ANNO TERTIO

GEORGII IV. REGIS.

Cap. lxxxvii.

An Act for more effectually amending, improving, and keeping in Repair the Roads leading from certain Bridges over the River *Wye*, called *Whitney Bridge* and *Bredwardine Bridge*, in the County of *Hereford*, towards the Town of *Hay*, in the County of *Brecon*. [24th *June* 1822.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Roads from the Town of* Brecon *to the Parish of* Brobury *and to* Whitney Passage *in the County of* Hereford; *and for building a Bridge over the River* Wye, *at* Bredwardine Passage *in the same County*: And whereas an Act was passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Thirty-third Year of the Reign of King* George *the Second, for repairing the Roads from the Town of* Brecon *to the Parish of* Brobury *and to* Whitney Passage *in the County of* Hereford; *and for building a Bridge over the River* Wye *at* Bredwardine Passage *in the same County, so far as relates to such of the Roads comprized in the said Act as lie in the County of* Hereford: And whereas an Act was passed in the Forty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to continue the Term, and alter and enlarge the Powers of Two Acts* 33 G. 2. c. 58. 22 G. 3. c. 108. 44 G. 3. c. 39.

passed for repairing the Roads from the Town of Brecon *to the Parish of* Brobury *and to* Whitney Passage *in the County of* Hereford, *so far as relates to such of the Roads comprized in the said Acts as lie in the County of* Hereford: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded in the Execution of the Powers and Authorities vested in them respectively, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Roads, which still remain due and owing: And whereas the Money so due and owing cannot be paid off, nor can the several Roads comprized in the said Two last recited Acts be kept in Repair and properly improved, unless the Terms of the said Acts be further continued, and the Powers and Provisions of the said recited Acts having been found in many respects defective and insufficient, it would be more convenient to the said Trustees, and the Roads herein-after mentioned might be more effectually amended, widened, improved, and kept in Repair, if the said Acts were repealed, the several Powers and Provisions thereof consolidated, and further and other Powers and Provisions granted instead thereof in One Act of Parliament, 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 from and after the Third *Monday* in the Month next after the passing of this Act, the said Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, so far as concerns and relates to such of the Roads comprized in the said Act as lie in the County of *Hereford*, and also the said Acts passed in the Twenty-second and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that instead thereof this Act shall commence and take Effect and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in Repair the several Roads herein-after described.

The said Acts repealed.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the respective Tolls authorized to be taken by the said recited Acts, or any or either of them, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed, or become due and owing on the Credit or on account of this Act; and that all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said recited Acts, or either of them, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees for exe-

This Act made subject to the Monies borrowed on the Credit of former Acts.

cuting the said Acts of the said Thirty-third Year of the Reign of His Majesty King *George* the Second, the Twenty-second and Forty-fourth Years of the Reign of His late Majesty King *George* the Third respectively, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Contracts, and Agreements made or entered into by the said Trustees for executing the said Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively.

Roads under this Act described.

III. And be it further enacted, That the Roads directed by this Act to be amended, improved, repaired, and kept in Repair, shall be the Roads leading from the Confines of the County of *Brecon*, at the Town of *Hay*, by *Cooper's Hall*, through the Parish of *Cusop*, and the Townships of *Hardwick* and *Clifford* in the Parish of *Clifford* in the County of *Hereford*, to the Bridge over the River *Wye* called *Whitney Bridge*, in the Parish of *Whitney* and County of *Hereford* aforesaid; and the Road from the Confines of the County of *Brecon*, at the Town of *Hay* near to *Nanty Glaster*, through the Parish of *Cusop*, the Townships of *Hardwick* and *Middlewood* in the Parish of *Clifford* and the Parish of *Bredwardine*, all in the County of *Hereford*, to the Bridge over the River *Wye* called *Bredwardine Bridge* in the Parishes of *Bredwardine* and *Brobury* in the County of *Hereford*.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Hereford* for the Time being, together with the Honourable *Edward Harley* commonly called *Lord Harley*, Sir *George Cornewall* Baronet, Sir *Charles Morgan* Baronet, Sir *John Geers Cotterell* Baronet, *Henry Allen*, *Henry Allen* the younger, *Williams Allen* Clerk, *Hugh Beavan*, *Thomas Brace*, *Joseph Blissett*, *Francis Rigby Broadbelt*, *Charles Amyand Cornewall*, *John Altham Graham Clarke*, *James Chambers*, *John Clutton* D.D., *Tomkyns Dew*, *William Domvile* Clerk, *William Andrew Foley* Clerk, *Thynne Howe Gwynne* the younger, *James Godsall*, *James Lloyd Harris*, *Thomas Howell Hughes*, *Richard Higgins*, *Thomas Higgins*, *James Jones*, *Thomas James*, *James Watkins*, *Price Lyde*, *James Lewis*, *David Lewis*, Clerk, *John Monkhouse*, *Benjamin Waters Mac Gibbon*, *Newton* Clerk, *Robert Price* M. P., *John Hugh Powell*, *Hugh John Powell*, *Thomas Powell*, *Thomas Price*, *Edmund Stallard*, *John Spencer*, *James Spencer*, *John Charles Taylor*, *Richard Venables* D.D., *Thomas Wood* M. P., *James Wellington Watkins*, *Walter Watkins*, *Walter Wilkins* M. P., *Walter Wilkins* the younger, *Henry Wellington*, *Walter Wilkins* Clerk, and *Morgan Walters* Clerk, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, widening, improving, and keeping in Repair the said several Roads herein-before mentioned and described, and for otherwise putting this Act in Execution.

