Trustees, or for the Surveyor or Surveyors of the said Roads acting under the Authority of such Trustees, and such Person or Persons as he or they shall appoint or employ, to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways upon or along any Part of the said respective Districts of Roads, in such Manner as they shall think proper, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto (such Ground not being the Site or Ground whereon any House or Houses stand, nor being at the Time used as a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the said Roads, or across any Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages, as a public Highway, whilst such ruinous or narrow Part of the said Roads be repairing or widening, and until such Time as the same shall be made convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by such Trustees; and in case of any Difference

ference concerning the same between such Owners or Occupiers and such respective Trustees, that then it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid; which Determination shall be final and conclusive to all Parties.

Roads to be measured, and Mile Stones and Direction Posts, &c. to be set up.

LXXIII. And be it further enacted, That it shall be lawful for the said respective Trustees to cause their said respective Districts of Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place; and the said respective Trustees shall and they are hereby required also to cause to be set up and maintained, within their respective Districts, Direction Posts and Boards on the principal Side-openings of the said Roads, with proper Inscriptions thereon, denoting to what Place or Places such Side Roads respectively lead, and the Distances to such Places respectively; and such Trustees may, if they shall see fit, also order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected and maintained by the Side or Sides of the said Roads, in order to promote the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act, and shall from Time to Time cause all such Inscriptions as aforesaid to be cleansed and kept legible, and shall also cause proper Tables of the Tolls by this Act granted and made payable to be affixed and put up in the Front or on some other conspicuous Part of the several Toll Houses to be erected by virtue of this Act, and to be kept clean and kept legible; and the said respective Trustees shall and they are hereby required to cause the Name of the Gate to be painted in legible Characters, each of the Letters of every such Name to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, at the Top or Head of such Tables of Tolls.

Persons, &c. before liable to Repairs to continue so.

LXXIV. And be it further enacted, That all and every Person and Persons, Counties, Towns, Parishes, Townships, Hamlets, Villages, and Places, and the Inhabitants thereof respectively, and Bodies Politic, Corporate, and Collegiate, and the Members thereof, who heretofore hath or have used, or of right ought to repair any Part of the said Roads, or any Bridge, Watercourse, Drain, or Sewer in or upon the same, or to pay any Sum or Sums of Money for or towards the Repairs thereof, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, shall, notwithstanding this Act, be subject and liable to such Repairs, or to the Payment of such Sums of Money, in the same Manner as he, she, or they and every of them would have been in case this Act had not been passed.

Statute Labour.

LXXV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto as heretofore; and it shall and may be

lawful for any Two or more Justices of the Peace for the County or Place in which the said Roads or any Part thereof lies, and they are hereby empowered and required (upon Application made to them for that Purpose by the said respective Trustees, or by their 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, Townships, Hamlets, Divisions, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, Division, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said respective Trustees, or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors for every such Parish, Township, Hamlet, Division, 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, Township, Hamlet, Division, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons, who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times (not being Haytime or Harvest), and on such Parts of the said Roads, as the said respective Trustees, or their Surveyor or Surveyors by their Order, 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 the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish, Township, Hamlet, Division, or Place for the Time being, to be by him or them paid over to the said respective Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, 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 this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the said Surveyor or Surveyors to the said respective 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

Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said respective Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to such Trustees respectively, and applied towards amending the said Districts of Roads respectively; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Divisions, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures imposed by this Act may be recovered, and are herein-after directed to be apportioned and applied.

Trustees may compound with Parishes, &c. for Statute Work.

LXXVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said respective Trustees, or the Surveyor or Surveyors to be by them appointed, being authorized or empowered so to do by the said respective Trustees, and they are hereby authorized and empowered to compound with the several Inhabitants of the several Parishes, Hamlets, and Places through which the said Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute Work to be by them respectively done upon the said Roads, at and for such Rates or Sums of Money by the Year or otherwise, as they the said respective Trustees, the Surveyors and Inhabitants respectively shall agree upon; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said respective Trustees, in advance, on or before the First Day of *March* in each and every Year, or otherwise the Inhabitants or Surveyors of such Parish, Hamlet, or Place, shall not be permitted to compound for that Year; which said Money shall be instantly paid to the said respective Trustees or to their Treasurers.

