ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. lxi.

An Act for more effectually repairing the Roads leading into and through the Town of *Roſs*, in the County of *Hereford*, and ſeveral Roads communicating therewith. [25th *May* 1815.]

WHEREAS an Act was paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for repairing and widening the ſeveral Roads leading into the Town of* Roſs, *in the County of* Hereford: And whereas another Act was paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term and varying the Powers granted by an Act paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty, for repairing and widening the ſeveral Roads leading into the Town of* Roſs *in the County of* Hereford: And whereas another Act was paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term and varying the Powers of an Act of the Thirteenth Year of His preſent Majeſty, for repairing and widening certain Roads leading into the Town of* Roſs, *in the County of* Hereford; *and for amending, widening, and keeping in repair certain Streets or Highways within the ſaid Town, and alſo certain ſmall Pieces of Road communicating with the Roads comprized in the ſaid Act:* And whereas the Truſtees appointed to put the ſaid Acts into Execution have, in purſuance of the Powers given by the ſaid Acts, borrowed a conſiderable Sum of Money on the Credit of the Tolls ariſing on the ſaid Roads, which ſtill remains due and owing, and cannot be repaid, and the ſaid Roads completely amended, widened, and kept in

22 G. 2. c. 26.

13 G. 3. c. 96.

31 G. 3. c. 114.

repair, unleſs additional Tolls and Powers are granted, and the Proviſions neceſſary for that Purpoſe conſolidated in one Act: And whereas the Tolls collected upon ſome of the Branches or Parts of the ſaid Roads are not ſufficient for the neceſſary Repairs thereof, and it would be for the Benefit of the ſeveral Perſons reſiding near and travelling the ſaid Roads, if the Tolls now payable thereon were to ceaſe, and the ſame were repaired by the ordinary Courſe of Law: And whereas that Part of the Road leading from the Town of *Roſs* to His Majeſty's Foreſt of *Dean*, which extends from the *Quern* in the Pariſh of *Walford* to the Brook which croſſes the Road at *Biſhop's Wood* in the County of *Hereford*, is much travelled and uſed, but is narrow, inconvenient, and in bad Condition, and cannot be repaired by the ordinary Courſe of Law; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of *June* One thouſand eight hundred and fifteen, the ſaid recited Acts ſhall be and the ſame are hereby repealed, and inſtead thereof this Act ſhall be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of more effectually making, repairing, widening, altering, improving, and keeping in Repair, the ſeveral Roads herein-after deſcribed; (that is to ſay), the Road leading from the ſaid Town of *Roſs* to *Harewoods Inn*; and alſo ſo much of the Road, leading from the ſaid Town of *Roſs* towards the City of *Glouceſter*, as lies within the County of *Hereford*; and alſo the Road leading from the ſaid Town of *Roſs* to *Horewithy*; and alſo the Road leading from a Place called the *Town Brook* in the ſaid Town of *Roſs* to the Brook running into the *Rye Meadow*, near to a Place called *The Smith's Shop* in the Pariſh of *Much Marcle*; and alſo the Road leading from the ſaid Town of *Roſs* by *Black Houſe* and *Focle's Green*, to *Crowhill*, in the Pariſh of *Upton Biſhop*; and alſo the Road leading from the ſaid Town of *Roſs* by *Weſton's Croſs* to *Bromſaſh*; and alſo the Road leading from the ſaid Town of *Roſs* by *Coughton's Chapel* through *Coughton Street* to *Dib Dean*, in the ſaid Pariſh of *Walford*; and alſo the Road branching out of the ſaid laſt mentioned Road, near the *Bollin*, to a Place called *The Quern* in the ſaid Pariſh of *Walford*, and from thence to the Brook at *Biſhopſwood* in the ſame Pariſh; and alſo the Road leading from the ſaid Town of *Roſs* to *Goodrich Boat*; and alſo the Road leading from the ſaid Town of *Roſs* by *Glewſtone Stenders* to the *Old Forge*; and alſo the ſeveral Streets or Highways leading through the ſaid Town of *Roſs* called *The Brookend*, *The Bell Forge*, *Behind the Hill*, *The Hill*, *The Bull Ring*, *The Market Place*, *Corps Croſs Street*, *Hatters Lane*, *The High Street*, and *The Townſend*.

Acts repealed.

II. And be it further enacted, That all and every Sum and Sums of Money which on the Day appointed for the Commencement of this Act ſhall be due and owing on the Credit of the ſaid former Acts or any of them, or on the Security of the Tolls thereby reſpectively granted, together with the Intereſt due thereon, ſhall ſtand and be charged and chargeable on the Tolls by this Act granted, and may be recovered in like Manner as if the ſame had been contracted on the Credit of this Act, or ſecured on the Tolls hereby granted; and that all and every Perſon and Perſons owing any Sum or Sums of Money to the Truſtees for executing the ſaid Act hereby repealed, ſhall be liable to the Payment thereof to the Truſtees for

Debts contracted under former Acts ſecured by this Act.

Perſons owing Money to continue liable.

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 Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, made or entered into by the said Trustees for executing the said Acts, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively; such Repeal to the contrary notwithstanding. ble; and all Bonds, Contracts, &c. to remain in force.

III. And be it further enacted, That *Whaley Armitage*, *George Aveline*, *Henry Pinson Tozer Aubrey*, *Benjamin Aycrigg*, the Reverend *John Hoskins Abrahall*, the Reverend *Thomas Apperley*, *Richard Addis*, the Reverend *John Basnett*, *John Bennett*, *Christopher Bond*, *John Bradstock*, *Charles Bonnor*, the Reverend *Charles Maitland Babington*, *Henry Barnett*, *Henry Barnes*, *Edward Henry Barnes*, *John Cooke* of *King's Caple*, *John Donne Collins*, *Henry Clifford*, *William Clifford*, *John Stratford Collins*, *John Cooke* of *Ross*, Sir *John Geers Cotterell* Baronet, *John Corbett*, *John Dowle*, the Honourable and Reverend *Robert Digby*, *William Dobles*, *Kingsmill Evans*, *Richard Evans* Doctor of Medicine, *William Elliott*, the Honourable *Andrew Foley*, *Thomas Foley*, *Edward Foley*, *George Ferguson*, *Richard Garrold*, the Reverend *George Holdsworth Lowther Gretton*, *William Gyttings*, the Reverend *John Hall*, *Thomas Harvey*, Sir *Hungerford Hoskyns* Baronet, *Guy Hill*, *Walter Henry Hill*, *John Hardwick*, the Reverend *George Hyde*, *James Hereford*, the Reverend *Richard Hodges*, the Reverend *John Hoskins*, *Kedgwin Hoskins*, *John Hullett*, *William Hooper*, *John Holder*, the Reverend *Robert Keyse Holder*, *John Herbert*, *John Jones* of *Foy*, *John Jones* of *Woolhope*, the Reverend *John Jones*, *Edmund Jones*, *Philip Jones* of *Cleve*, *Philip Jones* of *Sugwas*, *Richard Jones*, *Amos Jones*, the Reverend *Jenkins*, *Joseph Lloyd*, *John Scudamore Lechmere*, *William Lewes* Doctor of Medicine, *James Kyrle Money*, the Reverend *Kyrle Erule Money*, *John Matthews*, *John Holder Matthews*, the Reverend *Arthur Matthews*, *Peter Richards Minors*, the Reverend *Hugh Morgan*, the Reverend *James Mills*, *Josiah Newman*, *Thomas Nixon*, the Reverend *John Napleton* Doctor of Divinity, *William Partridge*, *John Partridge*, *Thomas Paytherus*, *James Powles*, *Charles Prosser*, *Thomas Prichard*, *Nathaniel Purchas*, *Nathaniel Purchas* Junior, *Henry Platt*, *Thomas Protheroe*, *William Palmer*, the Reverend *James Roberts*, the Reverend *Love Robertson*, *William Rudge*, the Reverend *Read*, *Thomas Hampton Raymond*, *Richard Barston Rideout*, *Thomas Symons*, *Thomas Powell Symonds*, the Reverend *Thomas Powell Symonds*, *Stackhouse*, the Reverend *Henry Stillingfleet*, *Thomas Serjeant*, *William Rowles Scudamore*, *Richard Philip Scudamore*, *John Lucy Scudamore*, *Joseph Swayne*, the Reverend *Robert Strong Imm Trusted*, *John Tovey*, *Arnold Thomas*, *George Terry*, the Reverend *Thomas Underwood*, *William Vaughan*, *Edward Wallwyn*, the Reverend *Harry Williams*, the Reverend *Charles Whatley*, *Thomas Winnall*, the Reverend *Richard Walond*, *Simon Woodall*, *Abraham Whitaker*, the Reverend *John Webb*, and their Successors, to be elected in Manner herein. Trustees.

herein-after mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act into Execution.

Additional Truſtees.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at a Meeting to be held for that Purpoſe (of which Meeting Notice ſhall be given as herein-after mentioned), to elect, nominate, and appoint any Number of fit and proper Perſons not exceeding Ten to be the Truſtees for the Purpoſes of this Act.

Power to appoint new Truſtees.

V. And be it further enacted, That when and as often as any of the reſpective Truſtees hereby nominated and appointed, or who ſhall be elected and appointed in Manner herein-after mentioned, ſhall die, or by Writing under their reſpective Hands, refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or remaining Truſtees, from Time to Time, at any Meeting to be holden in purſuance of this Act, by Writing under their reſpective Hands, to elect and appoint ſome fit Perſon to be a Truſtee in the room of every or any Truſtees ſo dying, or refuſing to act as aforeſaid, Twenty-one Days previous Notice of the Time and Place of Meeting of the ſaid reſpective Truſtees for every ſuch Election being given by the Clerk or Treaſurer herein-after directed to be appointed, by affixing ſuch Notice, in Writing, upon all the Turnpike Gates then erected acroſs the ſaid Roads, or by inſerting the ſame in ſome Newſpaper printed or generally circulated in the ſaid County; and every Perſon who ſhall be elected and appointed a Truſtee purſuant to the Directions of this Act ſhall and may act with the ſurviving and remaining Truſtees in the Execution of this Act, to all Intents and Purpoſes, as if he had been named and appointed a Truſtee in and by this Act.

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

VI. And be it further enacted, That all Proceedings, Matters, and Things, relative to the Execution of this Act, may be done and executed by any Five or more of the ſaid Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, except only in the Caſes hereby particularly directed or authorized to be done or executed by any greater or leſſer Number of Truſtees.

Qualification of Truſtees.