Power to appoint additional Trustees.

V. And be it further enacted, That it shall be lawful for the Trustees hereby appointed or their Successors, or any Three or more

more of them, and they are hereby authorized and empowered at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Five in the whole, to be Trustees for the Purposes of this Act in addition to the Trustees hereby appointed, and such Trustees so elected and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Power to elect new Trustees.

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

Qualification of Trustees.

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, at the Time of his acting, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate, in Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate, or of a Real and Personal Estate together, of the Value of Four thousand Pounds after Payment of all just Debts; nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Three or more of the said Trustees, an Oath or Affirmation in the following Form of Words; and which Oath or Affirmation any Three or more of the said Trustees, at any of the Meetings to be holden in pursuance of this Act, are hereby authorized to administer:

'I do swear, [*or, being one of the People called* Quakers, I do solemnly affirm], That I truly and *bonâ fide* am, in my own 'Right [*or* in the Right of my Wife], in the actual Possession and 'Enjoyment of [*or* in the Receipt of Rents and Profits issuing out 'of] Freehold or Copyhold Lands, Tenements, or Hereditaments, of 'the clear yearly Value of One hundred Pounds above Reprizes, [*or* 'am Heir Apparent of who, to the best of my 'Knowledge, is seised of a Real Estate of Freehold or Copyhold 'Lands, Tenements, or Hereditaments, of the clear yearly Value of 'One hundred and fifty Pounds], or am possessed of a Personal 'Estate,

'Estate, or of a Real and Personal Estate together, of the Value of 'Four thousand Pounds, after all my Debts are paid.

'So help me GOD.'

Trustees interested, or holding Places of Profit, or keeping Victualling Houses, &c. not to act.

VIII. Provided also, and be it further enacted, That no Person appointed or to be appointed a Trustee by virtue of this Act, shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be concerned in Interest (except as hereinafter provided), nor whilst he holds any Place or Employment of Profit, or shall be concerned or interested in any Contract or Contracts under this Act; and that no Person shall be capable of being appointed a Trustee, or of acting as such, during the Time he shall keep a Victualling House or other House of Public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, or who shall be Lessee or Farmer of the Tolls, or of any Part or Parts thereof under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath herein-before mentioned, or being a Quaker not having made and subscribed the Affirmation herein-before mentioned, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings touching the Execution of this Act which shall be done and performed by any such Person previously to his being convicted of the Offence before mentioned, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act; provided also, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that account be deemed disqualified to act as a Trustee in the Execution of this Act.

Trustees may act as Justices.

IX. And be it further enacted, That any of the Trustees appointed or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees as aforesaid, except in Cases where they shall be personally interested otherwise than as Mortgagees, Assignees, Lenders of Money, or Holders of any Security on the Credit of the Tolls granted by virtue of this Act.

Trustees may sue and be sued in the Name of the Clerk or any One Trustee.

X. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of

of any One of the said Trustees, and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees; but that the Clerk or the Trustee in whose Name such Action or Suit shall have been so brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, or Appeal or other Proceedings, he shall pay, bear, sustain, expend or be put unto, or become chargeable with, or be liable for, or be fairly entitled to, by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant or Respondent, and shall not be disqualified from being a Witness by reason of his so being Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent as aforesaid.

First Meeting of Trustees.

XI. And be it further enacted, That the said Trustees shall meet at the *Swan Inn* or some other convenient Place in the Town of *Hay* in the County of *Brecon*, on the Third *Monday* in the Month next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet at the same or at any other Place on or near the said Roads, as the said Trustees shall think proper and appoint as often as it shall be necessary for putting this Act in Execution.

Power to adjourn.

XII. Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment only, and that in case a competent Number of Trustees shall not appear at the Time and Place appointed for a Meeting of the Trustees for putting this Act in Execution, either to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases, it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by a Notice in Writing to be affixed on all the Turnpikes or Toll Gates erected upon the said Roads, at least Fourteen Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held, or was appointed to have been held, on such future Day as shall be specified in such Notice, not exceeding Three Weeks after the Day on which such last-mentioned Meeting was held, or was to have been held as aforesaid; and in case such Clerk or Treasurer respectively shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Two of the said Trustees, although not assembled at a Meeting at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, by Notice in Writingunder their Hands, to be

affixed in Manner aforesaid, to appoint the Trustees to meet at the said *Swan Inn* in the Town of *Hay* in the County of *Brecon*, or some convenient House on or near to the said Roads, upon some convenient Day, within Three Weeks next after the Date of such last-mentioned Notice.

Power of the Act may be executed by Three Trustees at a Meeting.

Proceedings shall be as valid as if all the Trustees had acted.

XIII. And be it further enacted, That all the Powers and Authorities by this Act given to, and all the Provisions, Matters, and Things directed or authorized to be done by the said Trustees, shall and may be executed and done by the Majority of them assembled at some Meeting to be held in pursuance of this Act, the whole Number present being not less than Three; and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of this Act, made at such Meeting or Meetings consisting of Three Trustees, except herein otherwise directed, wherein the major Part of Trustees present at such Meeting or Meetings shall concur, shall be as valid and effectual as if all the Trustees present at such Meeting or Meetings had concurred therein; and at all such Meetings, a Chairman shall and may be appointed; and in all Cases where there shall be an Equality of Votes, upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote.

