ANNO TERTIO

GEORGII IV. REGIS.

Cap. xli.

An Act for continuing the Term, and altering, amending, and enlarging the Powers of several Acts, for repairing the Roads therein mentioned, in the Counties of *Denbigh* and *Flint*, so far as relate to the Road from *Ruthin* in the County of *Denbigh* to *Mold* in the County of *Flint*.

[15th *May* 1822.]

WHEREAS an Act was passed in the Thirtieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for amending, widening, and keeping in Repair the Roads from the Town of* Wrexham *in the County of* Denbigh, *to* Pentre Bridge *in the County of* Flint; *and from the Town of* Mold *to* Northop, Holywell, *and* Rhuddlan *in the same County; and from thence to the Ferry-house opposite the Town of* Conway *in the County of* Carnarvon, *and from* Ruthin *to the said Town of* Mold; whereby the said Roads were divided into several Districts or Divisions, and one being the Road from the said Town of *Ruthin* to the said Town of *Mold*, was called "The *Ruthin* District or Division:" And whereas an Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of so much of an Act, made in the Thirtieth Year of the Reign of His Majesty King* George *the Second, intituled* 'An Act for amending, widening, and keeping in Repair, the Roads from 'the Town of Wrexham *in the County of* Denbigh, *to* Pentre Bridge *in the* 'County

30 G. 2. c. 69.

19 G. 3. c. 109.

'*County of* Flint; *and from the Town of* Mold *to* Northop, Holywell, *and* 'Rhuddlan *in the same County; and from thence to the Ferryhouse, opposite* '*the Town of* Conway *in the County of* Carnarvon, *and from* Ruthin '*to the said Town of* Mold,' *as relates to the District of Road from the Town of* Ruthin *in the County of* Denbigh, *to the Town of* Mold *in the County of* Flint: And whereas an Act was passed in the Fortieth Year of
40 G.3.c. 66. the Reign of His said late Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts, passed in the Thirtieth Year of the Reign of His late Majesty King* George *the Second, and in the Nineteenth Year of the Reign of His present Majesty, for amending, widening, and keeping in Repair the several Roads therein mentioned, so far as the said Acts relate to the Road leading from the Town of* Ruthin *in the County of* Denbigh, *to the Town of* Mold *in the County of* Flint: And whereas the Trustees appointed in and by virtue of the said Acts, for the said District or Division of Road leading from *Ruthin* to *Mold*, have proceeded to put the same into Execution, and have for that Purpose borrowed considerable Sums of Money on the Credit thereof, which still remain due and owing; and the said several Sums of Money and the Interest thereof cannot be paid off, nor can the said District or Division of Road be effectually amended, widened, improved, and kept in Repair, unless the Term granted and continued by the said several Acts be further continued, and some of the Powers and Provisions therein contained be altered and enlarged, so far as respects the said District or Division of the said Roads, and unless the Tolls granted by the said Acts within the said District or Division of Road be increased; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Authorities, Powers, Privileges, Provisions, and Clauses therein contained (except such of them as are varied, altered, or repealed), so far as the same relate to the said District or Division of Roads, from the Town of *Ruthin* in the County of *Denbigh*, to the Town of *Mold* in the County of *Flint*, called the *Ruthin* District or Division of Road, shall be, continue, and remain in full Force and Effect, for and during the Term herein-after mentioned, as fully and effectually in all respects, and to all Intents and Purposes, as if the said several recited Acts, and all the Clauses, Powers, Trusts, Authorities, and Provisions, Matters and Things therein respectively contained, and now in force, were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, and Additions herein contained, and which shall commence and take Effect upon the passing of this Act; and the additional Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies now due on the Credit or on account of the said Acts, or any or either of them, with respect to the said District or Division of Road, or which shall be borrowed on the Credit of the said Acts and this Act (for the Use of the said District or Division), and the Interest due and to grow due thereon respectively.