VII. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act unleſs he ſhall be in his own Right, or in the Right of his Wife, ſeized of or entitled to Meſſuages, Lands, or Hereditaments for ſome Eſtate for Life or of Inheritance in Poſſeſſion of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent to ſome Perſon or Perſons ſeized of or entitled to Meſſuages, Lands, or Hereditaments, of Inheritance, of the clearly yearly Value of Three hundred Pounds above Reprizes, or ſhall be poſſeſſed of a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or Value of Two thouſand Pounds above what will be ſufficient to pay all his juſt Debts; and if any Perſon not being ſo qualified ſhall preſume to act as a Truſtee in the Execution of this Act, every Perſon ſo offending ſhall forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or

or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty upon Proof being given of his having acted as a Truſtee in the Execution of this Act: Provided always, that all the Acts and Proceedings of any Perſon as a Truſtee in the Execution of this Act, previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been duly qualified according to the Directions of this Act: Provided alſo, that every Truſtee before he ſhall act as ſuch (except in adminiſtering the following Oath) ſhall take an Oath before Two or more of the ſaid Truſtees, (who is and are hereby empowered to adminiſter the ſame) in the Form following; (that is to ſay),

The Acts of unqualified Perſons previous to Conviction ſhall be valid.

Truſtees to be ſworn.

The Oath.

'I *A. B.* do ſwear, That I am truly and *bonâ fide* in my own Right (or in Right of my Wife) ſeiſed of or entitled to Meſſuages, Lands, or Hereditaments for ſome Eſtate for Life or of Inheritance in Poſſeſſion of the clear yearly Value of One hundred Pounds above Reprizes, (and in caſe of an Heir Apparent) I *A. B.* do ſwear, that I am Heir Apparent to *C D.* who to the beſt of my Knowledge and Belief is truly and *bonâ fide* ſeiſed of or entitled to Meſſuages, Lands, or Hereditaments of Inheritance of the clear yearly Value of Three hundred Pounds above Reprizes, (and in caſe of Perſonal Eſtate alone or Real and Perſonal Eſtate together) I *A. B.* do ſwear, that I am truly and *bonâ fide* poſſeſſed of a Perſonal Eſtate, (or of a Real and Perſonal Eſtate together) of the Amount or Value of Two thouſand Pounds above what will be ſufficient to pay all my juſt Debts, and that I will truly and impartially, according to the beſt of my Judgment, execute and perform the ſeveral Powers, Authorities, and Truſts, repoſed in me as a Truſtee by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, [*here ſet forth the Title of this Act*].

'So help me GOD.'

Meeting of Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe known by the Sign of the *Swan Inn* in the ſaid Town of *Roſs*, on the Day of the Commencement of this Act, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution, and that the ſaid reſpective Truſtees, or any Two or more of them, ſhall then and from Time to Time afterwards adjourn themſelves to meet at the ſame Place, or at ſuch other Place or Places near the ſaid Roads, and at ſuch Times as they ſhall reſpectively from Time to Time order and direct; provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be holden by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day, or in caſe the Truſtees at any Meeting aſſembled ſhall not adjourn themſelves, the Clerk or Treaſurer of the ſaid Roads ſhall from Time to Time, as often as ſuch Caſe ſhall happen, by Notice to be advertiſed in *The Hereford Journal*, or by Notice in Writing to be affixed upon all the Turnpike Gates then erected acroſs the Roads at leaſt Ten Days before the next intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been holden, or at any other Place near any Part of the ſaid Roads, on the Day Month after the Day on which ſuch laſt Meeting was appointed to have been held.

Meetings on Emergencies.

IX. Provided always, and be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day fixed by ſuch Adjournment, in that Caſe the Clerk or Treaſurer of the ſaid Roads, upon an Order in Writing ſigned by any Three or more of the ſaid Truſtees (mentioning the Time, Place, and Purpoſe of ſuch Meeting) ſhall forthwith give Notice thereof, and of the Time, Place, and Purpoſe mentioned in ſuch Order in the Manner laſt herein-before directed (ſuch Time not being leſs than Ten Days after ſuch Notice) and ſuch earlier Meeting ſhall and may be held accordingly; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Truſtees to defray their own Expences.

Accounts of Treaſurers under the former Acts to be paſſed at Firſt or Second Meeting, and brought to a new Account.

X. And be it further enacted, That at the Firſt or Second Meeting of the ſaid Truſtees for carrying this Act into Execution, or as ſoon after as conveniently may be, the Accounts of the Treaſurer or Treaſurers for the ſaid Roads ſhall be produced, examined, and ſettled, and the Balance of ſuch Account ſhall be carried over to a new Account with the Truſtees acting in the Execution of this Act, who ſhall make ſuch Orders for the Diſpoſal of any Money that may appear to be in the Hands of ſuch Treaſurer or Treaſurers agreeable to the true Intent and Meaning of this Act, or for re-imburſing him or them, out of the Monies hereby authorized to be raiſed, any Money that may appear to be due to him or them with lawful Intereſt during the Forbearance thereof, as the ſaid Truſtees may think proper.

How Orders of Truſtees are to be made and revoked.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or the Majority of them preſent at any Meeting which ſhall be held in purſuance of this Act, from Time to Time to make all neceſſary Orders, Directions, Appointments, Agreements, and Determinations in the Execution of this Act, and no ſuch Order, Direction, Appointment, Agreement or Determination ſhall be made, unleſs the Number of Truſtees by this Act reſpectively authorized to make the ſame ſhall be preſent, and the Majority of the Truſtees preſent ſhall concur therein, and no ſuch Order, Direction, Appointment, Agreement, or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs Fifteen Truſtees at leaſt ſhall be preſent, and the Majority of them ſhall concur therein.

Truſtees in the Commiſſion of the Peace may act as Juſtices.

XII. And be it further enacted, That ſuch of the Truſtees for the Time being as are or ſhall be in the Commiſſion of the Peace for the ſaid County, ſhall and may act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees as aforeſaid, and that any Mortgagee or Aſſignees of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt for the ſame, ſhall not on that Account be deemed unqualified to act as a Truſtee.

Truſtees not to hold Places of Profit, &c.

XIII. And be it enacted, That no Perſon ſhall be capable of acting as a Truſtee during the Time he ſhall hold any Place of Profit under this Act, nor in Caſes where he ſhall be perſonally intereſted, or of acting as a Truſtee, or holding any Place of Profit under this Act during the Time he ſhall ſell Wine, Ale, Beer, or Spirituous Liquors by Retail.

Appointing Officers.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, by Writing under their Hands, to continue or appoint One or more Collector or Collectors of the ſaid Tolls, and One or more Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid reſpective Roads, and ſuch other Officers as the ſaid reſpective Truſtees ſhall think neceſſary, and ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on the Removal, Death, or Reſignation of any of them, to appoint others in their ſtead; and the ſaid Truſtees are hereby authorized to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch Perſon or Perſons as ſhall be aſſiſting in the Execution of this Act, ſuch Salaries and Allowances for their Trouble, Labour, and Service, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to them, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact, and perfect Accounts in Writing under their reſpective Hands, of all the Monies which they and every of them reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſe, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall reſpectively appoint to receive the ſame, and not otherwiſe; and if any ſuch Officer or Officers ſhall refuſe or neglect to give ſuch Account, or to produce and deliver up ſuch Vouchers as aforeſaid, or to pay the Money due upon ſuch Account in Manner aforeſaid, or to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, and Writings in his Cuſtody or Power relating to the Execution of this Act; then and in every or any of the ſaid Caſes it ſhall be lawful for any Two or more Juſtices of the Peace for the County, Diviſion, Diſtrict, or Place where the Officer or Perſon ſo making Default ſhall be or reſide, and ſuch Juſtices upon Complaint thereof made to them by any Two or more of the ſaid Truſtees, are hereby authorized and required to make Enquiry concerning ſuch Refuſal, Default, or Neglect, as well by the Confeſſion of the Parties themſelves reſpectively, as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, which Oath the ſaid Juſtices or any of them are hereby empowered and required to adminiſter without Fee or Reward; and if any ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtices ſhall upon ſuch Conviction commit him to the Common Gaol or Houſe of Correction of the ſame County or Place, there to remain without Bail or Mainprize until he ſhall have given or made ſuch true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded and agreed with the ſaid Truſtees (which Compoſition the Truſtees are hereby empowered to make), and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees ſhall appoint, or until he ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or made Satisfaction in reſpect thereof to the ſaid Truſtees; provided that no Perſon ſhall be committed by virtue of this Act for want of ſufficient Diſtreſs for a longer Space of Time than Six Calendar Months.

How Officers are to account.

Penalty on Refuſal.

XV. Pro-

Truſtees who have not acted in the preceding Year not to vote on the Election of Officers.

XV. Provided always, and be it further enacted, That after the Firſt Nomination and Appointment of any Officers in purſuance of this Act, no Truſtee ſhall be capable of voting in any future Nomination or Appointment of any ſuch Officer or Officers upon Death or any other Vacancy, unleſs ſuch Truſtee ſhall have acted as a Truſtee in the Execution of this Act at leaſt once within the Year preceding the Time that ſuch Vacancy ſhall happen, the only Evidence whereof ſhall be his having ſigned the Order Book of the ſaid Truſtees.

Officers under former Acts continued.

XVI. And be it further enacted, That each and every Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the ſaid recited Acts or any of them, ſhall hold and enjoy their ſeveral and reſpective Offices and Employments under this Act until removed therefrom by the ſaid Truſtees; and each and every ſuch Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer, ſhall have the like Power and Authority for carrying this Act into Execution, and ſhall be ſubject and liable 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 elected by virtue of this Act.

Truſtees may appoint temporary Collectors.

XVII. And be it further enacted, That upon the Death, Incapacity, or Abſence of any Collector of the Tolls, it ſhall be lawful for any Two or more of the ſaid Truſtees, though not aſſembled at a Meeting appointed in purſuance of this Act, by any Writing under their Hands, to nominate and appoint a proper Perſon to be a Collector of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, in the Place or Stead of ſuch Collector as ſhall ſo die or become incapable, or abſent himſelf.

Treaſurers to give Security.

XVIII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and from any other Officers to be appointed in purſuance or for the Purpoſes of this Act, for the faithful Execution of their reſpective Offices, as the ſaid Truſtees ſhall think proper.

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

XIX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing which ſhall be done contrary to or by virtue of this Act, in the Name of their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees in the Name of the Clerk or Clerks, Treaſurer or Treaſurers, by virtue of this Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Clerks, Treaſurer or Treaſurers, or by the Act of ſuch Clerk or Clerks, Treaſurer or Treaſurers, without the Conſent of the ſaid Truſtees, but that the Clerk or Clerks, Treaſurer or Treaſurers, for the Time being to the ſaid Truſtees, ſhall be deemed to be Plaintiff or Defendant, Plaintiffs or Defendants, as the caſe may be, in every ſuch Action; and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, in whoſe Name or Names any Action or Suit ſhall be commenced or proſecuted or defended in purſuance of this Act, ſhall be fully reimburſed and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages and

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

Books to be kept.

XX. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees, in the Execution of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſhall be ſigned by the ſame Number of Truſtees as are empowered to make or direct the ſame, and ſhall then be deemed original Orders and Proceedings; which Book or Books, as alſo the Book hereby directed to be kept for regiſtering Mortgages and Transfers, ſhall and may be produced and read in Evidence in all Courts and before all Juſtices and other Perſons having Juriſdiction in the Premiſes.