Power to revoke Orders.

XIV. And be it further enacted, That all Orders made under the Powers and Provisions of this Act, may be revoked or altered, if Occasion shall require, provided that no such Order shall be revoked or altered, except at some Meeting where a greater Number of Trustees shall be present than were present at the making of such Order, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Two Trustees, although not assembled at a Meeting, shall have given Notice in Writing under their Hands, or by the Clerk to the said Trustees for the Time being, by an Order in Writing for that Purpose, and also shall have caused Notice to have been published in some such Public Newspaper as aforesaid, or affixed on all the Turnpike Gates then standing or being across the said Roads, specifying that such Revocation or Alteration is intended to be moved for, Ten Days at least previous to any Meeting to be holden for that Purpose, and the Trustees shall at their several Meetings pay their own Expences, but shall not be liable to pay for the Use of the Room or Rooms where their Meetings shall from Time to Time be held, for the Purposes of this Act.

Books to be kept of Proceedings of Trustees.

XV. 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 all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings so entered, shall be signed by the Chairman of the Meeting at which the same shall be made, and by the Trustees making the same; and the said Book or Books and all Books of the Proceedings of the Trustees in the Execution of this Act, kept according to the Directions or Provisions thereof, and made Evidence thereby, and also the Book or

Books to be Evidence.

Books

Books herein-after directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Officers to continue till others appointed.

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

Trustees may appoint Officers.

XVII. And be it further enacted, That the said Trustees at their First or any subsequent Meeting, as Occasion shall require, may by Writing under their Hands elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall arise or may be due and payable by virtue of this Act; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees shall think necessary and proper to be employed in the Execution of the Powers of this Act; and also may remove, from Time to Time, all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees shall see Occasion; and the said Trustees shall and may, out of the Money to be raised or received by virtue of this Act, make such Allowances unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and every Officer or Person who shall be appointed as aforesaid shall from Time to Time, when thereunto required by the said Trustees, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Accounts upon Oath, if thereunto required by the said Trustees, (which Oath the said Trustees are or is hereby empowered to administer), and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required, in manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they

shall appoint, within Fourteen Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case Complaint being made thereof by the said Trustees, or by such other Person or Persons on their behalf of any such Neglect or Refusal, to any Justice of the Peace for the County of *Hereford*, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which have been collected or received, shall be in the Hands of or owing from such Officer or Person, such Justice may, and he is hereby authorized and empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and keeping such Distress, and of selling the same; or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to verify the same on Oath as aforesaid (if so required by the said Justice), or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County of *Hereford*, there to remain without Bail or Mainprize until he shall have delivered in and settled such Account, and have verified the same upon Oath as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale, if any, as shall in that respect have been made, or until he shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make), and shall have delivered up as aforesaid all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for want of sufficient Distress, shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Treasurer to give Security.

XVIII. And be it further enacted, That the said Trustees shall, and they are hereby authorized, directed, and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes

of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees shall seem meet.

Same Person not to be Clerk and Treasurer.

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to 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 this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered 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.

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

XX. 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 Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of any of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the same or either of them, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money, not exceeding Five Pounds, to be levied and recovered, apportioned and applied in manner herein-after provided.

Officers to account.

XXI. And be it further enacted, That each and every Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of this Act, shall from Time to Time within Ten Days after being thereunto required by Notice signed by Three or more of the said Trustees given to him or them, or left at his or their usual Place of Abode, deliver to the said Trustees, or to such Person or Persons as they for that Purpose shall appoint, a true and perfect Account in Writing, under his or their Hand or respective Hands, of all Monies which shall have been by him or them respectively had, collected or received, by virtue of this Act; and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of,

together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required, within Ten Days after so exhibiting their Accounts, or within such other further Time as the said Trustees shall order or appoint, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands to the said Trustees, or to such Person or Persons as they the said Trustees shall appoint to receive the same, and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands within the Time or in Manner aforesaid, if thereunto required by the said Trustees; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they or any Three or more of them shall appoint to take the same, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, Writings, in their respective Custody or Power, in anywise relating to the Execution of this Act, or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live or reside, by the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may, and he is hereby authorized and required to summon such Officer or Officers, or Person or Persons to appear before him, and in case such Officer or Officers, or Person or Persons, shall not appear upon such Summons, (the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes, to the Satisfaction of the said Justice, being shewn for such Nonappearance), to issue a Warrant or Warrants for the Apprehension of such Officer or Officers, or Person or Persons; and it shall be lawful for such Justice, upon the Appearance of such Officer or Officers, or Person or Persons, upon such Summons, or upon his or their being apprehended and brought before such Justice by virtue of such Warrant, or upon his or their having absconded or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, or Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so had, collected, and received, shall be in the Hands of such Officer or Officers, or Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, or Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, or Person or Persons, appearing or being brought before the said Justice in Manner aforesaid, shall refuse or neglect to give and deliver to such Justice

tice an Account or Accounts of Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said respective Roads, then and in any of the Cases aforesaid, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale, as shall have been made by virtue of this Act in respect thereof, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or to such Justice; but no such Officer or other Person who shall be committed for Default of Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Trustees may appoint temporary Collectors.