Former Acts further continued.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said Counties of *Denbigh* and *Flint* respectively, together with the Honourable *William Beauclerk* commonly called Lord *William Beauclerk*, the Honourable *Frederick West*, Sir *Watkin Williams Wynn* Baronet, Sir *Thomas Mostyn* Baronet, Sir *Edward Pryce Lloyd* Baronet, Sir *Robert Williames Vaughan* Baronet, *Joseph Ablett* of *Fynoglon*, *Abraham Ball*, *William Bankes*, *Charles Butler Clough* Clerk, *Philip Davies Cooke*, *Thomas Davies*, *John Davies* of *Llanbeder*, *John Douglas*, *William Williams Edwards* Clerk, *John Evans*, *John Wynne Eyton*, *John Powell Foulkes*, *Richard Garnons*, *Thomas Griffiths*, *Thomas Hayes*, *Jonathan Hobson*, *Samuel Hobson*, *Thomas Hobson*, *Thomas Harrison*, *William Hancock*, *Robert Harvey*, *Richard Hughes*, *John Spier Hughes*, *James Hughes*, *Edward Jones Hughes*, *David Hughes*, *Hughes* of *Coppy*, *John Hughes* of *Denbigh*, *Gabriel Hughes*, *Richard Jones* Clerk, *John Jones* of *Llanbeder* Clerk, *John Jones* of *Ruthin* Clerk, *James Jones* Clerk, *John Jones* of *Llangynhafal* Clerk, *Edward Jones* Clerk, *Robert Jones* of *Derwen* Clerk, *Henry Jones* Clerk, *David Jones* of *Ruthin*, *John Jones*, *Robert Humphreys Jones*, *John Jones* of *Accre*, *Price Jones*, *Wilson Jones*, *Thomas Jones* of *Bryntirion*, *Edward Jones* of *Denbigh*, *James Kelsall*, *Henry Kelsall*, *Richard Henry Kenrick*, *Charles Gethin Kenrick*, *George Watkin Kenrick*, *Richard Kyffin Kenrick*, *Thomas Kyffin Kenrick*, *James Knight*, *James Knight* the younger, *Samuel Leach*, *Edward Lloyd* of *Berth*, *Edward Mostyn Lloyd*, *John Madocks*, *Madocks* the younger, *Thomas Trevor Mather*, *Meakin*, *Robert Nicholls*, *Stephen Nicholls*, *Francis Owen* Clerk, *Edward Owen*, *Richard Parry* the younger, *Philip Parry*, *David Parry*, *John Conway Potter* Clerk, *Henry Potts*, *Henry Potts* the younger, *Charles Potts*, *Ralph Richardson*, *William Rigby*, *John Roberts*, *Goodman Roberts*, *Thomas Roberts* of *Astrad*, *Hugh Roberts*, *Cadwalader Blayney Trevor Roper*, *John Lloyd Salisbury*, *Charles Sankey*, *William Makepeace Thackeray* Doctor of Medicine, *William Lewis Salisbury Trelawney*, *William Ward*, *Frederick Richard West*, *Griffith Howel Vaughan*, *Robert Williams* of *Merllyn*, *John Williams* of *Rhydycilgwyn*, *John Williams* the younger, *William Williams* of *Plasyward*, and *William Williams*, being qualified according to the Directions of this Act, and taking or subscribing the Oath or Affirmation of Qualification herein-after mentioned, shall be and they are hereby declared to be the Trustees for putting the said recited Acts and this Act in Execution, so far as relates to the said *Ruthin* District or Division of the said Road.

Power to appoint additional Trustees.

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

IV. And

Qualification of Trustees.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act, so far as relates to the said *Ruthin* District, whilst he holds any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Acts and this Act, or any of them, nor in any Case where he shall be personally interested otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee, unless at the Time of his acting he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such an Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath (or being one of the People called *Quakers*, an Affirmation) in the Words, or to the Effect following; (that is to say),

Oath.

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

'So help me GOD.'

And if any Person not being so qualified, or being disqualified to act as a Trustee in the Execution of this Act, or shall not have taken and subscribed such Oath as aforesaid; or being a Quaker, shall not have made and subscribed such Affirmation as aforesaid, or be concerned or interested in any Contract or Contracts under the said recited Acts and this Act, or any or either of them, or if any Person shall act contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt on the Case, or by Bill or Plaint, Suit or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the

the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of the said recited Acts and this Act, or either of them; any thing in the said recited Acts to the contrary hereof notwithstanding: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said recited Acts and this Act, or either of them (although not duly qualified), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Three Trustees to be a Quorum in all Cases.