Power to erect Toll Gates.

XXI. And be it further enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall appoint, ſhall and may continue, erect, or otherwiſe provide ſuch and ſo many Toll Gates or Turnpikes in, upon, or acroſs ſuch Parts and in ſuch Places of the ſaid Roads hereby directed to be repaired, and alſo ſuch and ſo many Toll Gates or Turnpikes on the Sides of the ſaid Roads, and in, upon, or acroſs any Lane or Bye-way that doth or ſhall lead into or out of the ſame, as the ſaid Truſtees ſhall think proper; and alſo ſhall and may continue, erect, or otherwiſe provide a Toll Houſe to each of the ſaid Toll Gates or Turnpikes, with ſuitable Buildings and other Conveniences thereto, and incloſe from the Sides of the ſaid Roads convenient Gardens for the ſame, not exceeding One Quarter of an Acre for each Garden.

Power to remove Toll Gates.

XXII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Turnpikes which now are or hereafter ſhall be erected in, upon, or acroſs, or on the Sides of the ſaid Roads, to be removed to and erected in, upon, or acroſs or on the Sides of ſuch other Part or Parts of the ſaid Roads, as the ſaid Truſtees ſhall from Time to Time order and direct, but none of the ſaid Toll Gates or Turnpikes ſhall be removed as aforeſaid, unleſs Twenty-one Days previous Notice of the Intention to remove the ſame ſhall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected acroſs the ſaid Roads, or inſerted in ſome Newſpaper printed or circulated in the ſaid County.

The Tolls following ſhall be taken.

XXIII. And be it further enacted, That from and after the Twenty-fourth Day of *June* One thouſand eight hundred and fifteen, the Tolls following ſhall be demanded and taken at the ſeveral Turnpikes that ſhall be continued or erected in, upon, or acroſs the ſaid Roads, or on the Sides thereof, before any Cattle or Carriage ſhall be permitted to paſs through the ſame; (that is to ſay),

For every Horſe, Mare, Gelding, or Mule, drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Chaiſe Marine, Car, Caravan, Calaſh, Chair, Hearſe, or Litter, the Sum of Sixpence:

For every Ox, or other Neat Cattle, drawing any Waggon, Wain, Cart, or other Carriage, the Sum of Three-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels of the Breadth of Six Inches at the leaſt at the Bottom or Sole thereof, with a flat and level Surface, and drawing in Pairs, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels of the Breadth of Six Inches at the leaſt at the Bottom or Sole thereof, and not having a flat and level Surface, or if drawn ſingly and not in Pairs, the Sum of Eight-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Waggon, Wain, Cart, or other Carriage having the Fellies of the Wheels of leſs Breadth than Six Inches at the Bottom or Sole thereof, the Sum of Eight-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, carrying Pit or Stone Coal, and not drawing, the Sum of One Penny:

For every other Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Two pence:

For every Drove of Oxen or other Neat Cattle, the Sum of Two Shillings and Sixpence *per* Score, and ſo in Proportion for any greater or leſs Number: And,

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

Double Tolls for Timber, &c when payable.

XXIV. And be it further enacted, That all Waggons, Wains, Carts, or other Carriages loaded with Timber, Planks, Lime Stones, Bricks, Stone, Tiles, or Paving or any Materials for Building, between the Firſt Day of *November* and the Thirtieth Day of *March* following, ſhall pay at each Toll Gate continued or erected in purſuance of this Act, for each and every Horſe or other Beaſt of Draught, drawing ſuch Waggon, Wain, Cart, or other Carriage, Double the Tolls payable for Horſes or Beaſts of Draught uſed in drawing any other Carriage whatever; and alſo that ſuch Double Tolls ſhall be paid for Horſes or Beaſts uſed in drawing any Carriage, the Wheels of which ſhall be ſo far apart that ſuch Carriage cannot be weighed at the Weighing Machines, ſuch Weighing Machines not being leſs than Ten Feet in Length or Seven Feet in Breadth, unleſs ſuch Carriage be loaded only with a ſingle Piece of Timber, and unleſs the Wheels of ſuch Carriage be of the Breadth of Six Inches at the leaſt, at the Soles or Bottoms thereof.

One Half more Tolls on Sundays.

XXV. And be it further enacted, That all and every Perſon or Perſons whomſoever, who ſhall paſs through all or any of the ſaid Turnpike Gates, either on Horſeback or with any Wheel Carriage whatever on *Sundays*, (except Carriages going for Lime, Coals, or Charcoal, after Sunſet), or ſhall drive any Cattle, Sheep, or Pigs, ſuch Perſons ſhall be liable to pay One Half more Tolls for the ſame reſpectively.

Floods between Roſs and Wilton.

XXVI. And whereas Part of the ſaid Road or Highway leading from the ſaid Town of *Roſs* through *Wilton-upon-Wye* to *Harewoods Inn*, is liable to Floods from the Overflowing of the River *Wye*, and cannot be travelled or paſſed during ſuch Floods otherwiſe than by and along a certain Cauſeway formerly raiſed along or by the Side of the ſaid Road for the Space of Four hundred Yards, called *Wilton Cauſeway*, and which

Cauſeway is out of Repair; be it further enacted, That during the Continuance of any ſuch Flood Double the ſaid Tolls ſhall be collected at the Turnpike Gate erected or to be erected on the ſaid Road at or near *Wilton-upon-Wye* aforeſaid, and ſuch Sum or Sums of Money as ſhall from Time to Time be collected for ſuch Tolls, over and above the ſingle Tolls, or a ſufficient Part thereof, ſhall be paid and applied for or toward the Reparation of the ſaid Cauſeway: Provided that ſuch additional Tolls ſhall not be collected, unleſs the Flood ſhall be at the leaſt Six Inches above the ſaid Road, or ſhall have been at that Height in the Courſe of the Day or Days on which ſuch additional Tolls ſhall be collected; and the ſaid Truſtees ſhall erect and keep a Water Mark in the ſaid Road, to aſcertain the Height of Floods there.

Exemption of Waggons loaded with Lime, &c.

XXVII. Provided alſo, and be it further enacted, That any Waggon, Wain, Cart, or Carriage, paſſing unloaded through any Gate or Gates, Turnpike or Turnpikes whatſoever, at or after Ten of the Clock in the Evening, and paying Toll for the ſame at ſuch Gate or Gates, ſhall not be liable to pay any Toll on their Return the following Day at the ſame Gate or Gates, if the ſame Waggon, Wain, Cart, or Carriage return loaded with Lime, Coals, Charks or Charcoal before Twelve of the Clock at Night, but ſubject to Charge for Overweight.

General Exemption from Tolls.

XXVIII. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be charged with any of the Tolls hereby granted for or in reſpect of any Horſe or other Beaſt, Cart or other Carriage, when employed in carrying or conveying Stones, Gravel, or other Materials for repairing the ſaid Roads, or any Bridge thereon, or any Highway in any of the Pariſhes through which the ſaid Roads do or may lead, or in any of the adjoining Pariſhes; nor for any other Materials or other Things to be uſed or employed by the ſaid Truſtees in or relating to the ſaid Roads; nor for hauling any Earth, Soil, or Sand, which ſhall have been collected or ſcraped off any of the ſaid Roads, or in carrying or conveying any Hay or Corn, or other Produce of Lands to be laid up, uſed, or conſumed in the Houſes, Out Houſes, or Barns of the Owners thereof, and not for Sale, or being unladen when ſo employed, or for or in reſpect of any Ploughs, Harrows, or other Implements of Huſbandry, or for or in reſpect of any Carts, Waggons, or other Carriages employed in carrying or conveying any Dung, Mould, Compoſt, or Manure of any Kind whatſoever (Lime excepted) to be employed in Huſbandry for Manure of Lands or returning empty from carrying or conveying the ſame; nor for any Buſhes, Crops of Trees, or Fuel, to be carried from One Farm or Lands to other Farms or Lands in the Occupation of the ſame Perſon, provided ſuch Buſhes, Crops of Trees, and Fuel be uſed there and not ſold, nor for any Fruit to be carried to the Mill to be ground, provided ſuch Fruit be not ſold, or going to be ſold; nor ſhall any Toll be demanded or taken of or from any Perſon or Perſons reſiding in any Pariſh wherein the ſaid Turnpike or Turnpikes is, are, or ſhall be erected, for paſſing through the ſaid Turnpike on Horſeback, to or from his or their Farms lying in the ſame or any adjoining Pariſh on Huſbandry Buſineſs only; nor ſhall any of the ſaid Tolls be taken of any Perſon reſiding in any Pariſh through which the ſaid Roads or any Part thereof do or ſhall lead, who ſhall paſs through any Turnpike to or from Church,

Church, Chapel, or other Place of Religious Worſhip on *Sunday* or any other Day on which Divine Service is ordered by Authority to be celebrated, or when attending the Funeral of any Perſon who ſhall be buried in any ſuch Pariſh; nor of any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or for or in reſpect of any Horſes or Cattle going to or returning from Plough, Water, or Paſture, within the ſeveral Pariſhes to which they ſhall belong, or any of the neighbouring Pariſhes, provided that ſuch laſt mentioned Exemption as to Horſes or Cattle going to or from Water or Paſture ſhall only extend to ſuch Horſes or Cattle as ſhall be driven to or from Water or Paſture from one Pariſh to the next adjoining Pariſh, or to ſuch Horſes or Cattle as ſhall not paſs upon the ſame Roads more than Two Miles in going to or returning from Water or Paſture, or for or in reſpect of the Horſes or Cattle of any Inhabitant of any of the ſaid Pariſhes going to be ſhoed or farried or returning therefrom; nor for any Sheep driven to be waſhed either in the ſame or the adjoining Pariſh, or returning therefrom; nor ſhall any Toll or Duty be demanded or taken for any Horſe or Carriage employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General or his Deputies, either when employed in conveying ſuch Mails or Expreſſes or returning back from conveying the ſame; nor for any Carriage, Horſe, or Beaſt which ſhall only croſs the ſaid Road or ſhall not paſs above One hundred Yards thereon; nor for the Horſes of any Officer or Soldiers paſſing upon their March or upon Duty; nor for the Horſes, Carts, Carriages, or Waggons employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers upon their March or upon Duty, or carrying any wounded, ſick, or diſabled Officers and Soldiers, or returning empty after having been ſo employed; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry reſpectively, and rode by them; nor Carriages conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſon or 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 as aforeſaid; nor for any Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes; nor for any Horſes or Carriages carrying or conveying any Elector or Electors going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Hereford*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid not being entitled to the ſame, or if any Perſon being ſo entitled ſhall fraudulently and colluſively extend the ſame to or for the Benefit of any Perſon or Perſons not entitled thereto, every Perſon ſo offending and being lawfully convicted thereof ſhall forfeit and pay a Sum not exceeding Five Pounds.

XXIX. And

Stores.

