



ANNO QUINQUAGESIMO PRIMO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. 62.

An Act for repealing so much of an Act of the Thirty-ninth and Fortieth Year of His present Majesty, for repairing the Road from the Village of *Magor* to the Bridge Foot in the Town of *Chepstow*, in the County of *Monmouth*; and several other Roads in the Counties of *Monmouth*, *Gloucester*, *Hereford*, and *Brecon*, as relates to the *Newport* District of Roads; and for granting further and other Powers for repairing the Roads in the said District. [14th May 1811.]

**W**HEREAS an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, intituled, *An Act for more effectually repairing, widening, and improving the Road from the Village of Magor to the Bridge Foot in the Town of Chepstow, in the County of Monmouth, and several other Roads in the Counties of Monmouth, Gloucester, Hereford, and Brecon*: And whereas the several Roads directed to be repaired by the said Act were divided into Eight Districts or Divisions, and the Third District or Division was by the said Act directed to be called by the Name of *The District of Newport*: And whereas the Trustees, appointed to act for that Division of the said Roads, have proceeded in the Execution of the Powers and Authorities

39 & 40 G. 3.  
c. 15.

[Loc. & Per.]

14 U

vested



vested in them, and have for that Purpose borrowed considerable Sums of Money on the Credit of the Tolls authorized to be taken on the Roads within their said District, which still remain due: And whereas the Money so due and owing cannot be paid off, nor can the Roads within the said District be kept in Repair and properly improved, unless the Powers and Provisions of the said Act, so far as the same relate to the said District of *Newport*, be repealed, and further and other Powers and Provisions granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the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after the Twentieth Day of *May* One thousand eight hundred and eleven, the said Act shall be and the same is hereby repealed, so far as the same relates to and affects the said Division of the said Roads, called *The Third District or District of Newport*; and that instead thereof this Act shall commence and take Effect, and be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually compleating, diverting, widening, improving, repairing, and keeping in Repair the several Roads herein-after described.

39 & 40 G. 3.  
repealed.

This Act to  
be executed  
instead there-  
of.

The Tolls  
granted by  
this Act sub-  
ject to Monies  
now due.

All Persons  
owing Mo-  
ney to con-  
tinue liable,  
and all Bonds,  
Contracts,  
&c. to re-  
main in force.

And all Let-  
tings of Tolls  
to continue in  
force.

Except that  
the Renters  
shall pay an  
advanced  
Rent in Pro-  
portion to  
Advance of  
Tolls.

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 or on Account of the Tolls of the said District of *Newport*, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due on the Credit 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 Act for the said District of *Newport*, or any 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 executing the said recited Act for the said District of *Newport*, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on Account and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Contracts, Agreements, or Notices made, entered into, or given by the said Trustees for executing the said Act for the said District of *Newport*, to or with any Person or Persons, or for any other Purpose, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, this Act or any Law or Statute to the contrary notwithstanding: Provided nevertheless, that the several Renters or Farmers of the Tolls, within the said District of *Newport*, shall from and after the said Twentieth Day of *May* One thousand eight hundred and eleven, pay to the Trustees named in this Act an increased and advanced Rent respectively, over and above the Rent they have now agreed to pay, such Increase or Advance of Rent to be in Proportion to the Advance that shall be made by the Trustees under this Act, of the Tolls to be taken at the several Toll Gates, Bars, and Chains, in the said District of *Newport*, on the Tolls now taken thereat re-  
spectively



pectively, according to the true Intent and Meaning of the Trustees and the other Parties named in such Contracts or Agreements, at the Time of entering into and executing the same.

III. And be it further enacted, That the Roads by this Act to be completed, diverted, widened, improved and repaired, and which shall henceforth be under the Direction and Management of the Trustees named in this Act, and be deemed and comprised in the District of *Newport*, shall be as follows; (that is to say), The High Road commencing from the *Rock and Fountain Inn* in the Parish of *Penbow*, in the County of *Monmouth*, and going from thence to the Entrance into the Town of *Newport*; the main Road leading from the Entrance into the Town of *Newport*, at the Bridge Foot by the *West Gate Inn*, through *Commercial Street*, to the *Sirhowy Tram Road*, and from thence alongside the *Sirhowy Tram Road*, to the Bottom of *Court-y-Billa Hill* in the Parish of *Saint Wollos*, and from thence by *Tredegar*, *Castleton*, and *Saint Mellons*, to *Romney Bridge*; also the Road leading from the *West Gate* in the Town of *Newport*, up *Stow Hill*, to and through *Bassalleg* by *Pantrwgoch* to *Romney Bridge*, and from *Bedwas Bridge* to *Bassalleg*, and from *Risca Church* through *Newport*, by *Malpas* and *Lantarnm* to *Pen-yr-beol* in the Parish of *Lanvrecbua*, in the high Road from *Caerleon* to *Abergavenny*.