XXII. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Three or more of the said Trustees, though not assembled at any Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint such Person as they shall think proper, to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver, who shall so die, become incapable, abscond, or absent himself; and every Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person who shall so die, become incapable, abscond, or absent himself, would have had or been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from the said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged on any other Reason, having the Possession of any Toll House or Buildings, erected or to be erected or set up by virtue of the said recited Acts or this Act, shall neglect or refuse to deliver up such Possession, for the Space of Ten Days after Demand made, and Notice in Writing given for that Purpose by the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the said County of *Hereford*, by Warrant under his Hand and Seal, to order any Constable, and with such Assistance as shall be necessary or expedient, to enter such House or Building

Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put into Possession thereof the said Trustees, or any of their Officers, or any Person or Persons whom the said Trustees shall appoint to receive such Possession.

Power to continue and erect Toll Gates.

XXIII. And be it further enacted, That the said Trustees shall and may, as they shall think proper, continue or remove all or any of the Toll Gates, Bars, or Chains erected by virtue of the said recited Acts, and may erect and set up or cause to be erected and set up any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads and upon the Sides thereof, and also across any Lanes or Way leading into or out of the same, and may also continue, erect or provide a Toll House with suitable Out-buildings and Conveniences at or near each Toll Gate; and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates, Bars, Chains, or Toll House, or any of them, as they the said Trustees shall think expedient, and also may take in and inclose from the Sides of the said Roads convenient Garden Spots for the Toll Houses respectively, not exceeding One-eighth of an Acre to each Toll House; and the Right and Property of all the Turnpikes, Toll Gates and Toll Houses, and the several Conveniences and Appurtenances thereunto belonging, which are already erected, or made upon or on the Sides of the said Roads, or which shall be erected or made by virtue of this Act, shall be vested in the said Trustees, and they are hereby authorized and empowered to sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted, any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Appurtenances, or shall steal, take away, break down, or damage any such Turnpikes, Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles or Things, or disturb them or their Agents or Servants in the Possession thereof.

Power to take Tolls.

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

For every Horse or Mule, laden or unladen, and not drawing, a Sum not exceeding Two-pence:

For every Ass, laden or unladen, and not drawing, a Sum not exceeding One Penny:

For every Horse, Mule, or other Beast of Burthen, drawing any Waggon, Cart, or other such Carriage, with Wheels of less Breadth than Six Inches, a Sum not exceeding Nine-pence, and with Wheels of the Breadth of Six Inches, a Sum not exceeding Six-

pence; Two Oxen to be in the above Case deemed liable to be paid for only as One Horse:

For every Horse, Mule, or other Beast drawing any Coach, Chariot, Chaise, or any such Carriage, a Sum not exceeding Sixpence:

For every Score of Oxen, or other Neat Cattle, a Sum not exceeding One Shilling and Sixpence:

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

Tickets to be provided, denoting the Payment of Toll.

XXV. 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, which Note or Ticket shall be provided by the said Trustees, and there shall be printed thereon the Name of the Gate at which such Ticket shall be delivered, and the Names of the several and respective Gates freed by such Payment.

Tolls vested in the Trustees.

XXVI. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls, shall after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed as aforesaid, to collect such Tolls by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Cattle or other Thing upon or in respect of which such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage in respect of the Horses and Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale, if any, and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress and Sale, shall be deducted.

Table of Tolls, and Names of Gates to be set up.

XXVII. 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 Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Penalty for obstructing Collectors of

XXVIII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage

encourage to be assaulted, interrupted, hindered, or disturbed, any Collector of the Tolls, or any Surveyor or Surveyors, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Ten Pounds, which Penalty shall be applied towards the Repairs of the said Roads, and shall be recovered in such Manner as other Penalties are by this Act directed to be recovered.

Tolls in the Execution of this Act.

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

Disputes concerning Tolls to be settled by a Justice.

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

Collectors of Tolls competent Witnesses.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to demise or let to farm, or agree to demise or let to farm all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses and Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years upon Public Bidding to the highest Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable Two Calendar Months in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take to farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for

For letting the Tolls.

for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for 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 in such Manner as the Tolls under this Act are directed to be applied.

Tolls to be taken but Once in a Day.

XXXII. And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Horse, Beast, or Cattle, through any Gate or Turnpike erected or to be erected on the said Roads, such Person, upon producing a Note or Ticket denoting the Payment of such Toll, shall be permitted to pass through the same Gate or Turnpike with the same Horses, Beasts, or Cattle, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

No more than Two full Tolls to be taken in one Day.

XXXIII. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken from any Person or Persons for passing or repassing at any Time or Times in any one Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night), with the same Horses, Cattle, Beasts, or Carriages, through all the Toll Gates or Turnpikes erected or to be erected upon the said Roads.

Exempting Return Chaises and Post Horses.

XXXIV. 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 Roads, 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.

Exemptions by 55 G. 3. c. 119.

XXXV. And be it further enacted, That Waggons, Carts, and other such Carriages, having the Wheels of the Width and Descriptions, and the Axletrees fixed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow their carrying extra Weight in certain Cases;* and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Stage Coaches to pay each Time of passing.