V. And be it further enacted, That all Acts to be done relative to the Execution of the said recited Acts and this Act, or any of them, so far as relates to the *Ruthin* District or Division of the said Road, shall and may be done and executed by the Majority of the Trustees who shall be present at the respective Meetings to be holden in pursuance thereof, the whole Number present of such Trustees not being less than Three; and all Acts, Proceedings, Matters, and Things when so done, shall be as good, valid, and effectual, as if the same had been done by all the Trustees named in or appointed under or by virtue of the said recited Acts and this Act, or any of them.

Meetings.

VI. And be it further enacted, That the said Trustees shall at all their Meetings to be held under or by virtue of the said recited Acts and this Act, pay and defray their own Charges and Expences; and at every Meeting of the said Trustees, a Chairman shall and may in the first Place be appointed, who, in case of an equal Number of Votes upon any Question or Occasion (including such Chairman's Vote), shall have the casting or decisive Vote.

Meetings to be held alternately at Ruthin and Mold.

VII. And be it further enacted, That the Meetings of the said Trustees shall be held alternately at *Ruthin* and *Mold*; the First Meeting thereof to be held at *Ruthin* in the said County of *Denbigh*.

Trustees not to administer Oaths on verifying Accounts.

VIII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer, Collector of the Tolls, Surveyor, or other Officer or Officers, now appointed or hereafter to be appointed under or by virtue of the said recited Acts and this Act, or any of them, for the Purpose of verifying his or their Accounts.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Trustees and Creditors.

IX. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls by the said Acts and this Act

authorized to be taken, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Clerk restrained from acting as Treasurer, and vice versâ.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the said recited Acts or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts and this Act, or any of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of the said Acts and this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Trustees may continue and erect Toll Gates.

XI. And be it further enacted, That the said Trustees shall and they are hereby authorized and empowered to continue all or any of the Toll Gates and Toll Houses now standing in, upon, or across the said Roads, within the said *Ruthin* District or Division, and also to erect or cause to be erected, such other Toll Gates and Toll Houses, as also such Bars and Chains upon and across the said Roads, and at or near the Sides thereof, and within and across any other Roads or Ways leading into the same, as the said Trustees shall from Time to Time order and direct, with full Power from Time to Time to remove all or any of the Toll Gates and Toll Houses, Bars, and Chains so to be continued or erected as aforesaid.

Repealing former Tolls, and granting new ones.

XII. And whereas the several Tolls granted by the said several recited Acts, within the *Ruthin* District or Division of the said Roads, are insufficient for the Purpose of paying the annual Interest of the several Sums of Money borrowed on the Credit of the said Acts, within the same District, and for repairing, widening, amending, and improving the Roads comprized therein; be it therefore further enacted, That from and after the Second *Wednesday* next after the passing of this Act, the said Tolls shall be and the same are hereby repealed; and instead thereof there shall be demanded and taken, at each of the respective Toll Gates, Turnpikes, and Side Gates, now erected or hereafter to be erected upon the said District of Road, such Tolls as the said Trustees or any Five or more

more of them, at any public Meeting to be held for that Purpose, shall from Time to Time direct or appoint, not exceeding the several and respective Sums herein-after mentioned; (that is to say),

Tolls.

For every Horse or other Beast, drawing any Coach or other Carriage, laden or unladen, the Sum of Sixpence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Penny each: And,

For every Drove of Calves, Sheep, Goats, Lambs, Hogs, or Swine, the Sum of One Halfpenny each.

Tolls vested in the Trustees.

Which said respective Tolls shall be demanded and taken, before any Horse, Mare, Gelding, Mule, or other Beast, Drove of Oxen, Cows, or Neat Cattle, Calves, Sheep, Lambs, Hogs, or Swine, be permitted to pass through any Turnpike or Toll Gate erected or continued upon the said Road by virtue of this Act, or upon or across any Lane or Way leading into the same; and the said respective Tolls shall be, and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, varied, reduced, assigned, and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for securing and enforcing the due Payment thereof, and with such Penalties for the Non-payment or Evasion of the same, and with such Powers, Provisions, Regulations, and Exemptions, as are contained in the said several recited Acts and this Act, with respect to the Tolls thereby authorized to be taken, except so far as the same Provisions, Regulations, Remedies, Penalties, and Exemptions, are by this present Act varied and altered, and with such additional Powers, Provisions, Regulations, and Exemptions as are herein-after contained.