Roads under this Act described.

IV. And be it further enacted, That all Roads made, opened, widened, diverted, shut up, or discontinued under or by virtue of the Powers and Provisions of the said recited Act, within the said District of *Newport*, shall remain and continue open, widened, diverted, shut up and discontinued, in such and in the same Manner as at the Time of passing this Act; and that the Trustees under this Act shall be discharged from the Care and Management of all Roads, except those hereinbefore mentioned, specified and described.

Roads opened or shut up under former Acts to remain so.

V. And be it further enacted, That *John Brewer Senior*, *John Brewer Junior*, *William Brewer Senior*, *William Brewer Junior*, *Charles Brewer*, *Marmaduke Brewer*, *Edward Blewitt*, *Edward Blewitt Junior*, *Reginald Blewitt*, *James Blewitt*, *John Cobb*, *John Evans Clerk*, *William Foster*, *Richard Fothergill*, *Thomas Edwards Gellyhave*, *Thomas George Junior*, *George Samuel Homfray*, *Benjamin Hall of Abercarne*, *Benjamin Hall the Younger of Abercarne*, *Richard Crawshay Hall*, *Henry Hall*, *Henry Hawkins*, *William Hawkins*, *Henry Montonier Hawkins*, *Anthony Nicoll Hawkins*, *Anthony Montonier Hawkins*, *Joseph Harrison*, *David Harrley*, *Thomas Hughes Shopkeeper*, *Edward Jones*, *Risca*; *George Jones*, *Robert Jones*, *John Jones*, *Lanarth Court*; *John Jones Junior*, *Capel Leigh*, *Charles Lewis*, *Saint Pierre*, *Thomas Lewis*, *Saint Pierre*, *Edward Lewis Clerk*, *Francis Lewis Clerk*, *Rowley Lascelles*, *Thomas Leyson Clerk*, *John Leyson*, *Sir Charles Morgan Baronet*, *Charles Morgan*, *Tredegar*; *George Morgan*, *Tredegar*; *Augustus Morgan*, *Tredegar*; *Octavius Morgan*, *Tredegar*; the Mayor, Aldermen, Recorder, and Town Clerk of the Borough of *Newport* for the Time being; *John Hodder Moggridge*, *William Phillips*, *Risca*; *William Phillips*, *Whitson*; *William Phillips Junior*, *Whitson*; *Hopkin Perkins*, *Sir Henry Protheroe Knight*, *Thomas Prothero the Younger*, *Peter Rigby*, the Right Honourable *Arthur Henry Somerset*, commonly called Lord *Arthur Henry Somerset*; *Sir Robert Salusbury Baronet*, *Thomas Robert Salusbury*, *Charles Salusbury*, *Henry Salusbury*, *Henry Smithers*,  
Benjamin

Trustees Names.



*Benjamin Sale Clerk, Benjamin Thomas Chandler, Edward Thomas, Lanarthan; William Thomas, Coedkernew; Phillip Williams Clerk, Bassalleg; William Williams, Newport,* together with their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for compleating, diverting, widening, improving, repairing and keeping in Repair the said several Roads herein-before mentioned and described, and for otherwise putting this Act into Execution.

Power to choose new Trustees in the Room of Trustees dying, or refusing or declining to act.

VI. And be it further enacted, That in case any of the Trustees named in or to be appointed by virtue of this Act, shall die, refuse, or omit to act for Three successive Years, it shall be lawful for any Seven or more of the surviving Trustees by Writing, under their Hands (at any Meeting whereof at least Seven Days Notice in Writing shall have been given upon all the Toll Gates erected or to be erected upon the said Roads, specifying that an Appointment of new Trustees is intended to be made at such Meeting) to nominate and appoint some other Person or Persons to be a Trustee or Trustees, in the Room of such Trustee or Trustees so dying, or refusing, neglecting, or declining to act, 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, in as large, full, and ample Manner as the Trustees hereby appointed.

Qualification of Trustees.