XXXVI. Provided always, and be it further enacted, That all Horses drawing any Coach or other such Carriage, kept or used as Public Stage Coach or Stage Carriage, for which the Tolls hereby granted shall have been paid, and which shall return on the same Day

Day through the same Turnpike or Toll Gate, shall be again chargeable with Toll for repassing through such Toll Gate, in like Manner as if no Toll had been paid before.

Tolls may be reduced.

XXXVII. 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 lessen or reduce any of the Tolls hereby granted or made payable, and to cause the same to be collected in such Manner, Parts, and Proportions as they shall think fit, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted or made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls, but no such Reduction shall be made, unless Twenty-one Days previous Notice thereof shall be affixed in Writing, upon the Toll Gates then erected across the said Roads, and also inserted in One or more of the Newspapers published or generally circulated in the said County of *Hereford*.

Exempting the Royal Family from Toll.

XXXVIII. Provided always, and be it further enacted, That this Act shall not extend, or be construed to extend, to charge with Toll any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

General Exemptions from Tolls.

XXXIX. Provided also, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act, of or from any Person or Persons 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 making, altering, or repairing the said Roads, or any of the Roads within any Parish, Township, Hamlet or Place in which any Part of the said Roads lie; or for rebuilding, building or repairing any present or any future Bridge or Bridges on the said Roads; or of or from the Surveyor or Surveyors when engaged in executing the Powers of this Act; or for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage, in carrying or conveying from the Houses, Granaries or Farms of the Owners or Occupiers of the Lands or Grounds within any Parish, Township, Chapelry, Hamlet, or Place in which any Part of the said Roads lie, any Seed for seeding any such Lands or Grounds or in carrying or conveying any Hay, Grass, Straw, Fodder, or any Corn or Pulse in the Straw only, Faggots or Firewood, Turnips or Potatoes, the Produce of any such Lands or Grounds, or Grains produced from Malt brewed by such Owner or Occupiers, all such Articles hereby exempted being carried or conveyed for the Use of such Owners or Occupiers only; 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, (unless laden with some other Thing not exempted from Toll), or any Mould, Dung, Soil,

Soil, Manure, or Compost employed in Husbandry for manuring or improving Land (Lime and Lime Stone excepted); or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried; and that no Toll shall be demanded or taken by virtue of this Act from any Person or Persons residing in any Parish, Township, or Hamlet in which any of the said Roads lie, 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 Worship is by Authority ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any Parish, Township, or Hamlet in which any Part the said Roads lie, or from any Rector, Vicar, or Curate going to or returning from his Parish Church, or 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 the same; 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 Waggon or other Carriage, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, employed in 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, or returning empty from having been so employed, or for conveying Volunteer Infantry, 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, or on other Public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps, at the Time of claiming the Exemption; or for Horses, Carts, or other Carriages employed only in carrying or conveying Vagrants sent by legal Passes, or with any Prisoner in Custody under any legal Warrant, or returning empty after having been so employed; or for any Horse or Horses, Coaches, or other Carriages whatsoever, going to or returning from any Election of a Knight of the Shire to serve in Parliament for the Counties of *Hereford* or *Brecon*, 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, 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 to the Treasurer of the said Roads, and shall be applied for the Purposes of this Act; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Waggons conveying Military Stores not to be subject to Overweight.

XL. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the 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.

To prevent Evasion of Tolls.

XLI. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Gate, private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family, or Servants), for the Purpose of evading the said Tolls, or any of them; or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway,) near to the said Roads, or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Lands or Grounds, with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forge or counterfeit, or shall give or deliver to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of the Toll shall be thereby evaded, or if any Person not having paid the said Toll, shall offer or produce and use any such Ticket with Intent to avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off, or suffer to be taken off, any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads, or unload wholly or in part any Carriage with Intent to evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any Turnpike Gate or Toll Gate, with any Horse, or other Cattle or Beast, without Payment of the Toll, or of any Part thereof, all and every such Person or Persons shall for each and every such Offence

Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

For preventing Toll Collectors from misbehaving, &c

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

Penalty on Collectors taking greater Tolls than allowed.

XLIII. 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 to be taken, such Farmer or Renter shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, and every such Collector

Collector not being the Farmer or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Two Pounds, such Forfeitures respectively to be recovered in Manner herein-after mentioned.

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

XLIV. 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 for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof; or in case such Lease or Agreement shall in any other Manner become void; then and in either of such Cases, it shall and may be lawful for any Justice of the Peace for the County of *Hereford*, and he is hereby required, upon Application made to him by the said Trustees or their Clerk or Clerks, Treasurer or Treasurers, or any other Person authorized by Writing under the Hands of any Three or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls residing thereat respectively, and any other Person or Persons found therein, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees (if they shall think fit), to vacate and determine the Demise of the said Tolls, or 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 Rents or Rent 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 in that Case, or in case the Lease and Agreement shall otherwise become void, 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.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, 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, not exceeding the Sum of Three thousand Pounds, for all or any of the Purposes of this Act, during the Continuance thereof, giving Sixty 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 the *Hereford* Newspaper; 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, 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 Third Year of His Majesty King *George* the Fourth, 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 Trustees 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 respective 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 may be in the Form or to the Effect following; (that is to say),

'I do hereby transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and all Interest now due and hereafter to grow due upon the same, unto his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord
'Witness .'

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 Two Shillings and Sixpence 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

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.

An Action of Ejectment may be supported by One Mortgagee.