Table of Tolls to be put up.

XIII. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said District of Road, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Tickets to be provided denoting Payment of Tolls.

XIV. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Name of the Gate at which such Payment shall have been made, and also the Name or Names of the Gate or Gates freed by such Payment.

Power to let the Tolls.

XV. And be it further enacted, That it shall be lawful for the said Trustees, at any of their annual or other Meetings to be held under or by virtue of the said Acts and this Act, or any of them, either by private Contract or otherwise, to demise, lease, and to farm let all or any of the Tolls granted by this Act, to any Person or Persons, for any Term or Number of Years not exceeding Three Years at any one Letting, for the highest Rent that can be reasonably got for the same, to be paid and payable

able at such Times, and under such Covenants, and to such Person or Persons, and with such Sureties for the due Payment thereof as the said Trustees shall direct or appoint, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and in case at any Time hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders at any Meeting for letting the same, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied and disposed of in the same Manner as the Tolls granted by this Act are directed to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever: Provided always, that the said Trustees shall, before the Letting of the said Tolls, at all Times cause Ten Days Notice at the least to be affixed upon all the Toll Gates which shall be then standing upon the said Road, of their Intention to lease or demise such Tolls or any Part thereof.

Trustees to have a Bidding when Tolls are put up to Auction.

XVI. And be it further enacted, That when any of the Tolls payable by virtue of this Act shall be put up to be let to farm, the said Trustees may, if they think fit, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for a less Sum than an adequate Value.

Exempting Return Chaises and Post Horses from Payment of Toll for repassing, &c.

XVII. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage, for which any Toll shall have been paid at any Turnpike erected or to be erected on the said District of Road, shall, on returning without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise or Carriage shall not have passed through such Turnpike on the same Day.

General Exemptions from Toll.

XVIII. Provided always, and be it further enacted, That none of the Tolls granted by this Act shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the said District of Road, or any Bridge or Bridges thereon, or any of the Roads in the Parishes in which any Part of the said Road lies, or with Seed for seeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, or passing to be sold and disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Lime, Mould, Dung, Compost, or Manure employed in

Husbandry, for manuring or improving Land, or any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel; or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family, or returning after having been so attending; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses, or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or 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 or Barrack or Commissariat or other Public Stores belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall be equipped with, and have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horse or any Carriage travelling with Vagrants sent by legal Passes, or Prisoners in Custody under any legal Warrant, or returning after having been so employed; or for any Horses, Coaches, or other Carriages, going to or returning from any Election of a Knight of the Shire to serve in Parliament for the said County of *Denbigh* or *Flint*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and this Act; any thing in the said recited Acts contained to the contrary hereof in anywise notwithstanding.

[*Local.*]

XIX. And

Owners or Drivers of Waggons in His Majesty's Service not subject to Penalties for Overweight.

XIX. 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, or 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 for Overweight in any such Waggon, Wain, Cart or other Carriage, or for 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 any 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.

Abatement of Tolls in certain Cases.

XX. And be it further enacted, That for and in respect of all Waggons, Carts, and other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for and in respect of the several Horses and other Beasts drawing such Waggons, Carts, and other Carriages, there shall be allowed the several Privileges and Exemptions granted by such Act.

55G.3.c.119.

Penalty on evading the Tolls.

XXI. And be it further enacted, That if any Person or Persons having passed through any Turnpike or Toll Gate erected or to be erected upon the said Road, with any Horse, Cattle, Beast, or Carriage, shall afterwards add or put any additional Horse or Beast to such Carriage, with Intent to evade the Payment of the Tolls authorized to be taken on the said Road, or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For settling Disputes concerning Tolls.

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

Charges

Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Collectors to put up their Names.

XXIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Acts and this Act, or any of them, upon the said Road, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed, during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Acts and this Act, or any of them, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Tolls, and naming and specifying the Gate at which such Payment shall have been made, and also the Gate or several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon; then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty, in case of Nonpayment thereof, shall be levied and recovered, and shall be paid and applied in such and the same Manner as other Penalties are by the said recited Acts, or any of them, directed to be levied, recovered, paid and applied.