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

LXXVII. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, within their respective Districts, from Time to Time, to compound and agree with all or any of the said Persons, Bodies Politic or Corporate, Township or Townships, who or which are or shall be liable or chargeable for or towards repairing or maintaining any particular Part or Parts of the said respective Roads, Bridges (except the Bridges liable to be repaired by the County where such Bridges are, which shall continue to be respectively repaired as aforesaid), Drains, or Sewers lying in and upon the same, for a certain Sum of Money by the Year or otherwise, as the said respective Trustees in their respective Districts shall think fit, in lieu of such particular Works or Repairs to be done

done by such particular Person or Persons, Body Politic or Corporate, Township or Townships, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by Means of any Trust, or otherwise howsoever as aforesaid.

Trustees may contract for altering or repairing the Roads, &c.

LXXVIII. And be it further enacted, That the said respective Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint, shall and may, and they and he are and is hereby empowered to contract with any Person or Persons for amending, altering, turning, widening, improving, or repairing the Roads within their respective Districts, or any Part or Parts thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said respective Trustees shall think proper; and all Contracts or Agreements in Writing entered into, pursuant to any Order of such Trustees, by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding on such Trustees and their Successors, and upon all other Parties who shall sign the same, and the Executors and Administrators of such other Parties; and that Actions and Suits shall and may be maintained thereon by the said respective Trustees, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for amending, altering, turning, widening, improving, or repairing the said Roads, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Penalties for injuring Turnpike Gates, Posts, &c.

LXXIX. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, break, injure, or damage any Turnpike Gate or Turnpike Gates, or any of the Posts, Boards, Mile Stones, or Tables of Tolls on any Part of the said Roads, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon; or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron set up or affixed at or near to any of the said Turnpike Gates, or on any other Part of the said Roads, or shall cause and procure the same to be done; or if any Person or Persons shall wilfully pull down, remove, break, injure, or damage any Wall, Post, Rail, or Fence, now or at any Time hereafter to be placed or put either by the Side or Sides of the said Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said respective Trustees shall or may make or plant for the Purposes of this Act, or which by virtue of this Act they are authorized to keep in good order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof; or shall haul or draw, or cause

to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, Stone, or other Thing, otherwise than upon a Wheel Carriage; or shall suffer any Tree or Piece of Timber, Stone, or other Thing, which shall be conveyed upon a Wheel Carriage, to drag upon any Part of the said Roads to the Injury thereof; or if any Person or Persons shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Scrapings, Slutch, Dirt, Mud, Mire, Drift, or Soil from off the said Roads, or any Part thereof; or if any Person or Persons shall ride upon any Footway or Footways, Causeway or Causeways, or any other Way or Ways already made or to be made upon the Sides of the said Roads for the Use of Foot Passengers, or shall wilfully lead or drive any Horse or Horses, Carriage or Carriages, Cattle or Swine, upon, along, or against any such Footway or Causeway; or shall draw, carry, or wheel any Hurry, Truck, or Wheelbarrow upon any such Footway or Footways, Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, or to any Hedges, Fences, Breast Walls, Posts, Chains, Rails, or Paling set up or along the Side of or upon any such Footway or Causeway; or if any Person or Persons shall turn loose or suffer to be turned loose, or to wander and stray on the said Roads, or any Part thereof, any Horse, Ass, Beast, or Swine, or to be or remain or to graze or depasture on the Side or Sides of the said Roads; or if any Person or Persons driving any Swine on the said Roads shall suffer such Swine to root up and damage the said Roads, or any Part thereof, or the Fences or Banks on either Side thereof; or if any Person or Persons on Horseback, or driving any Carriage, Waggon, Wain, or Cart in or upon the the said Roads, and meeting another Carriage, Waggon, Wain, or Cart, shall not keep his, her, or their Carriage, Waggon, Wain, or Cart upon his, her, or their 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, Waggon, Wain, or Cart under his or her Care, upon the said Roads; or if any Person shall kill or bleed any Horse, Cattle, or other Beast, except by or in consequence of any sudden Illness or Accident to such Beast, or shall in or upon any Part of the same Roads, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or hang up or place wholly or in part any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, Building, Butcher's Shop or Shambles, into the said Roads, or burn, dress, or sweep any Piece or Pieces of Cork, or shall hoop, fire, cleanse, wash, or scald any Cask or Casks on any Part of the said Roads, or in any exposed Situation near thereto, or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber, or make, bind, or repair any Wheel or Carriage on any of the said Roads, or shall slack, mix, or wet any Lime or Mortar, or shall shoe or farry any Horse, Mule, or Ass (except in case of Accidents), upon any Part of the said Roads; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatever, upon the said Roads, or within Eighty Feet of the Centre of the said Roads, to the Annoyance of Persons passing thereon, or play at Football, or any other Game upon any Part or Parts of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person shall leave