XLVI. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings assigned by virtue of this Act, shall seek to obtain Possession of the Toll Gates, Bars, Chains, Toll Houses, and Buildings so mortgaged to him or them respectively, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the same 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 such respective Tolls, Toll Gates, Buildings and Premises *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees respectively.

Application of the Tolls.

XLVII. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said recited Acts, and out of the Tolls and all other Monies which shall be raised or received by virtue of this Act, the said Trustees shall, in the first Place, pay and discharge all Costs and Expences relative to procuring and passing this Act; and the Remainder of all such Monies shall from Time to Time be applied in repaying the Money borrowed or now owing by virtue of the said recited Acts, and the Interest due and to grow due thereon respectively, and in widening, making, repairing, improving, and rendering commodious the said Roads, and in otherwise putting this Act into Execution.

Surveyors empowered to get Materials.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees or their Surveyor or Surveyors, or such other Person or Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Stone, Gravel, Sand, or other Materials for making and repairing the said Roads, or any Bridges, Culverts, Walls, or Fences necessary thereto, or for building or repairing any Toll House or Houses out of and from any Commons and Waste Grounds, common River, Brook, or Pit in any Parishes, Townships, or Places in which any Part of the Roads hereby directed to be repaired shall lie, or in any adjoining Parishes, Townships, or Places, 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

Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle and paying for the Damages done, in going through or over any Lands and Grounds, for or with such Materials, (such Damages to be ascertained as herein-after mentioned) and it shall be lawful for the said Trustees or their Surveyor or Surveyors, and such other Person or Persons as aforesaid, by Order of Two or more Justices, to search for, cut, dig, gather, and take away any such Materials as aforesaid, in, of, and from out of the private or inclosed Lands and Grounds of any Person or Persons in any Parishes, Townships, or Places in which any Part of the said Roads shall lie or be situate, or in any adjoining Parishes, Townships, or Places where the same may be had or found (such Lands, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk 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 and Occupiers of the Grounds and Premises when and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for repairing the said Roads shall be carried, according to their respective Rights and Interests in the Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed as aforesaid, and the said Owner 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 of *Hereford*, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to settle and determine the Matter of such Satisfaction and Damages.

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

XLIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take, or carry away any Stone or other Materials for making or repairing the said Roads, or any Bridges, Culverts, Walls or Fences, out of and from any inclosed Lands and Grounds, until Ten Days previous Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before One or more Justice or Justices of the Peace, acting for the County of *Hereford*, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if they think proper, authorize such Surveyor or other Person or Persons, to dig, gather, take, and carry away such Stones and Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, before such Justice or Justices as aforesaid, then and in such Case such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if the Occupier or his Agent had attended.

Penalty on taking away Materials raised by Surveyor.

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

Preventing Buildings or Trees being placed near the Roads.

LI. Provided always, and be it further enacted, That from and after the Twenty-ninth Day of *September* next, no Building or Buildings shall be erected and built nearer than Fifteen Feet from the Centre of the said Roads, nor shall any young Tree or Trees be hereafter planted or permitted to grow up within Thirty Feet of the Centre of the said Roads; and if any Buildings shall be erected or any Trees planted contrary to the Directions aforesaid, it shall be lawful for the said Trustees or any Person or Persons authorized by them, to take down or cause to be taken down any such Building or Tree as a public Nuisance, and to remove the same and every Part thereof, without making any Compensation to the Owner or Owners for Damages, Trespass, or otherwise.

To prevent Encroachments by Fences.

LII. And be it further enacted, That no Person or Persons whatsoever shall make, erect, raise, or set up any new Wall, Hedge, or Fence or Fences of Thorns or Quicks in or upon any of the Lands or Grounds adjoining to the said Roads, nearer to the Centre thereof than Fifteen Feet; and that if any such new Inclosure, Wall, Fence, or Hedge shall be made, it shall and may be lawful for the said Trustees, upon their View and Sight of such new Inclosure, Wall, Fence, or Hedge, or for any Person or Persons authorized by them from Time to Time, to order such new Inclosure, Wall, Fence, or Hedge to be levelled, thrown down, and removed, and to levy the Expence attending such levelling, throwing down, and removal, upon the Offender or Offenders in the same Manner as any Penalties and Forfeitures are by this Act directed to be levied.

For impounding Cattle or Swine straying on the Road.

LIII. And be it further enacted, That if any Cow, 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 Side or Sides of the said Roads, or any Part thereof respectively, save and except where the same shall pass over any open Common, or where the said Roads shall not be inclosed or fenced on both Sides thereof, it shall be lawful for the Surveyor or Surveyors of the said Roads for the Time being, or other Person or Persons authorized by him or the said Trustees 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 Side or Sides of the said Roads or any Part thereof, or in such other Place or

Places as the said respective Trustees or any Three or more of them respectively, although not assembled at a Meeting, or the said Surveyor or Surveyors shall find convenient, 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 Two 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 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.

LIV. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, Sheep, 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, Sheep, 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 of *Hereford*, 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 said County of *Hereford*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Gates not to open into the Roads.

LV. 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 Roads, or be suffered to continue so to open, except the Hanging Posts thereof shall be so far removed from the Centre of the said Roads so that no Part of the Gate when open, shall project over any Part of the said Roads, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed as to open or swing outward towards the said Roads 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 Roads cause such Gate to be hung so that no

Part of such Gate shall, when open, project over any Part of the said Roads or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, shall, 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.