To enable Trustees to take possession of Toll Houses.

XXIV. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Acts or of this Act, at the said Turnpike Gates, or any of them, shall be demised or let to farm to any Person or Persons in pursuance of the said recited Acts or this Act, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him, her, or them, either by taking a greater or less Toll in respect of any Kind of Carriage, Waggon, Cart, Horse, Beast, or Cattle, than the Tolls demised or let to him, her, or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or any Instalment thereof, shall be in arrear and unpaid for the Space of Ten Days next after any of the Days or Times whereon the same shall become

become due and ought to be paid pursuant to such Demise or Contract; and the Toll House or Toll Houses appertaining to such Turnpike Gate or Gates shall be in Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them appointed to collect the Tolls thereat; then and in any of the said Cases it shall be lawful for the said Trustees, if they shall think proper, to vacate and determine such Demise and Contract, giving a Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Houses at such respective Turnpike or Turnpikes, and such Lease or Contract shall from that Time be utterly void to all Intents and Purposes (save as to the Covenants for Payment of the Rent to the Day of such Notice being delivered), as if the same had not been made; and in case any such Lessee or Lessees, Farmer or Farmers, shall not, on Service of such Notice as aforesaid, deliver up the Possession of the Toll House or Toll Houses, and the Turnpike Gate or Gates, with the Appurtenances, so demised or let to him, her, or them, it shall be lawful for any Justice of the Peace for the County or Place in which such Toll House or Toll Houses, Turnpike Gate or Gates, with the Appurtenances, shall be situate, by Warrant under his Hand and Seal, to order any Constable, or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses and Premises in the Day Time, and to remove the Person or Persons who shall be found therein, together with their Goods, out of such House or Houses and Premises, and to put such other Person or Persons into the Possession thereof as the said Trustees shall appoint.

For protecting the Security to the Exchequer Bill Commissioners.

XXV. And whereas the Commissioners acting in the Execution of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in Manner therein mentioned*; and another Act, passed in the same Session, for amending the said Act, did, under the Powers and Provisions of the said Acts, on or about the Twenty-fourth Day of *January* One thousand eight hundred and twenty, advance to the Trustees acting under the several first herein-before recited Acts, or some or One of them, One thousand Pounds in Exchequer Bills, upon the Security of a certain Indenture of Mortgage, bearing Date the said Twenty-fourth Day of *January* One thousand eight hundred and twenty, and made between the several Persons therein named and described as being Two-thirds in Number of the Trustees present at a Meeting called for the Purpose of executing the said Indenture of the One Part, and *William Holden*, the Secretary of the said Commissioners, of the other Part, whereby the said Trustees did, as therein mentioned, assign to the said *William Holden* all and every the Rates, Tolls, and Receipts therein particularly mentioned, to hold the same, subject to the Repayment of the said Sum of One thousand Pounds, with Interest thereon at the Rate of Five Pounds *per Centum per Annum*, as therein is expressed: And whereas by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for*

57 G. 3. c. 34.

1 G. 4. c. 60.

for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on of Public Works and Fisheries, and Employment of the Poor, and to extend the Powers of the Commissioners for executing the said Acts in Great Britain, whereby the Powers of the said several Acts of the Fifty-seventh Year of His said late Majesty were amended and enlarged; be it therefore further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner incumber or affect the said Indenture of Mortgage of the Twenty-fourth Day of *January* One thousand eight hundred and twenty, so given by the said Trustees to the said *William Holden*, as Secretary of the said Commissioners as aforesaid; and that the said Mortgage shall have Priority over and shall precede all other Mortgages or Securities whatsoever already granted and executed, or which shall or may hereafter be granted and executed, by the Trustees acting under the said recited Acts or this Act, or any of them, upon the Credit of the Tolls and Duties now payable and collected, or which shall or may hereafter arise and be collected under the Authority of the said first herein-before recited Acts or this Act, and that the said Loan and Interest shall be repaid in the Manner provided by the said Indenture of Mortgage; and that the Tolls and additional Term hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or hereafter to become due and owing, under the said Indenture of Mortgage for securing the said Loan of One thousand Pounds and Interest in Manner aforesaid; any thing in the said recited Acts or this Act contained to the contrary thereof in anywise notwithstanding.