VII. And be it further enacted, That no Person whatever shall be capable of acting as a Trustee in the Execution of this Act, unless he shall have or be seized in his own Right or in the Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, situate in some or one of the Parishes or Places of *Penhow, Saint Brides, Netherwent, Langstone, Christchurch, Newport, Saint Wollos, Bassalleg, Coedkernew, Marshfield, Michaelstone Vedw, Saint Mellons, Rumney, Malpas, Lantarnam, Risca, Machen,* in the said County of *Monmouth*, of the clear yearly Value of Fifty Pounds above Reprises, or be Heir apparent of some Person or Persons seized of such an Estate of the clear yearly Value of One hundred Pounds, situate as aforesaid, or be in the Possession of, or entitled unto a Personal Estate to the Amount or Value of Eight hundred Pounds; nor (except in administering the Oath hereinafter mentioned, and giving Notice of the First Meeting of the said Trustees) unless he shall have taken and subscribed an Oath before any Three or more of the said Trustees, who are hereby required and empowered to administer the same, and such Oath shall be in the Words following; (that is to say),

Oath.

‘ I *A. B.* do swear, That I truly and *bona fide* am seized of in my own  
 ‘ Right, [*or, in the Right of my Wife, as the Case may be*] and in the  
 ‘ actual Possession, Enjoyment, or Receipt of the Rents and Profits of  
 ‘ Lands, Tenements, or Hereditaments, situate in the Parishes or  
 ‘ Places of *Penhow, Saint Brides, Netherwent, Langstone, Christchurch,*  
 ‘ *Newport, Saint Wollos, Bassalleg, Coedkernew, Marshfield, Michaelstone*  
 ‘ *Vedw, Saint Mellons, Rumney, Malpas, Lantarnam, Risca, Machen,* or  
 ‘ one of them, in the County of *Monmouth*, of the clear yearly Value  
 ‘ of Fifty Pounds [*or, am Heir apparent of a Person who to the best of my*  
 ‘ Knowledge and Belief is seized of such an Estate of the clear yearly Value  
 ‘ of One hundred Pounds [*or, am possessed of or entitled unto a Personal*  
 ‘ Estate of the Amount of Eight hundred Pounds.] So help me GOD.’

And



And if any Person, not being so qualified, shall nevertheless presume to 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 in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed; and every Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not qualified as aforesaid, previous to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual, as if such Person or Persons had or have been duly qualified according to the Direction of this Act.

Penalty on acting if not qualified.

Acts of a Person not qualified and acting as a Trustee done previous to his Conviction, to be valid.

VIII. And be it further enacted, That no Person having or enjoying any Place of Profit arising out of or by reason of the Tolls hereby granted, shall be capable of acting as a Trustee in the Execution of this Act, during his Enjoyment of such Place of Profit, nor shall any such Trustee be capable of acting in any Case where he shall be personally interested, otherwise than as a Creditor on the Tolls hereby granted and made payable; Provided nevertheless, that such Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

No Person having a Place of Profit to act as a Trustee.

IX. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House or other House of Public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Ale House, or other House of Public Entertainment, or shall sell any Wine, Cider, Ale, Spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

No Person being a Victualler or Retailer of Wines, &c. to act as a Trustee.

X. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act, (except as hereinafter mentioned), and all Powers and Authorities by this Act granted to the said Trustees, shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of such Trustees present at such their several Meetings, shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being (save and except as herein excepted); and at every

No Act valid unless done at Meetings.

[Loc. & Per.]

14. X.

Meeting



Meeting of the said Trustees a Chairman shall and may be appointed ; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), it shall be lawful for the Chairman to give the decisive or casting Vote.

First Meet-  
ings.

XI. And be it further enacted, That the said Trustees shall meet at the *King's Head Inn* in the Town of *Newport*, or at some other convenient House or Place in the said Town, on the Twentieth Day of *May* One thousand eight hundred and eleven, 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 shall from Time to Time, by Entry in Writing in the Book of Proceedings, adjourn their Meetings to be held between the Hours of Eleven and Two, at the same or such other House in the said Town of *Newport*, and on such Day as shall be named in such Entry or Adjournment : Provided always, that in case there shall not appear at the Time and Place, and within the Hours hereby appointed for the First Meeting, or hereafter to be appointed for any subsequent Meeting of the Trustees for putting this Act into Execution, a sufficient Number of Trustees to proceed to Business, it shall be lawful for the Trustee or Trustees present to adjourn the Meeting ; or in case no Trustee shall be present, then it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by Notice in Writing, to be affixed on all the Turnpikes or Toll Gates erected upon the said Roads at least Seven Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held or was appointed to have been held, on such future Day as shall be specified in such Notice, not exceeding Four Weeks after the Day on which such last Meeting was held, or was to have been held as aforesaid ; and in case such Clerk or Treasurer respectively shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting, at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, by Notice in Writing under their Hands, to be affixed in Manner aforesaid, to appoint the Trustees to meet at the said *King's Head Inn*, or some other convenient Inn in the said Town of *Newport*, within Four Weeks after the Date of such last mentioned Notice.