Preventing Annoyances on the Roads.

LVI. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Roads, or upon Open, Common, or Waste Land, within Twenty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Roads, in case the Owners thereof shall neglect to remove the same for the Space of Seven Days after Notice in Writing, signed by the Surveyor, given to such Owner for that Purpose; or in case the Owners are not known, after a like Notice affixed for Ten Days on the nearest Turnpike Gate; and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think it necessary, and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Roads, or in the Hedges or Banks adjacent thereto (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Four Feet, in case the Owners or Occupiers of the Premises shall for the Space of Twenty-one Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees or the said Surveyor or Surveyors shall require; the Charges whereof, to be settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LVII. And

Penalty on defacing Milestones, riding, &c, upon Causeways, or committing any Annoyances upon the Road.

LVII. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Roads, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive, or permit any Horse, Swine, or Cattle or Carriage of any Description to pass or remain upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull up or damage any of the Hedges, Posts, Rails, or Fences, in, upon, or on the Sides of the said Roads, or any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully damage any Bridge, Wall, or other Erection made or erected by the said Trustees, repaired or repairable by them; or shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing otherwise than upon Wheel Carriages; or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages, to drag or trail upon any Part of the said Roads to the Prejudice thereof; or shall, in or upon any Part of the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Horse or other Beast on the said Roads, carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar Iron, Bar Rod, Basket, Matter, or Thing so that the same shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Hawker, Higler, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Sides of any Part of the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near the said Roads, and having a Window or Windows fronting the said Roads, shall not, by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw off any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Roads, or within Eighty Feet of the Centre thereof; or shall blow or blast any Rock or Quarry on any Part of the said Roads, or on the Sides thereof, or on the Banks thereof, or in any exposed Situation near thereto; or play at Football or any other Game or Games upon the said Roads, or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon or other Carriage whatsoever (except in case of Accident), upon any Part of the said Roads, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same, during the Time of loading or unloading thereof, as near to the Side of the Roads as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung,

Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon any Part of the said Roads, or on the Side or Sides thereof, or on the Footpaths or Causeways adjoining, to the Prejudice of such Roads or Footways, or the Prejudice, Annoyance, or Interruption of the Persons travelling thereon; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer such Pigs or Swine to root up or damage the said Roads, or any Part thereof, or the Fences, Hedges, or Banks on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon or other Carriage, used for the carrying of Goods and Merchandize, shall ride on the Shafts or any other Part of such Waggon or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Roads; or if any such Person meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Roads; or if any Person shall, in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care, upon the said Roads, any Person offending in any of the Cases aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

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

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

Trustees may contract for Repairs or any other Works.

LIX. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time to contract and agree with any Person or Persons for repairing of the said Roads, or any Part or Parts thereof, or for doing any other Work in pursuance or execution of this Act, in such Manner and for such Sums of Money annually, or

for a Term of Years or otherwise, as the said Trustees shall think proper.

Road to be measured and Milestones erected.

LX. 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 necessary, to cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles and Distance of Places.

Trustees may contract for the Purchase of Lands.

LXI. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time as they shall think proper, to make, widen, or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Roads, and that such Variation of Road may be made through or over any Common or Waste Ground, without making any Satisfaction for the same, and through or over any private Lands, Railways, Tram Roads, or Hereditaments, making Satisfaction to the Owner thereof and Persons interested therein, for the Damages they may thereby sustain; and it shall be lawful for the said Trustees from Time to Time, to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damages such Owners or Persons may sustain by making, widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Roads, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Coporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Infant Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Persons and Person whomsoever, who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

When Persons neglect or refuse to treat.

LXII. And be it further enacted, That if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or for the Principal Officer or Officers of such Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession

sion of the Lands or Hereditaments, through which any Part of such Roads is to be diverted, turned, or altered, shall for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of indifferent Men of the County of *Hereford*, and in order thereto the said Trustees are hereby empowered and required, from Time to Time as Occasion shall be or require, to summon and call before such Jury and examine upon Oath any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition and Judgment, Order or Determination thereupon. shall be final, binding, and conclusive to all Intents and Purposes, against all Persons whomsoever claiming or to claim in Possession, Remainder, Reversion or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Hereford*, requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by Ballot, and to swear, or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect

neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be sworn or examined or give Evidence, so that no such Fine be more than Five Pounds on any one Person for one Offence.

How Expences of Jury shall be paid.

LXIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury as a Recompence and Satisfaction for any such Right, Interest, Property, Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees, out of the Money to arise by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Fourteen Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Hereford*, which Warrant any such Justice is hereby authorized and empowered to issue under his Hand and Seal, on Application made to him for that Purpose, by the Party or Persons entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County of *Hereford*, not interested in the Matter in question, (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and For-

Forfeitures: Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

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

LXIV. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls or out of the Monies to be raised by virtue of this Act, to the Parties or Persons respectively entitled to such Monies or to their Agents, to be deposited in the Bank of *England*, in the Manner directed by this Act; and that upon Payment or Tender thereof to such Persons, or their Agents, or in case of Refusal to accept the same, depositing the same in the Bank of *England* in the Manner herein directed, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to make, extend, widen, divert, or turn such Roads, through or over such Lands or Hereditaments, and to do all and every such Act, Matter and Thing, with relation to such Lands or Hereditaments as the said Trustees shall think fit, according to the Directions of this Act; and the said Trustees shall cause such Parts of the said Roads as shall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Land, in such Manner as the said Trustees shall direct; and all Lands and Hereditaments which shall be made a Part or Parts of any Road, by virtue of this Act, shall to all Intents and Purposes be deemed a Common Highway, and be repaired and kept in order as such; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and the Land constituting any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet or Place to which the respective new Roads do not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repair of the said Roads by this Act directed to be repaired, and all Conveyances executed by the said Trustees, and enrolled with the Clerk of the Peace for the County of *Hereford*, shall be good and effectual in the Law to all Intents and Purposes; but this Act shall not extend to the taking down of any Dwelling House or other Building, or to the taking in of Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenues to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively, first had and obtained.