XXIX. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other ſuch Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithſtanding.

Tolls payable only Twice in one Day at different Gates.

XXX. Provided always, and be it further enacted, That no Perſon who ſhall have paid the Tolls by this Act granted, or any of them, at any Toll Gate upon the ſaid Roads, ſhall be liable to pay Toll at any other Toll Gate upon the ſaid Roads, within the Diſtance of Two Miles from the Toll Gate at which ſuch Toll ſhall have been paid, for or in reſpect of the ſame Horſe or Horſes, Beaſt, Cattle or Carriages, in any one Day to be computed as aforeſaid, ſuch Perſon producing a Note or Ticket denoting ſuch Payment, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll, and that no more than Two Tolls in the whole ſhall be demanded or taken of or from any Perſon or Perſons for or in reſpect of the ſame Horſe or Horſes, Beaſts, Cattle, or Carriages, for paſſing or repaſſing through all the Toll Gates upon the ſaid Roads, in any one Day, to be computed as aforeſaid, ſuch Perſon or Perſons producing Notes or Tickets denoting ſuch Payments, and naming and ſpecifying the Turnpikes freed thereby, and which Notes or Tickets the reſpective Collectors of the Tolls are hereby required to deliver *gratis*, on the Payment of the Toll.

Tolls to be paid but once a Day at the ſame Gate.

XXXI. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall have paid the Toll or Duty for paſſing through any of the ſaid Turnpikes or Toll Gates, ſhall be liable to pay any Toll or Duty for repaſſing through the ſame Turnpikes or Toll Gates, or any of them, with the ſame Horſes, Cattle, Beaſts, and Carriages, the ſame Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the ſucceeding Night, ſuch Perſons producing a Ticket denoting the Payment of ſuch Toll, which Ticket the Collectors of the Tolls are hereby required to give *gratis* upon the Payment of ſuch Toll.

Power of compelling Payment of Tolls.

XXXII. And be it further enacted, That the ſeveral and reſpective Tolls or Sums of Money by this Act granted, ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time authorize and appoint to receive the ſame; and if any Perſon or Perſons ſubject to the Payment of any ſuch Tolls, or any Part or Parts thereof, ſhall after Demand thereof made by any Collector or Collectors, or other Perſon or Perſons authorized to receive the ſame, neglect or refuſe to pay the ſaid Tolls or any of them, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe or Cattle, Beaſt or Carriage upon which any Toll is by this Act impoſed,

or any of the Loading, Harneſs or Accoutrements thereof reſpectively; and if ſuch Tolls, and the reaſonable Coſts of ſuch Diſtreſs and keeping the ſame, ſhall not be paid within the Space of Five Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may at any Time or Times thereafter ſell the Horſe, Cattle, Beaſt, or Carriage ſo diſtrained, and out of the Monies which ſhall ariſe by ſuch Sale pay or retain ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold, (if any), upon Demand, to the Owner or Owners thereof.

For ſettling Diſputes concerning Tolls,

XXXIII. And be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Perſon or Perſons ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls and the Charges of ſuch Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the County, Diviſion, or Diſtrict in which ſuch Diſtreſs ſhall be made, who upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes, and ſhall determine the Toll due, and ſhall award ſuch Coſts and Charges to either Party as to ſuch Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) on Demand, attending ſuch Coſts and Charges, and the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Collectors declared not incompetent Witneſſes.

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

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

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

XXXVI. And

Puniſhing Collectors miſbehaving.

XXXVI. And in order to prevent the Miſconduct of the Perſons employed as Collectors of the ſaid Tolls, Gate Keepers, and other Officers as aforeſaid, be it further enacted, That every Perſon employed as Collector, Gate Keeper, or otherwiſe to collect any of the Tolls hereby granted and made payable, ſhall from Time to Time affix his or her Chriſtian and Surname on a Board in ſome conſpicuous Part of the Toll Houſe at which he ſhall be ſo appointed on each and every Day that he ſhall continue ſuch Collection, under the Penalty of any Sum not exceeding Forty Shillings; and if any ſuch Collector ſhall wilfully miſbehave himſelf or herſelf in the Collection of the ſaid Tolls, or otherwiſe by taking exceſſive Toll, demanding or taking Tolls from Perſons entitled to Exemption, or otherwiſe not liable, or where none is due or payable, uſing abuſive or improper Language to or otherwiſe miſconducting himſelf or herſelf to any Perſon or Perſons paſſing or claiming to paſs through or coming to any of the Toll Gates or Toll Bars to be erected or continued by virtue of this Act, and ſhall be thereof convicted on his or her own Confeſſion, or on the Oath of One or more credible Witneſs or Witneſſes before One or more of His Majeſty's Juſtices of the Peace for the County, Town, or Place where ſuch Offence ſhall be committed, he or ſhe ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and in Default of Payment thereof ſhall be committed to the Common Gaol or Houſe of Correction for ſuch County, Town, or Place, for any Time not exceeding Three Months.

To prevent evading of Tolls.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage upon which any Toll is by this Act impoſed, paſs through any Land or Ground not being the Owner or Owners, or Occupier or Occupiers, or any of his, her, or their Family, or Perſon or Perſons in his, her, or their Employ, within the Diſtance of One hundred Yards from any Toll Gate or Turnpike which ſhall be continued, erected, or provided by virtue of this Act, the ſame not being a Public Road; or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any other Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage to paſs through the ſame for the Purpoſe of avoiding the Payment of any of the Tolls, or any Part or Parts thereof; or if any Perſon or Perſons ſhall give to or receive from any Perſon (other than a Collector of the ſaid Tolls) or ſhall forge or counterfeit any Ticket by this Act directed to be given by a Collector of the ſaid Tolls, or ſhall forcibly paſs through any ſuch Toll Gate or Turnpike as aforeſaid, with any Horſe, Cattle, Beaſt, or Carriage, or ſhall at any Time or Times take off, or cauſe to be taken off, any Horſe, Cattle, or Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part or Parts thereof, ſhall be evaded, or if any Perſon or Perſons ſhall leave or cauſe to be left upon or near to any Part of the ſaid Roads any Horſe, Cattle, Beaſt, or Carriage with an Intent to evade the Payment of any of the ſaid Tolls, or any Part or Parts thereof, every Perſon offending in any of the Caſes aforeſaid, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Forty Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted; one Moiety whereof ſhall be for the Uſe of the Informer or Informers, and the other Moiety ſhall be applied for the Purpoſes of this Act in Manner herein-after mentioned.

Tolls may be varied.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, when and as often as they ſhall reſpectively think

think proper, to leſſen or reduce all or any of the Tolls herein-before granted or made payable at all or any of the Turnpikes to be continued, erected, or provided by virtue of this Act, and to raiſe the ſame again ſo as they do not at any Time exceed the Tolls by this Act granted or made payable at the ſame Turnpikes, and ſo as every ſuch Reduction be made with the Conſent of the Perſon or Perſons for the Time being entitled to Two-third Parts of the Money then due on the Security of the ſaid Tolls; but no ſuch Reduction ſhall be made unleſs Fourteen Days previous Notice thereof ſhall be affixed in Writing upon all the Turnpikes then erected acroſs the ſaid Roads, and alſo inſerted in ſome Newſpaper printed or generally circulated in the County of *Hereford*.

Power of letting Tolls.

XXXIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and are hereby empowered, upon Twenty-one Days Notice being given in the *Hereford Journal*, or in Writing affixed upon the ſeveral Turnpikes, to let or farm by the Year the Tolls to be taken at any or either of the Turnpikes by virtue of this Act to be continued or erected, to any Perſon or Perſons who ſhall be willing to take or farm the ſame, at or for the largeſt yearly Sums that can be got for the ſame, provided that ſuch Lettings or Agreements be made in Writing, and ſigned by the Perſon or Perſons taking the ſaid Tolls reſpectively and the Truſtees that let the ſame, and be not made for more than Three Years at any one Time; and that the Monies that ſhall be ſo agreed to be paid for the ſaid Tolls ſhall be made payable and ſhall be paid to the ſaid Truſtees reſpectively by Monthly Payments, and that the Perſon or Perſons to whom the ſaid Tolls ſhall be ſo let, ſhall always pay down One Month's Rent in advance; and if any Letting or Agreement for letting the ſaid Tolls or any Part or Parts thereof ſhall be made, or any Default ſhall be made in Payment of the Money agreed to be paid for the ſame in advance, contrary to the true Meaning of this Act, then every ſuch Letting or Agreement ſhall be void; and in either of ſuch Caſes the Perſon or Perſons to whom the ſaid Tolls ſhall be let, ſhall be liable to account for the ſame, and to have the ſame levied and recovered upon and of him and them by the ſame Means and in the ſame Manner as are by this Act directed or provided for the accounting for the ſaid Tolls by the Collectors thereof, or for Monies had and received by any Perſon or Perſons and unaccounted for or unpaid, and for levying and recovering the ſame upon any of them, in manner, and with, under, and ſubject to ſuch Covenants, Conditions, and Agreements, as the ſaid Truſtees ſhall think fit, they the ſaid Truſtees having a Counterpart of ſuch Leaſe or Leaſes, and taking ſuch other ſufficient Security for Payment of the Rents and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes, as the ſaid Truſtees ſhall think fit.

Power to compound for Tolls.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time as they ſhall ſee convenient, to compound or agree for any Term not exceeding One Year at any one Time with all or any of the Inhabitants of the ſeveral Pariſhes or Diſtricts through which the ſaid Roads lead, for the Paſſage of their Horſes, Cattle or Carriages through all or any of the Turnpikes or Toll Gates erected or to be erected on the ſaid Roads or the Sides thereof.

XLI. And

Toll Houſes, &c. veſted in the Clerk or Treaſurer.

XLI. And be it further enacted, That the Right, Intereſt, and Property of and in all the Toll Gates or Turnpikes and Toll Houſes already erected and which ſhall be erected and provided in purſuance of this Act, with the ſeveral Conveniences and Appurtenances thereunto belonging reſpectively, and the Materials of which the ſame ſhall conſiſt, and all Materials, Matters, and Things, which ſhall be purchaſed or provided for the Purpoſes of this Act, ſhall be veſted in the Clerk or Clerks, and Treaſurer or Treaſurers of the ſaid reſpective Roads for the Time being, and he and they is and are hereby empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame, as the ſaid reſpective Truſtees from Time to Time ſhall order, direct, and appoint; and under the like Order, Direction, and Appointment, of the ſaid Truſtees, to bring or cauſe to be brought, any Action or Actions, or to prefer and proſecute any Indictment or Indictments, againſt any Perſon or Perſons, who ſhall dig up, break, pull down, ſteal, take, carry away, ſpoil, deſtroy, injure, or damage, any of the ſaid Toll Gates, Turnpikes, or Toll Houſes, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials, Matters, or Things aforeſaid, or any Fences which ſhall be made and repaired by the ſaid Truſtees, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid Truſtees in the Execution of this Act.