An Action of Ejectment may be supported by One Mortgagee.

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

Gates not to open into the Road.

XXVII. And be it further enacted, That no Gate of any Park, Paddock, Field or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed so that no Part of the Gate, when open, shall project over any Part of the said Road, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing outward towards the said Road, contrary to the true Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Road, cause such Gate to be hung so that no

no Part of such Gate shall, when open, project over any Part of the said Road, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration, and hanging such Gate in a proper Manner, and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and such Penalty shall be levied, recovered, paid, and applied in Manner herein-after mentioned.

For impounding Cattle or Swine straying on the Road.

XXVIII. And be it further enacted, That if any Horse, Ass, Swine, or other Live Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying, or lying upon, about, or on the Sides of the said Road, or any Part thereof respectively (except in such Parts of the said Road where the same is not fenced, or are open on either Side to any Commons or Waste Lands) it shall be lawful for the Surveyor of the said Road for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, in the Common Pound (if any) of the Parish or Place in which the same shall be found tied or fastened, or wandering, straying or lying about or on the Sides of the said Road, or any Part thereof, or in such other Place or Places as the said Trustees, although not assembled at a Meeting, or the said Surveyor, shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other Live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle to be sold; and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same so sold shall appear to have been.

Punishment of Persons guilty of Pound Breach.

XXIX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress

or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of one credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty on Persons not keeping on the Left Side of the Road, when meeting or being overtaken by another Carriage, and Penalty on Persons committing Nuisances on the Road;

XXX. And be it further enacted, That if any Person or Persons driving any Coach, Chaise, Waggon, Cart, or other Carriage, upon the said Road (except when overtaking in order to pass any other Coach, Chaise, Waggon, Cart, or other Carriage), shall not, on meeting another Coach, Chaise, Waggon, Cart, or other Carriage, drive or keep his Carriage on the Left Hand Side of the Middle of the said Road; or if any Person shall ride upon any Footway on the Side of or adjoining to the said Road, or shall drive any Horse or other Cattle, or any Swine or Sheep, or any Cart or other Carriage, upon any such Footway, or shall cause any Damage to be done thereto; or if any Person driving any Waggon or Cart shall absent himself therefrom, or shall not drive on the Left Hand Side of his Horse or Horses; or if any Person or Persons driving or riding upon any Horse or other Beast, carrying Crates, Cans, or Panniers, shall not, on being overtaken by or meeting any other Person riding or driving any other Horse, Beast, or Carriage, keep the said Horse or other Beast on the Left Hand Side of the Middle of the said Road; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or any other Fire or Fires in the open Air, on or near the said Road, or on or near the Side or Sides thereof, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Road, or shall play at Football, or any other Game or Games upon the said Road, or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing, upon any Part of the said Road or the Sides thereof, to be made into Manure, or shall (without the Consent of the said Trustees,) scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road; or if any Person or Persons shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, or Soil, or leave any Cart, Carriage, or Wheelbarrow, Rubbish, or other Matter or Thing whatsoever, (except Materials for the Repair of the said Road, deposited by or by the Order of the Surveyor thereof for immediate Use,) on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon; or if any Person or Persons shall leave any Carriage (except in Cases of Accidents), upon or on the Side of the said Road, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side

or laying Straw, &c. on the Road to be made into Manure or scraping the Road.

of

of the said Road as near as conveniently may be; or if any Person or Persons, after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave or suffer, or permit to lie and remain on any Part of the said Road, the Stone or other Matter or Thing used in such blocking or stopping, or shall do any other wilful Act, Damage, or Injury to the said Road, or any Part thereof; or if any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag or trail upon any Part of the said Road to the Prejudice thereof; or shall, in or upon any Part of the said Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person riding, attending, or driving any Horse or other Beast on the said Road, and carrying Iron in Bars or Rods, or any Basket or Pannier, or any other Matter or Thing across such Horse or other Beast, in such Manner as that the same, or any of them, shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person or Persons, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Road; or if any Hawker, Pedlar, Gipsey, or other Person or Persons travelling with any Machine, Vehicle, Cart or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon, or by the Side or Sides of the said Road, or any Part thereof; or if any Blacksmith, or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Road, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person driving any Pigs or Swine upon the said Road, shall suffer such Pigs or Swine to root up or damage the said Road, or any Part thereof, or the Hedges or Fences on either Side thereof respectively; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart or other Carriage, under his or her Care upon the said Road, every Person so offending shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and the said Penalties, Forfeitures, and Fines, and other the Penalties, Forfeitures, and Fines mentioned and imposed by this Act, shall be recoverable and applied in Manner herein-after mentioned.