Deviation not to exceed 100 Yards without Consent.

LXV. Provided always, and be it further enacted, That the said Trustees in making, widening, or altering the said Roads or any of them, or any Part thereof, under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each, from the present Line of the present Roads, nor more than One hundred Yards of Three Feet each from the Lines of the said new Pieces of Road described in the said Plan and Book of Reference, without the Consent

sent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviations shall be made.

Trustees empowered to sell overplus Grounds.

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

LXVI. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seised of some Piece or Pieces of Ground over and above what will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case the Ground shall be a Piece or Pieces of old Road, to the Person or Persons whose Land shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof), to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Hereford* (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury to be the Value thereof; and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground, shall be applied by the Trustees to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Mispplication or Nonapplication of such Money; and the Conveyance of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

For re-investing Purchase Money when amounting to 200*l.*

LXVII. And be it further enacted, That the Principal Money to arise by the Sale of any Lands, Tenements, and Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act of any Bodies Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or Tenant in Tail, Feoffees in Trust, Guardians, Committees, or other Trustees, or for any Feme Coverts, or other incapacitated Person or Persons shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, 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 or Hereditaments, in the Purchase 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 or Hereditaments, or affecting other Lands and Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, and used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so to be purchased, in case such Purchases or Settlements were made.

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

LXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or for his, her, or their Guardians, Committee or Committees, in case of Infancy

or

or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved 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 therefrom, may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Under 20*l.*

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

LXX. 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 Lands or Hereditaments to be purchased, taken, or used 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 the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful 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 and Hereditaments (describing them), subject to the Order, Controul, and Disposition of the Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what

and

and to whose Use the same is or are received, to such Person or Persons as shall pay any 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.

LXXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements and Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements or Hereditaments 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 any 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 be lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery, and the Dividends or Interest of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

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

LXXII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased, under the Authority of this 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 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 to the said Court shall seem reasonable, together with the 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.

Statute Work.

LXXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing or amending the said Roads, 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 said County of *Hereford*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, or by their Order, and also upon giving at least Ten Days previous Notice in Writing to the Surveyors of the Highways of each and every Parish, Township, or Place through which the said Roads pass, of such Application, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads lie, and also what

Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, 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 or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, 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, Towship, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force for the Repair 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 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 Hay or Corn Harvest-time), and on such Parts of the said Roads, within the said respective Parishes, Townships, or Places, 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 be subject or liable to 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 the Highways of every such Parish, Township, or Place to be by him or them paid to the said Trustees, or their Treasurer, at such Time or Times as such 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 Ten Days Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repairs of the public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such

Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the 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, or shall refuse or neglect to 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; and all such Statute Work may be compounded for, and the Composition Money recovered as in and by the Laws made for enforcing the Performance of Statute Labour and Payment of Composition Money for the same.

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.

LXXIV. 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 this Act, 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, to any Person or Persons acting by or under their Authority, or under the Authority of this Act, 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 this Act, 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 upon Demand to the said Trustees or to their Treasurer for the Time being (as the Case may be.)

For securing transient Offenders.

LXXV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers respectively appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without

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 take him, her, or them before any Justice of the Peace of the County of *Hereford*, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

Penalties how to be recovered and applied.

LXXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying or Recovery whereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any One Justice of the Peace for the County of *Hereford*, either by the 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), 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 and previous to 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 this Act), paid One Half to the Informer, and the other Half to the said Trustees, or to their Clerk or Treasurer, to be applied for the Purposes of this Act; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice, and he is hereby authorized and required 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 Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon 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 such Justice of the Peace as aforesaid, or any other Justice of the Peace for the County or Place where the Offence shall have been committed, 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 where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Form of Conviction.

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

to be drawn up in the following Form of Words (as the Case shall happen), or to the same Effect :

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

Persons aggrieved may appeal to the Quarter Sessions.

LXXVIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the said County of *Hereford*, such Appellant (if sufficient Time after the Cause of such Complaint shall have arisen), first giving or causing to be given Ten Days Notice at least, in Writing, of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Respondent or Respondents, and also to the Clerk or Treasurer to the said Trustees, and within Three Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Hereford*, with Two sufficient Sureties conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the said County of *Hereford*; and the Justices at such First or Second Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the said County of *Hereford*, there to remain for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for want of Form.

LXXIX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removeable by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of

Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case, but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on behalf of the Party distraining before such Action brought.

Limitation of Actions.

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

General Issue.

and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Thirty Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or De-

Treble Costs.

fendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants have or hath in any Case by Law.

Public Act.

LXXXI. 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.

Term of the Act.

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

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