any Waggon, Wain, Cart, or other such Carriage longer than may be necessary for loading or unloading the same (except in case of Accident) in, upon, or on any Part of the said Roads; or on the Side or Sides thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall not place the same during the Time of such loading or unloading thereof as near to the Side of the said Roads as conveniently may be; or if any Person shall erect or place any Tent, Camp, Awning, or Hut on the Sides of the said Roads or any Part thereof, or make any Fire or Fires on the Sides of the said Roads or any Part thereof; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage in going up a Hill or rising Ground, leave or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which any such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if any Person or Persons shall lay, place, or leave, or cause or procure to be laid, placed, or left, any Timber, Bricks, Tiles, Stones, Hay, Straw, Dung, Goods, or other Things, or shall throw, cast, place, or empty, or cause or procure to be thrown, cast, placed, or emptied, any Manure, Soil, Ashes, Filth, Rubbish, Dirt, Dust, Earth, Water, Gravel, or other Nuisance or Annoyance on any Part of the said Roads, or on the Side or Sides thereof, or shall set, place, or expose to sale any Goods, Wares, or Merchandizes in or upon the Footpaths or Causeways adjoining to such Roads, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or if any Person driving any Horse or other Beast on the said Roads, conveying Iron in Bars or Rods, or any other Matter or Thing, shall place such Bars or Rods, or other Matter or Thing, so that the Ends thereof shall project more than Twenty-four Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person or any Horse, Beast, or Carriage travelling along the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Roads; or if the respective Surveyor or Surveyors of the said Roads, or any Undertaker or Undertakers for the Repairs of the said Roads or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon any Part of the said Roads, or the Sides thereof, any Heaps of Stones or other Materials for repairing the said Roads, or any Part thereof, and shall permit or suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Roads, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and every such Offender shall also pay to the said Trustees or their Treasurer or Treasurers, or One of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid; and such Satisfaction or Damages shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act: Provided always, that nothing herein contained shall extend to prevent or hinder the

the erecting, placing, or putting up of Hurdles, Coops, or Pens for Sheep, Hogs, or Cattle, or any Standings for the vending of Goods or other Purposes at Fairs and Markets, in any of the Streets through which the said Roads lead, in such Manner as the same hath been heretofore immemorially used and accustomed.

Penalty on Drivers of Carriages misbehaving.