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

XLII. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in arrear by the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid purſuant to the Agreement for demiſing or letting thereof, then and in either of thoſe Caſes any One or more Juſtice or Juſtices of the Peace for the County of *Hereford* ſhall, upon Complaint to him or them made by the ſaid Truſtees, or any of them, or their Treaſurer or Clerk, by Warrant under the Hand and Seal of ſuch Juſtice or Juſtices, authorize their Treaſurer, Clerk, or Surveyor, to enter upon and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers, of the Tolls ariſing thereat reſpectively from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and that thereupon it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to vacate and determine the Contract or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave as to the Obligations, Covenants or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants, or Agreements on the Leſſee's Part), as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid 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 Demiſe, Contract, or Agreement, had been made relative thereto.

For borrowing Money on Security of the Tolls.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, at any of their Meetings to be held in purſuance of this Act, to borrow and take up at Intereſt upon the Credit of the Tolls to ariſe by virtue of this Act, in ſuch Manner as they ſhall think proper, any Sum or Sums of Money they ſhall think fit to borrow, for all or any of the Purpoſes of this Act, during the Continuance thereof, giving Twenty-one Days previous Notice thereof in Writing, to be affixed on all the Toll Gates or Turnpikes then erected acroſs the ſaid Roads, and to be publiſhed in ſome Newſpaper printed or circulated in the ſaid County; and they the ſaid Truſtees are hereby empowered from Time to Time, at any of their Meetings, by any Writing or Writings under their Hands, to aſſign over or mortgage the reſpective Tolls or Duties hereby granted, or any Part or Proportion, Parts or Proportions thereof, during the Continuance of this Act (the Charges of ſuch Aſſignments and Mortgages to be paid out of ſuch Tolls) as a Security or Securities to any Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money, his, her, or their Truſtee or Truſtees, their reſpective Executors, Adminiſtrators, and Aſſigns, for the Money ſo to be advanced, with ſuch Intereſt for the ſame as ſhall be agreed upon in that Behalf, which Mortgage may be in the Form or to the Effect following; that is to ſay,

'BY virtue of an Act made in the Fifty-fifth Year of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act*] We, of the Truſtees for executing the ſaid Act, in Conſideration of the Sum of this Day paid to the Treaſurer of the ſaid Roads by do aſſign, during the Continuance of the ſaid Act, unto the ſaid ſuch Proportion of the Tolls to ariſe upon the ſaid Roads as the ſaid Sum of ſhall bear to the whole of the Principal Money for the Time being due on the Security of the ſaid Tolls, to hold the ſame unto the ſaid his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum* ſhall be fully paid. Dated this Day of in the Year of our Lord .'

And Copies of all Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer of the ſaid Roads, and which ſaid Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; and it ſhall be lawful for all Perſons reſpectively to whom any Mortgages ſhall be made as aforeſaid, or who ſhall be from Time to Time entitled to the Money thereby ſecured, to aſſign and transfer his, her, or their Right, Title and Intereſt in or to ſuch Mortgage, and the Principal Money and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever, which Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer within Three Calendar Months next after the Day of the Date thereof, who ſhall enter the ſame in the ſaid Book or Books, for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of Five Shillings and no more, and ſuch Transfer ſhall then entitle ſuch Aſſignee, his Executors, Adminiſtrators, and Aſſigns, to the full Benefit of ſuch Mortgage Security; and every ſuch Aſſignee may in like Manner aſſign or transfer the ſame, and ſo *toties quoties*, and after ſuch Entry as aforeſaid, it ſhall not be in the Power of any

Perſon or Perſons who ſhall have made ſuch Transfer to releaſe, diſcharge, or make void, the original Mortgage, Security, or the Monies due thereon or any Part thereof; and all Perſons to whom any Mortgage or Transfer ſhall be made as aforeſaid ſhall, in Proportion to the Sum or Sums of Money thereby ſecured, be Creditors on the Tolls by this Act granted in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing their Monies, or of the Dates of their reſpective Securities.

Old Mortgages may be cancelled and new ones granted.

XLIV. And be it further enacted, That the ſaid Truſtees ſhall and may, if thereunto required, deſtroy and cancel all or any of the Mortgages or Aſſignments now ſubſiſting, that have been made by virtue of the ſaid recited Act, of the Tolls thereby authorized to be collected, and to give and execute a Mortgage or Mortgages of the Tolls by this Act granted in Manner herein-before directed, for ſuch Sum or Sums of Money as may be expreſſed in any Mortgage or Aſſignment to be cancelled by virtue of this Act.

For paying Creditors by Lot.

XLV. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall at any Time or Times be deſirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the ſaid Roads, it ſhall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforeſaid, (Notice of ſuch intended Meeting and of the Purpoſe thereof, being firſt given at leaſt Ten Days preceding the ſame, by Advertiſement in ſome Newſpaper printed in or uſually circulated within the ſaid County of *Hereford*), if they ſhall think fit, inſtead of paying the ſame rateably amongſt all the Creditors, to determine by Lot to which of ſuch Creditors the Whole or any Portion thereof ſhall be ſo paid, and to pay the ſame to ſuch Creditor or Creditors only, any Thing herein contained to the contrary thereof notwithſtanding.

Application of the Money.

XLVI. And be it further enacted, That all the Monies which before the Commencement of this Act ſhall have been raiſed and produced upon the Roads included in the ſaid Acts, and which ſhall be undiſpoſed of on the Day of the Commencement of this Act, and alſo all the Monies which ſhall ariſe and be produced by or from the Tolls by this Act granted or made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe and be produced by virtue of this Act, ſhall be veſted in the ſaid Truſtees for the Time being, and applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following; (that is to ſay), in the Firſt Place, in Payment of all the Coſts, Charges, and Expences, incident to or attending the obtaining and paſſing of this Act, and diſcharging any Balance which ſhall be due to the Treaſurer or Treaſurers of the ſaid Roads, with lawful Intereſt for the ſame during the Forbearance thereof; in the Second Place, in paying the Intereſt accruing upon the ſeveral Principal Sums of Money which now are or ſhall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by the ſaid Acts and this Act; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houſes, and other Buildings, and repairing the ſame, and of altering, widening, turning, repairing, and improving the ſaid Roads, and purchaſing Lands for thoſe Purpoſes, and of executing the

the other Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging ſuch ſeveral Principal Sums of Money as aforeſaid.

Surveyors may get Materials for Repair of Roads.

XLVII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors for the ſaid Roads, or ſuch Perſon or Perſons as he or they or the ſaid Truſtees ſhall appoint, to ſearch for, dig, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the ſaid Roads, out of or from any Common River or Brook, Waſte or Common Grounds, in any Pariſh or Place wherein the ſaid Roads or any Part of them do lie, or in any adjoining Pariſh or Place, without paying any Thing for the ſame, ſuch Surveyor or Surveyors or other Perſon or Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping 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 there is not a ſufficient Quantity of ſuch Materials in ſuch Rivers or Brooks, Commons or Waſte Grounds, then and in ſuch Caſe, the Surveyor or Surveyors and other Perſon or Perſons as ſhall be employed by ſuch Surveyor or Surveyors, or by the ſaid Truſtees, may, by Order of the ſaid Truſtees, dig, gather, take, and carry away any ſuch Materials as aforeſaid, in, upon, or out of, from, and over the Lands of any Perſon or Perſons (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any Houſe or any incloſed Ground planted and ſet apart as a Nurſery for Trees) paying or tendering Payment of ſuch Satisfaction for ſuch Materials, and for the Damage done to ſuch private Lands, over which any Materials gotten in any Waſte Ground, common River or Brook, or private Grounds, ſhall be conveyed, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons appointed and employed as aforeſaid, and the ſaid Owners or Occupiers, or any or either of them, concerning ſuch Satisfaction or Damages as aforeſaid, any Two or more Juſtices of the Peace for the County ſhall and may examine Witneſſes upon Oath relating thereto, and ſhall ſettle and determine the Matter of ſuch Satisfaction and Damages.

Materials not to be taken from any incloſed Grounds, without an Order of Juſtices.

XLVIII. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons under the Authority of this Act, to dig, gather, take, or carry away any ſuch Materials as aforeſaid, in or from any incloſed or private Lands, Grounds, or Quarries, until after Ten Days previous Notice in Writing, ſigned by the ſaid Surveyor or ſome other Officer of the ſaid Truſtees ſhall have been given to the reſpective Owners or Occupiers of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at their uſual Place of Reſidence reſpectively, requiring them to appear before Two or more Juſtices of the Peace acting for the County, Diviſion, or Diſtrict in which the Lands are ſituate, at a certain Time and Place to be ſpecified in ſuch Notice, to ſhew Cauſe why ſuch Materials ſhould not be taken away; and ſuch Juſtices after hearing the Parties concerned ſhall, if they think proper, authorize ſuch Surveyor or other Officer to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times and in ſuch Manner as to ſuch Juſtices ſhall ſeem proper or reaſonable; and if ſuch reſpective Owners or Occupiers ſhall not by themſelves or their reſpective Agents attend purſuant to ſuch Notice, ſuch Juſtices may make ſuch Order therein as they ſhall think fit,

fit, in the like Manner as if ſuch reſpective Owners or Occupiers had attended purſuant to ſuch Notice.

Penalty on taking away Materials.

XLIX. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials which ſhall have been dug or gathered for the Purpoſe of making or amending the ſaid Roads, or the Land or Scrapings of the ſaid Roads, without Leave of the Surveyor or Surveyors firſt had and obtained in Writing for that Purpoſe, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Roads, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Forty Days (except the Owners or Occupiers of any private Lands or Grounds, and the Perſon or Perſons authorized by ſuch Owners or Occupiers, and who may get Materials therein for their own Uſe only, and not for Sale), every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds.

Preventing Obſtructions on Roads.

L. And be it enacted, That no Dung, Aſhes, Compoſt, Manure, or other Thing ſhall be unloaded or laid down upon the ſaid Roads, or upon any Moor, Common, or Waſte Ground, nearer to the Centre of the ſaid Roads than the Diſtance of Fifteen Feet, upon Pain that every Perſon ſo offending and being lawfully convicted thereof ſhall forfeit and pay a Sum not exceeding Twenty Shillings; and if after the Removal of any ſuch Dung, Aſhes, Compoſt, Manure, or other Thing as aforeſaid, any Perſon ſhall offend again in like Manner, every Perſon ſo offending again and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Forty Shillings.

Surveyors may remove Annoyances.