Trustees in diverting the Road, not to deviate more than 100 Yards from the present Line.

XXXI. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Road (unless such new Line or Course shall be along any Public Road or Highway, or over any Common or Waste Ground), without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

XXXII. And

Houses, &c. not to be injured,

XXXII. And be it further enacted, That nothing in this or the said recited Acts, or any of them, contained, shall extend or be construed to extend to authorize the said Trustees, in diverting or altering the Line of the said Road, 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 Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

XXXIII. 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 the said recited Acts, 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 or 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 Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, or Disposition of the said Court of Chancery; which said Court of Chancery, 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 and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession to be deemed presumptively entitled &c.

XXXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Pos-

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 the Bank Annuities to be purchased with such Monies, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Chancery to direct Payment of Expences in certain Cases.

XXXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of the said 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.

For getting Materials to repair the Road.

XXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road, out of or from any Commons or Waste Grounds, Common River, Brook or Pit, in any Parish or Place in which any Part of the said Road shall lie, or in any adjoining Parish or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County or Place in which the said Road doth lie, search for, cut, dig, get, gather and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, in any Parish or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish or Place (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken or carried away, or over which the same or any other Materials for repairing the said

said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; any thing in the said recited Acts contained to the contrary hereof notwithstanding.

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

XXXVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of the said recited Acts or this Act, to dig, gather, get, take or carry away any Materials for repairing the said Road out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Two Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices by their Orders, to authorize such Surveyor, or other Person or Persons, to dig, get, gather, take and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended; any thing in the said recited Acts contained to the contrary notwithstanding.

Penalty on taking away Materials got by the Surveyor.

XXXVIII. Provided also, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or otherwise improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days, (except the Owner or Occupier of any Private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his or her own Private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied, and applied in manner by the said recited Acts and this Act, or any of them, directed.

Statute Labour.

XXXIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable

able towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road lies, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, 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 to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as to the said Justices shall seem reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such Parish, Township, or Place respectively, to be by him, her, or them paid over to the said Trustees or their Surveyor, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered, by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said 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 to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures

as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person employing or sending such Labourer shall be subject and liable to the respective Forfeitures and Payments as aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on the said Road; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Road; 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 any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, paid, and applied in such and the same Manner as Penalties are by this Act directed to be levied, recovered, paid and applied.

For securing transient Offenders.

XL. And whereas Offences may be committed against the said recited Acts and this Act, some or one of them, by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same Acts into Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, City, or Place, or near to the Place where the Offence or Offences shall have been committed, to be dealt with according to Law; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

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

XLI. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Acts and this Act or any of them, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, or under the Authority of the said recited Acts and this Act, or any of them; and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of the said

said recited Acts and this Act, or any of them, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Recovery and Application of Penalties.

XLII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby and by the said recited Acts inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not therein or herein otherwise directed, upon Proof of the Offences respectively before any One Justice of the Peace of the County or Place wherein the Offence shall be committed, either by Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by the said recited Acts or any of them, from Time to Time paid, Half to the Informer, and Half to the said Trustees, or to their Treasurer or Clerk, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Fourteen Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place wherein the Offence shall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures,

feitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For paying the Expences of this Act.

XLIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest from the Time of advancing the same until Payment thereof, shall be paid and discharged by the said Trustees out of the Monies already collected or received, or out of the first Monies to be collected or received by virtue of the said recited Acts and this Act, or any of them, in preference to all other Payments whatsoever.

Public Act.

XLIV. 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.

XLV. And be it further enacted, That this Act shall commence and take effect upon the passing thereof; and that the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained), and this Act, shall continue and be in force and be executed for and during the Residue now to come of the Term by the said last recited Act granted and continued, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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