LXXX. And be it further enacted, That if the Driver, or any other Person or Persons having the Care of any Wain, Waggon, Cart, or other such like Carriage, shall by Negligence or wilful Misbehaviour cause any Hurt, Damage, or Injury to any Person or Persons, or to any Coach, Chaise, or other such like Carriage travelling on the said Roads, or shall quit the said Roads and go on the other Side of the Hedge or Fence inclosing the said Roads, or wilfully be at such a Distance from such Wain, Waggon, Cart, or other such like Carriage, or be in such a Situation, whilst the same shall be passing on the said Roads, that he or they cannot have the Direction, Care, and Management of the Horses drawing the same; or shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of any other Carriage whatever, or of any of His Majesty's Subjects; or if the Driver of any empty and unloaded Wain, Waggon, Cart, or other such like Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, Curricle, Gig, loaded Waggon, Cart, or other loaded Carriage; or if any Person shall drive or act as the Driver of any Coach, Chaise, Post Chaise, or other Carriage let to hire, or any Wain, Waggon, or Cart, not having the Name or Names of the Owner or Owners thereof painted thereon as by Law required, or shall cover over and conceal such Name or Names from being seen and read, or shall refuse to discover the real and true Christian and Surname, and Place or Places of Abode of the Owner or Owners of such Carts or other Carriages, or shall be found riding in or upon any such Wain, Waggon, or Cart, not authorized by Law so to do, or riding in any Coach, Post Chaise, or other such like Carriage let to hire, whilst driving the same, every Person or Persons so offending in any of the Cases aforesaid, and being convicted of any such Offence, shall forfeit and pay any Sum of Money not exceeding Three Pounds in case such Driver be not the Owner of such Cart or other Carriage, and in case the Offender or Offenders be the Owner or Owners of such Cart or other Carriage, then any Sum not exceeding Five Pounds, and the Owner or Owners of any such Wain, Waggon, Cart, or other Carriage shall be answerable for any Penalty or Penalties incurred by the Driver or Drivers thereof.

Penalty for suffering Cattle to stray on the Roads.

LXXXI. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof, or by the Sides thereof (except on such Parts of the said Roads as lead or pass through or over any Commons or uninclosed Lands), it shall and may be lawful to and for any Surveyor of the said Roads for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Township, or Place where the same shall be, or in such other Place as the said respective Trustees shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine,

Swine, or other Beast or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, it shall and may be lawful to and for such Surveyor, or Person or Persons impounding the same, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Overplus of the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Recovery of Penalties and Forfeitures, and Application thereof.

LXXXII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied (in case of Nonpayment) 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); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, one Moiety to the Informer and the other Moiety to the Treasurer or Treasurers to the said respective Trustees, and applied for the Purposes of this Act; and in case such Penalties, Forfeitures, and Fines respectively shall not, upon Conviction, be paid forthwith, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; and if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, 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 for the said County of *Monmouth* or County of *Gloucester*, as the Case may require, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

LXXXIII. And be it further enacted, That it shall and may be lawful for any of the said respective Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or Officers), who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said County of *Monmouth* or County of *Gloucester*, within their respective Jurisdictions, near to the Place where the Offence or Offences shall be committed, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

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

Form of Conviction.

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

And in all Cases where any Justice or Justices of the Peace is or are by this Act authorized or required to examine any Person or Persons on Oath, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and empowered to administer such Oath.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Four Calendar Months next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace for the County or Place where the Cause of Appeal shall arise, unless such Complaint shall arise within Twenty-eight Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants in either Case first giving or causing to be given Fourteen Days Notice in Writing preceding either such Sessions, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the Trustees for executing this Act in their respective Districts, or other the Respondent or Respondents, and within Ten Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be), with Two sufficient

Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the Justices may at such Sessions, or at any subsequent Sessions 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 to pay the same, and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction for the said County of *Monmouth* or County of *Gloucester*, as the Case may require, for any Time not exceeding the Term of Three Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for Want of Form.

LXXXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed, set aside, or vacated 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 distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such 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.

LXXXVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until after Fifteen Days Notice thereof shall have been given to the Clerk to the Trustees for executing this Act in their respective Districts, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Four Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action

or

General Issue.

or Suit shall and may at his and their Election plead specially, or 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 the same shall appear to be so done, or that such Action or Suit shall be brought before Fifteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction 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 or Place, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants

Treble Costs.

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.

Public Act.

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

Commencement and Continuance of this Act.

LXXXIX. And be it further enacted, That this Act shall commence upon 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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