LI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and ſuch Perſon or Perſons as he ſhall appoint, from Time to Time, to remove and prevent all Nuiſances, Annoyances, Encroachments and Obſtructions on any Part or Parts of the ſaid Roads, by Timber, Stone, Carriages, Saw Pits, or other Pits, Aſhes, Dung, Filth, Rubbiſh, or otherwiſe, and alſo to turn any Watercourſes, Gutters, Conduits, or Drains running into the ſame to the Prejudice thereof, and to open, cleanſe, and ſcour, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to any Part of the ſaid Roads, and alſo to cut down, top, or lop at proper Seaſons in the Year, by and under the Order and Direction of any Five or more of the ſaid Truſtees, in Writing for that Purpoſe, any Trees, Branches, or Buſhes growing in the ſaid Roads, or in the Hedges, Fences, Banks, or Grounds adjoining thereto, ſuch Tree or Trees not being in any Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a Houſe, or not being an Ornament or Shelter to a Houſe, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands or Grounds where ſuch Annoyances ſhall happen to be ſhall neglect ſo to do for Ten Days after Notice in Writing given for that Purpoſe, under the Hand of ſuch Surveyor, and the Charges thereof reſpectively, (being ſettled by the ſaid Truſtees) ſhall be reimburſed to ſuch Surveyor, by ſuch reſpective Owners or Occupiers ſo neglecting as aforeſaid, and in caſe ſuch Charges ſhall not be paid on Demand, the ſame ſhall be levied and recovered in like Manner as the Penalties, Forfeitures, and Fines by this Act authorized to be impoſed, are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Nuiſances, Annoyances, Encroachments,

Encroachments, and Obſtructions as aforeſaid, any Perſon ſhall offend again in like Manner, every Perſon ſo offending again, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Forty Shillings.

Preſerving Timber.

LII. Provided always, and it is hereby further enacted and declared, That nothing herein contained ſhall extend or be conſtrued to extend to empower the ſaid Truſtees, Surveyors, or other Perſons, or any or either of them, on any account, to cut down any Maiden Oaks or Elms growing in the Hedges or Banks of or adjacent to any Part of the ſaid Roads, except only in ſuch Place or Places where the Roads ſhall be of leſs Breadth than Thirty Feet, including the Ditches.

Surveyors empowered to remove ſudden Obſtructions without Notice.

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint from Time to Time, without giving any previous Notice, to remove all ſuch Earth, Trees, Roots of Trees, and other Things, as ſhall ſuddenly fall or be blown down from any Hedge, Bank, or Land, into or upon any Part of the ſaid Roads, ſo as to narrow or obſtruct the Paſſage along the ſame, and to carry and place the ſame on any Waſte Ground near thereto, ſo as the ſame be no Annoyance to Travellers, and ſuch Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence ſuch Earth, Trees, Roots, or other Things ſhall ſo fall or be blown down as aforeſaid; and the Charges of carrying away the ſame (to be ſettled by the ſaid Truſtees) ſhall be reimburſed and paid to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered in ſuch Manner as the Penalties and Forfeitures for Offences againſt this Act are hereby directed to be recovered.

Penalty on leaving Obſtructions or hauling Timber or Stones on the Road.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully ſet, place, or leave any Timber, Stones, or other Things whatſoever, in or upon any Part or Parts of the ſaid Roads, or ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Roads (excepting only in croſſing the ſame) any Tree or Piece of Timber, or any Stone otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon wheeled Carriages to drag upon any Part of the ſaid Roads to the Prejudice thereof, every Perſon ſo offending in any of the Caſes laſt mentioned, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Twenty Shillings for every ſuch Offence; and in caſe any Timber ſhall be ſo placed or left on or by the Side of any Part of the ſaid Roads, the Owner or Owners of which Timber ſhall not be known to the Surveyor or Surveyors of the ſaid Roads, it ſhall be lawful for the Surveyor or Surveyors to take Poſſeſſion of and remove ſuch Timber; and in caſe the Owner thereof ſhall not within Fourteen Days claim the ſame, and pay to the Surveyor or Surveyors the Penalty for leaving the ſame, and all reaſonable Coſts and Charges of taking, removing, and keeping Poſſeſſion of ſuch Timber, it ſhall be lawful to and for the ſaid Surveyor or Surveyors to ſell and abſolutely diſpoſe of ſuch Timber, or as much thereof as may be thought neceſſary, and by and out of the Monies therefrom ariſing to pay the Penalty incurred and the Charges of taking to, removing, keeping and ſelling the ſame, the Surveyor or Surveyors cauſing Proclamation of all ſuch intended Sale or Sales to be made Forty-eight Hours

at the leaſt, previous to any ſuch Sale or Sales by the Public Crier in the open Market of the ſaid Town of *Roſs*.

Penalty on damaging Footways or cauſing Nuiſances or Obſtructions on the Road.

LV. And be it further enacted, That the ſaid Truſtees may cauſe Foot Paths, not exceeding Eight Feet in Breadth, to be made along the Sides of the ſaid Roads, in ſuch Places as can conveniently admit of the ſame, and ſhall cauſe all Signs, Sign Poſts, Sign Irons, Pent Houſes, Shew Boards, Spouts, and Gutters, projecting into the ſaid Foot Paths, and all Poſts, Rails, and other Obſtructions thereon, to be taken down and removed; and if any Perſon or Perſons ſhall ride upon any Footway adjoining the ſaid Roads, or ſhall lead or drive any Horſe, Aſs, Cattle, Sheep, or Swine, or any Carriage on ſuch Footway, or ſhall cauſe any Damage to be done thereto, or ſhall put or turn any Horſe, Aſs, Sheep, Swine, or other Beaſt or Cattle of any Kind into or upon the ſaid Roads or the Sides thereof, or if any Horſe, Aſs, Sheep, Swine, Beaſt, or Cattle, ſhall be found loole or treſpaſſing on the ſaid Roads, or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon ſuch Roads, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the Left or Near Side of ſuch Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him upon any ſuch Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his Care; 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 Fire Work, or play at Foot Ball, or any other Game or Games on any Part or Parts of ſuch Roads; or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage, Plough or other Inſtrument of Huſbandry, in or upon the ſaid Roads or the Sides thereof, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, without ſome reaſonable Cauſe, to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned or conveyed in order to his or her Conviction, (ſave and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Sides of the ſaid Roads as conveniently may be), every Perſon ſo offending, or the Owner of ſuch Cattle ſo found treſpaſſing, ſhall forfeit and pay a Sum not exceeding Forty Shillings.

Surveyors may make Cauſeways, Drains, &c.

LVI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyors, and any other Perſon or Perſons, by Order of the ſaid Truſtees, to make Cauſeways, and to cut and make Ditches, Drains, and Watercourſes in, upon, and on the Sides of the ſaid Roads, and alſo through any Grounds lying contiguous thereto, and to erect, rebuild, and keep in Repair, Bridges and Arches upon the ſaid Roads, and acroſs ſuch Ditch, Drain, or Watercourſe as aforeſaid, and to make ſufficient Barriers and other Erections on any Part or Parts of the ſaid Roads, in order to prevent the ſame from being flooded or overflowed with Water; and alſo to make or cauſe to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Roads (except as herein-after is mentioned), to be made uſe of as a Road whilſt the old Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers, making ſuch Satisfaction to the Owners and Occupiers of ſuch Ground ſo to be uſed, cut through, or built

built upon, for the Damages which they or any of them ſhall ſuſtain thereby, as the ſaid Truſtees ſhall judge reaſonable; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers, and the ſaid Truſtees, touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the County, Diviſion, or Diſtrict in which the Lands are ſituate, at their General or Quarter Seſſions of the Peace to be held for ſuch County, Diviſion, or Diſtrict, next after ſuch Difference ſhall ariſe; and if any Owner or Occupier of any Watercourſe or Watercourſes, Ditch or Ditches, adjoining to the ſaid Roads, ſhall refuſe or neglect to ſcour, deepen, and cleanſe the ſame Twice in every Year, in ſuch Manner as the ſaid Surveyor or ſuch other Perſon or Perſons as aforeſaid ſhall order and direct, after Ten Days Notice ſhall be given for that Purpoſe, by ſuch Surveyor or other Perſon or Perſons, then and in every ſuch Caſe it ſhall be lawful for ſuch Surveyor or other Perſon or Perſons, and he and they is and are hereby authorized to employ any Perſon or Perſons to ſcour, deepen, and cleanſe the ſame, and by Warrant under the Hand and Seal of any Juſtice of the Peace to levy the Charges thereof upon the reſpective Owners or Occupiers of ſuch Watercourſe or Watercourſes, Ditch or Ditches, by Diſtreſs and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any) to him, her, or them upon Demand.

No Cottages to be erected or Trees planted within a certain Diſtance.

LVII. And be it further enacted, That no Perſon or Perſons whomſoever ſhall in future erect or build, or cauſe to be erected or built upon any Waſte or Common, or in any Common Meadow or Common Field, any Houſe, Cottage, or other Building whatever, nor ſhall make any Incloſure on the Waſte or Common, nor plant or cauſe to be planted any Tree or Trees whatever, within the Diſtance of Fifteen Feet from the Centre of any of the Roads, to be repaired or made under the Directions of this Act, under the Penalty of Five Pounds for each Offence; and in caſe any Perſon (notwithſtanding the Payment of ſuch Penalty or Forfeiture) ſhall preſume to erect any Building, make any Incloſure, plant or cauſe to be planted any Tree or Trees within ſuch Diſtance as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees to cauſe the ſame to be taken down, thrown open, or cut down and removed, and the Expence of taking down, throwing open, cutting down or removing the ſame, ſhall be borne, paid, and diſcharged by the Perſon or Perſons who ſhall be guilty of any or either of the Offences aforeſaid; and that all Gates to be hereafter made and placed in any Field or Grounds adjoining the ſaid Roads, or any of them, ſhall be made and hung to open inwards towards ſuch Field or Ground, and not outward towards the ſaid Roads; and that it ſhall and may be lawful to and for the ſaid Truſtees at their Expence to cauſe all ſuch Gates as are now erected and open outwards towards the ſaid Roads to be altered, and made to open inwards, as they the ſaid Truſtees ſhall think proper.

Mile Stones and Direction Poſts to be erected.

LVIII. And be it further enacted, That the ſaid Truſtees ſhall cauſe Mile Stones or Poſts to be continued or ſet up on the ſaid Roads, and from Time to Time renewed on the Sides thereof reſpectively, with Inſcriptions thereon denoting the Number of Miles and Diſtance of Places, and alſo Direction Poſts where any other Roads lead out of or into the ſame Roads; and if any Perſon or Perſons ſhall wilfully break, pull down, deſtroy, or damage any of the Stones or Poſts which ſhall be ſo continued or ſet up, or eraſe, obliterate, or deface any of the Inſcriptions or Letters

Penalty on defacing them.

which

which ſhall be engraven or made thereon, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending and being lawfully convicted thereof ſhall forfeit and pay any Sum not exceeding Forty Shillings.

Power to divert Roads, and to Corporations, &c. to ſell.

LIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered to make and repair, and from Time to Time to widen, divert, ſhorten, vary, turn, and alter the Courſe or Path of any Part or Parts of the ſaid Roads, (within the Limits herein-after mentioned, or beyond ſuch Limits with the Conſent of the Owners or Proprietors of the Lands through which the ſame ſhall be carried), and every Variation may be of any Width not exceeding Forty Feet through any Waſte Grounds, Commons, or uncultivated Lands, without making Satisfaction for the ſame; and alſo through any private Lands, Grounds, or Hereditaments, not exceeding Thirty Feet, excluſive of the Ditches and Fences on each Side thereof, not being the Scite of or Ground whereon any Houſe or Houſes ſtand, or planted Walk, Yard, Garden, Park, Paddock, or Avenue to any Houſe, firſt making Satisfaction to the Owners and Occupiers thereof, and Perſons intereſted therein, for the Damages they may ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners and Occupiers of and Perſons intereſted in any Lands, Grounds, or Hereditaments, for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners, Occupiers, or Perſons may ſuſtain by the making, widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Roads through ſuch Lands, Grounds, or Hereditaments; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, Huſbands, Guardians, Truſtees or Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of their Ceſtuique Truſts, whether Femes Covert, Infants, Iſſue unborn, Lunatics, Idiots, or other Perſon or Perſons whomſoever, but alſo to and for all Femes Covert who are or ſhall be ſeized of or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be poſſeſſed of or intereſted in any ſuch Lands, Grounds, or Hereditaments, to contract with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them all or any of ſuch Lands, Grounds, or Hereditaments, or any Part thereof, for 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 to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

New Road to be made according to Plan.

LX. And whereas a Map or Plan deſcribing the Line of the ſaid new Branch of Road, and the Lands through which the ſame is to be carried, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, has been depoſited with the Clerk of the Peace for the County of *Hereford*, be it therefore enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of

of the Clerk of the Peace for the ſaid County, to the end that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts therefrom, at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Four-pence for every Seventy-two Words of ſuch Copies or Extracts of the Map or Plan and Book of Reference; and that the ſaid Truſtees in making the ſaid new Branch of Road ſhall not deviate more than Six Yards of Three Feet each from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made, unleſs otherwiſe directed by this Act.

Lands uſed in the Plan may be marked, notwithſtanding Errors in the Book of Reference.

LXI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid New Branch of Road into, through, acroſs or over the Lands, Hereditaments, or Premiſes of any Perſon or Perſons, who is or are or may be Owner or Owners of Lands or Premiſes over which the ſame is or are ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be erroneouſly deſcribed or omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County, Town or Place, wherein ſuch Lands, Hereditaments, or Premiſes, ſhall be ſituate, and be certified by Writing under their Hands that ſuch Error or Omiſſion proceeded from Miſtake, or was not wilful, and ſuch Certificate ſhall be depoſited with and remain in the Cuſtody of the Clerk of the Peace for the ſaid County, Town or Place.

Truſtees reſtrained from pulling down Dwelling Houſes, &c. without the Conſent of the Owners.

LXII. Provided alſo, and be it further enacted, That the 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, planted Walk or Avenue to a Houſe or any incloſed Grounds 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 firſt had and obtained, other than and except ſuch as are mentioned and deſcribed in the Schedule to this Act, any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Recompence to be ſettled by a Jury in certain Caſes;

LXIII. And be it further enacted, That if any Owners, Proprietors, Occupiers, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Grounds, upon Notice in Writing to him, her, or them given or left at the reſpective Dwelling Houſes or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Grounds ſo to be taken in and added to any Part of the ſaid Roads, or into which any Part or Parts of ſuch Roads is or are to be turned or altered as aforeſaid, ſhall by the Space of Ten Days after ſuch Notice given or left as aforeſaid neglect or refuſe to treat or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch caſe the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County, (which Oaths

any

any One or more of the ſaid Truſtees is and are hereby empowered and required to adminiſter) what Damage will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, or other Perſon or Perſons intereſted for or on account of the taking of ſuch Lands or Grounds into the ſaid Roads, or of turning any Part or Parts of ſuch Roads into or through the ſame Lands or Grounds; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time as Occaſion ſhall require, to ſummon and call before the ſaid Jury and examine upon Oath, all and every Perſon or Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and they ſhall alſo order and cauſe the ſaid Jury to view the Places in Queſtion if there be Occaſion, and uſe all other lawful Ways and Means as well for their own as for the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damage, Recompence, and Satisfaction, the ſaid Truſtees ſhall thereupon order the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners or Occupiers or other Perſons intereſted in the ſaid Lands or Grounds according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Order ſo had and made ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming any Eſtate in Fee Simple or Fee Tail, for Life or Lives or Years, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Succeſſors, Executors, Adminiſtrators, Infants, Iſſue unborn, Femes Covert, Perſons beyond the Seas, or under any Diſability whatſoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County, or in caſe ſuch Sheriff or his Deputy or Deputies ſhall be any wiſe intereſted in the Matter in queſtion, then to ſome One of the Coroners of the ſame County not intereſted therein, thereby commanding and requiring ſuch Sheriff or Coroner to empannel, ſummon, and return a Jury of Twenty-four honeſt and indifferent Men qualified according to Law to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrants ſhall be appointed; and the ſaid Sheriff, his Deputy or Deputies, or the ſaid Coroner, is and are hereby required to empannel, ſummon, and return ſuch Number accordingly, and out of the Perſons ſo empannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees or any One or more of them ſhall ſwear or cauſe to be ſworn Twelve who ſhall be a Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen the ſaid Sheriff, his Deputy or Deputies, or the ſaid Coroner, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service (being qualified as laſt aforeſaid) to 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, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on the ſaid Sheriff, his Deputy or Deputies, Bailiffs or Agents, or on ſuch Coroner making Default in the Premiſes, and

their Verdict to be final.

Sheriff to ſummon Jury.

on

on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting 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 touching the Premiſes, after having been paid or tendered a reaſonable Sum for his, her, or their Charges and Expences, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence; provided that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any ſuch Sheriff, his Deputy or Deputies, or Coroner, or the Sum of Five Pounds on any other Perſon for any One Offence.

For paying Expences of Juries.

LXIV. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of this Act ſhall give in and deliver a Verdict or Aſſeſſment for more Money or a Recompence or Satisfaction for the Right, Intereſt or Property of any Perſon or Perſons in any ſuch Lands, Grounds, Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or for any Loſs or Damage as aforeſaid, then and in ſuch caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Differences, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of any Money which ſhall then be in his Hands, or out of the Monies to be received by virtue of this Act; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid reſpective Truſtees before the ſummoning or returning of the ſaid Jury or Juries as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes and all other Expences aforeſaid ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the County, Diſtrict, or Place wherein the Cauſe or Diſpute ſhall ariſe, not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by the Ways and Means herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating, ſuch Coſts ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

LXV. And

How the Purchaſe Money is to be paid.

LXV. And be it further enacted, That every Sum of Money, Recompence, and Satisfaction, which ſhall be agreed for or aſſeſſed as aforeſaid, ſhall be paid, out of the Monies which ſhall ariſe and be produced by virtue of this Act, to the Parties or Perſons reſpectively entitled thereto, or to their Agents; and upon Payment thereof, or upon depoſiting the ſame in the Bank of *England*, in Manner by this Act directed, all Owners and Occupiers of and Perſons intereſted in ſuch Lands or Grounds, ſhall from thenceforth be diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame, and ſuch Lands or Grounds ſhall be laid into and made Part of the ſaid Roads, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be by them or by ſuch Perſon or Perſons as they ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall from thenceforth, to all Intents and Purpoſes whatſoever, become, and for ever afterwards be a Common Highway, and ſhall be deemed Part of the Roads to be repaired by virtue of this Act, and ſhall be repaired accordingly; and after ſuch new Road ſhall be completed, the Lands conſtituting the former Road or any Part thereof, unleſs leading over ſome Moor or Waſte Ground, or to or through ſome Town, Village, or Hamlet, to or through which ſuch new Road doth not lead or paſs, ſhall be veſted in the ſaid Truſtees for the Time being, and ſuch Truſtees ſhall ſell and convey the ſame, for the beſt Price that can be gotten, and the Money ariſing from ſuch Sale ſhall be applied for the Purpoſes of this Act; and the ſaid Truſtees are hereby empowered to give in Exchange any Part or Parts of the Lands conſtituting the former Road, for any Part or Parts of ſuch new Road, and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges, to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever.

Truſtees may ſell or exchange any Part of the old Road, when any Road ſhall be made in lieu thereof.

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

LXVI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or for the Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon any Road ſhall be thought proper to be made, widened, altered, or turned, and to ſtake out, alter, and turn the ſame, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, and alſo to enter upon any Lands or Grounds to ſearch for Stone for repairing the ſaid Roads, without being liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands or Grounds for the Damage that ſhall be done to the Land or Ground on the Side of any new Road whilſt the ſame ſhall be making, widening, turning, or altering, or in ſearching for Stone, in caſe ſuch Damage ſhall exceed the Sum of Five Shillings; and if any Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out, making, altering, or turning any ſuch Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Twenty Shillings.

Roads diſcontinued not to be repaired.

LXVII. Provided alſo, and be it further enacted, That in caſe the ancient or former Road over any Moor or Waſte Grounds ſhall by virtue of this Act be turned or diverted, the Inhabitants of the Pariſh, Townſhip, or Hamlet, wherein the ancient or former Road which ſhall thereby be left or diſcontinued

discontinued shall be situate, shall not be obliged to repair such ancient or former Road, unless the same leads to some Town, Village, or Hamlet, with which the new Road doth not communicate.

Directing Pieces of Old Road to be offered for Sale to the Proprietors of the adjoining Lands.

LXVIII. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Parcel of old Road, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace, by some Person or Persons not interested, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was offered, shall be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Lands to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein directed with respect to Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money: Provided also, that no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands, Grounds, or Hereditaments, wherein he shall be personally interested.

Trustees not to act where interested.

Reinvesting Purchase Money when exceeding 200l.

LXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust, or to any other Person 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 *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 towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the

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

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

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

Under 20l.

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

or

or Hereditaments, ſo purchaſed, taken, or uſed, for the Purpoſes of the ſaid recited Acts and this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c.

LXXII. 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 by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known and diſcovered; then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, (deſcribing them), ſubject to the Order, Controul, and Diſpoſition, of the ſaid Court of Chancery, which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe as to the 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 for what Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title, the Perſon in Poſſeſſion deemed the Owner.

LXXIII. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Acts and this Act, or to any Bank Annuities to be purchaſed with ſuch Monies, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, 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 ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of ſuch 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

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.

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

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

Perſons liable and Lands chargeable to the Repair of Roads and Bridges to continue ſo.

LXXV. And be it further enacted, That where any particular Part or Parts of the ſaid Roads, or any Bridges, Arches, Drains, Sewers, or Watercourſes lying in and upon the ſame Roads, ought to be repaired and maintained by any particular Perſon or Perſons, Bodies Politic or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by any County, Diviſion, Diſtrict, or Pariſh therein, or otherwiſe howſoever, all and every ſuch Part or Parts of the ſaid Roads, and all ſuch Bridges, Arches, Drains, Sewers, and Watercourſes, ſhall from Time to Time be maintained and kept in repair by ſuch Perſon or Perſons, Bodies Politic and Corporate, County, Diviſion, Diſtrict, or Pariſhes reſpectively, in ſuch Manner as the ſame ought to have been reſpectively maintained and kept in repair in caſe this Act had not been made: Provided always, that all Perſons by Law chargeable towards repairing any Part or Parts of the ſaid Roads, or any Bridges thereon, ſhall ſtill remain ſo chargeable, and ſhall do their reſpective Statute and other Work in or upon the other Highways of the Pariſhes or Diſtricts in which the ſaid Roads do or ſhall lie, in like Manner as before the paſſing of this Act (ſubject nevertheleſs to the Regulations herein-after expreſſed concerning the ſame), and where any old Road ſhall be diſcontinued by virtue of this Act, ſuch Statute or other Work ſhall be performed upon the new Road made in lieu thereof.

Statute Work to be continued.

Statute Work.

LXXVI. Provided always, and be it enacted, That all Perſons who by Law are liable to do Statute Work on any Part of the Roads within the Pariſhes or Places through which the ſaid Roads or any Part thereof paſſes, ſhall be liable to do the ſame on the ſaid Roads; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Hereford*, and they are hereby required and empowered, upon Application made to them by the ſaid 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 or Places in which the ſaid Roads do lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be

by him, her, or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers, or their Surveyor; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Fourteen Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be ſo paid, which Liſts of Names ſhall be made in Manner and under ſuch Regulations and Reſtrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to 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 in ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by 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, by any Surveyor of 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 in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſending ſuch Labourer, Team, or Draught, ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts

every ſuch Surveyor or Surveyors ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

The Truſtees may compel the Surveyors of Highways to account for Compoſition Money.

LXXVII. Provided always, and be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Hereford*, by Writing under their Hands, to ſummon all, every or any of the Surveyor or Surveyors of the Highways of all, every or any of the Pariſhes or Places (the Inhabitants whereof ſhall be liable to perform Statute Work on the Roads by this Act authorized to be repaired), to appear before the ſaid Juſtices, and there to deliver into them a full, true and juſt Account in Writing of all Sums of Money by them reſpectively received, for or in lieu of or by way of Compoſition for Statute Work in their ſeveral or reſpective Pariſhes or Places (which Account ſhall be verified upon Oath); and in caſe the Perſon or Perſons ſo ſummoned ſhall neglect to appear at the Time and Place therein appointed, or ſhall refuſe or neglect to deliver in ſuch Account as aforeſaid, or if required to verify the ſame upon Oath, or to pay to the Treaſurer of the ſaid Roads or as the ſaid Juſtices ſhall direct, within Ten Days from the Time of producing the ſaid Accounts, or whereon the ſame ought to have been produced, ſuch proportionable Part of all ſuch Compoſition Money as ſuch Surveyor or Surveyors or any of them ſhall have received, or without their wilful Neglect or Default might have been received, that then, and in all or any of the ſaid Caſes, the Perſon or Perſons ſo offending ſhall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

Statute and other Work may be compounded for.

LXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to compound and agree by the Year, or otherwiſe with the Owners and Occupiers of any Lands, Tenements, or Hereditaments, or other Perſons, Bodies Politic or Corporate, liable to or chargeable with or towards the Repair of any Part or Parts of the ſaid Roads, or any Bridges, Arches, Drains, Sewers, or Watercourſes, lying in and upon the ſame, for the Performance of Statute Work thereon, or the Payment of a Sum or Sums of Money in lieu of ſuch Repairs and Statute Work reſpectively; and alſo for the reſpective Surveyors of the Highways of any of the ſaid Pariſhes through which the ſaid Roads ſhall paſs, to compound and agree by the Year, or otherwiſe, with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by the Inhabitants of ſuch Pariſhes and Townſhips, upon any Part or Parts of the ſaid Roads.

Power to recover the Compoſition Money for Tolls, Statute and other Work.

LXXIX. And be it further enacted, That in caſe the Compoſition Money in lieu of any ſuch Repairs or Statute Work as aforeſaid, or any Part or Parts of ſuch Compoſition Money reſpectively, ſhall not be paid within Fourteen Days after the ſame ſhall become payable, it ſhall be lawful for any Two or more Juſtices of the Peace for the County of *Hereford*, by Writing under their reſpective Hands and Seals, to empower the Perſon or Perſons authorized to receive ſuch Compoſition Money (Oath having been firſt made before ſuch Juſtices that the ſame hath been demanded and remains due, which Oath they are hereby reſpectively empowered and required to adminiſter, and a Summons having iſſued from ſuch Juſtices of the Peace, and been ſerved on the Perſon or Perſons neglecting to pay ſuch Compoſition Money, requiring him or them to appear before ſuch Juſtice or Juſtices to ſhew cauſe why he or they refuſe to pay the ſame) to levy ſuch Com-

Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Perſon or Perſons ſo having compounded or agreed to pay ſuch Compoſition Money as aforeſaid, returning the Overplus (if any) after deducting ſuch Compoſition Money, and the reaſonable Charges of ſuch Diſtreſs and Sale, upon Demand, to the Owner or Owners thereof.

How Surveyors of the Highways are to be reimburſed the Compoſition Money.

LXXX. And be it further enacted, That the reſpective Surveyors of the Highways who ſhall pay any ſuch Compoſition Money, or of whom the ſame ſhall be recovered as aforeſaid, ſhall be repaid or re-imburſed the Compoſition Money paid by or recovered of them reſpectively, with the Coſts and Charges attending ſuch Recovery, by the ſeveral Ways and Means and in ſuch Manner as by the Laws in being Surveyors of the Highways are to be repaid or re-imburſed the Monies by them expended in buying Materials for repairing the ſaid Highways.

Truſtees may contract for Repairs.

LXXXI. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, are hereby empowered to contract with any Perſon or Perſons for making, altering, raiſing, widening, and repairing the ſaid Roads or any Part or Parts thereof reſpectively, or any Arches or Bridges upon the ſame, and for doing any other Work by this Act authorized to be done, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper; and all Contracts in Writing for any of the Purpoſes aforeſaid which ſhall be entered into purſuant to an Order made at any Meeting by the ſaid Truſtees, ſhall be binding to all Parties who ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators, and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

Penalty on obſtructing the Execution of this Act.

LXXXII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any Collector of the Tolls employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

How Penalties, Forfeitures, and Fines, are to be recovered and applied.

LXXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act impoſed or authorized to be impoſed (the Manner of levying and recovering of which is not herein otherwiſe particularly directed) ſhall, upon Proof of the Offences and Conviction of the Offenders reſpectively, before any One or more Juſtice or Juſtices of the Peace for the County, Diviſion, or Diſtrict, wherein ſuch Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby authorized and required to grant, and to adminiſter ſuch Oath), and the Overplus after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattels; and all ſuch Penalties, Forfeitures, and Fines, (if not otherwiſe directed by this Act) ſhall be paid to the ſaid Truſtees or their Treaſurer,

Treaſurer, and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures and Fines ſhall not be forthwith paid, ſuch Juſtice or Juſtices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for ſuch County, Diviſion, or Diſtrict, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Tranſient Offenders may be apprehended.

LXXXIV. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers or Perſons employed in the Execution thereof, be it therefore further enacted, That it ſhall and may be lawful for the ſaid Collectors, Surveyors, Officers, or other Perſons reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and to convey him, her, or them before any Juſtice of the Peace for the County, Diviſion, or Diſtrict where the Offence or Offences ſhall be committed.

Conviction.

LXXXV. And, for the more eaſy Conviction of Offenders againſt this Act, be it enacted, That the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, may cauſe the Conviction to be drawn up in the Form, or in Words to the Effect following, *mutatis mutandis*, as the Caſe ſhall happen to be:

Form of Conviction.

'BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of the Offender*] was duly convicted before me [*or*, us] [*Name and Style of convicting Juſtice or Juſtices*], for that the ſaid *A. B.* [*Name of Offender*] on [*Time of committing Offence*] did [*here ſtate the Offence againſt the Act according to the Fact*] contrary to the Form of the Statute made in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth Title of this Act*]; and I [*or*, we] do therefore declare and adjudge, that the ſaid *A. B.* [*Name of Offender*] hath forfeited for his ſaid Offence the Sum of [*Fine*] or ſhall be committed to [*Place of Impriſonment*] for the Space of [*Time of Impriſonment*] given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above written.' to wit.

Appeal to the Quarter Seſſions.

LXXXVI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Matter or Thing done in purſuance of this Act, for which no particular Method of Relief hath been herein-before provided (ſave and except the Verdict of the Jury, and any Determination, Proceeding, Matter, or Thing herein-before directed to be final) ſuch Perſon or Perſons may, within Six Calendar Months after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at their General or Quarter Seſſions of the Peace to be holden for the County, Diviſion, or Diſtrict wherein the Cauſe of Appeal ſhall ariſe, ſuch Appellant or Appellants firſt giving or cauſing to be given Fourteen Days Notice in Writing of his, her, or their Intention to bring

ſuch Appeal, and of the Cauſes or Matters thereof, to the Clerk or Clerks, Treaſurer or Treaſurers of the ſaid Roads, and within Four Days next after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the County, Diviſion, or Diſtrict, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of the Juſtices at ſuch General Quarter Seſſions, and to pay ſuch Coſts as ſhall be awarded againſt him, her, or them by ſuch Juſtices, and ſuch Juſtices at their ſaid Seſſions, on due Proof of ſuch Notice having been given as aforeſaid, and of the entering into ſuch Recognizance, ſhall proceed to hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award Coſts to the Party appealing or appealed againſt as they ſhall think proper, and their Determination ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever.

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 Twenty-one Days Notice thereof ſhall be given to the Clerk or Clerks, Treaſurer or Treaſurers of the ſaid Roads, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months from the Time of the Fact or Offence being committed, and every ſuch Action or Suit ſhall be laid or brought in the County in which the Cauſe of Action ſhall happen, and not elſewhere; and the Defendant or Defendants in every ſuch Action ſhall or may, at his, her, or 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 have been ſo done, or that ſuch Action or Suit ſhall have been brought before Twenty-one Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Expiration of the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if ſuch Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit 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 ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath in other Caſes 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 and take place from the Twenty-fourth Day of *June* One thouſand eight hundred and fifteen, and ſhall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

The

The SCHEDULE to which this Act refers.

PROPRIETORS NAMES.	PREMISES.
John Wheatſtone, Labourer -	Part of an Orchard.
William Dew, Labourer - -	Part of an Orchard.
Dorothy, the Widow and Deviſee of Richard Chantler - -	Part of a Garden and young Orchard.
Charles Gough, Yeoman - -	Part of a Garden and Orchard.
Ann Giles, Widow - -	Part of a Court and Garden.
James Mayo, Victualler - -	Part of Two Gardens.
William Pritchard, Yeoman -	Part of a Court, Garden, and Orchard.
John Simmonds, Labourer -	Part of Three Orchards and a Small Coppice.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1815.