Meetings on  
Emergencies.

XII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks of the said Trustees, upon an Order in Writing signed by Three or more of the acting Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place, which shall be mentioned in the Order of the said Trustees, (such Time not being less than Nine Days after putting up such Notice on the several Toll Gates aforesaid), and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case any such Meetings had been held in pursuance of Adjournment.

All Acts may  
be done by  
Five Trustees,

XIII. And be it further enacted, That all Acts, Matters, and Things relative to the Execution of this Act, shall be done and executed by any Five

OR



or more of the Trustees hereby nominated and appointed, or hereafter to be appointed as aforesaid, except in the Cases herein-after particularly directed to be done and executed by any greater or less Number. unless in Cases where more are required.

XIV. Provided always, and be it further enacted, That no Order which shall be made by any Five or more of the said Trustees under the Powers of this Act, shall be revoked or altered, unless the Number of the Trustees revoking or altering the same shall consist of Nine at least, and unless the Person or Persons applying, or intending to move to have such Order revoked or altered, shall One Calendar Month at least before such Application or Motion, give Notice thereof in Writing to the Clerk to the said Trustees, who within One Week after the Receipt of such Notice, shall cause true Copies thereof to be delivered to each of the Trustees who made the said Order, and be affixed on the Front Wall of the said House, called *The King's Head Inn* in the said Town of *Newport*, and upon all the Toll Gates then erected upon the said Roads. How Orders of Trustees to be revoked.

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

XVI. 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, continue, or 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 take such Security from them as they shall deem proper; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Seven or more of them, shall think necessary and proper to be employed in the Execution of the Powers of this Act; and also may from Time to Time remove all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as 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 Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and every Officer and Person who shall be appointed as aforesaid, shall from Time to Time, when thereunto required by the said Trustees, 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 or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose the same, and every Part thereof. Trustees may remove Officers and appoint others in their Stead. Officers to account on Oath if required;



or be  
punished.

thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Account upon Oath, if thereunto required by the said Trustees, (which Oath the said Trustees or any One of them are or is hereby impowered to administer); and every such Officer or other Person shall, and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall neglect or refuse to render and deliver such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Five Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power, relating to the Execution of this Act; then, and in every such Case, Complaint being made thereof by the said Trustees, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account if produced, in such Manner as the said Trustees might have done; and if, upon Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of, or owing from such Officer or Person, such Justice may, and he is hereby authorized and empowered upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or other Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, without some reasonable Excuse to be allowed by such Justice, 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 or Place where he or she shall live or reside, there to remain without Bail or Mainprize, until he or she shall have delivered in and settled such Account and have verified the same upon Oath as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of, or owing from him or her, and the reasonable Charges of such Distress and Sale, if any, as shall in that respect have been made, or until he or she shall have com-  
pounded.



pounded 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 Six Calendar Months.

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

Trustees may appoint temporary Collectors of Tolls.

XVIII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered, shall be signed by the Trustees making the same, or the major Part of them, which said Book or Books, and also the Books herein-after directed to be kept for registering Mortgages and Assignments of the Tolls, or Transcripts thereof so signed by the said Trustees, shall and may be read in Evidence

Proceedings to be entered in a Book, and signed.

[Loc. & Per.]

14 Y

in



in Cases of Appeal, and in all Suits or Actions touching any Thing done or to be done by virtue or in pursuance of this Act.

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

XIX. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk for the Time being; and that no Action, Suit, or Indictment to be brought, preferred, prosecuted, or commenced, by Direction of or against the said Trustees, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of any such Clerk, nor by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them, at a Meeting to be held in pursuance of this Act, but that the Clerk for the Time being to the said Trustees shall be deemed to be the Plaintiff, Prosecutor, or Defendant, as the Case may be, in every such Action, Suit, or Indictment: Provided always, that every such Clerk in whose Name any Action, Suit, or Indictment shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully indemnified, reimbursed, and paid, out of the first Monies to arise by virtue of this Act, all such Costs, Damages, and Expences, as by the Event or in consequence of any such Action or Proceedings, he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff, Prosecutor, or Defendant as aforesaid.

Clerk to be reimbursed all Expences.

Power to continue and erect Toll-gates, and to remove them afterwards.

XX. 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 Act within the said District of *Newport*, 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 Roads to be completed, amended, and repaired by virtue of this Act, and upon the Sides thereof, and also across any Lane or Way leading into or out of the same; and may also continue to erect or provide a Toll House, with suitable Conveniences, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates, Bars, Chains, and sell the Toll Houses and Conveniences attached to such Gates, Bars, and Chains, that shall be so removed, for the best Price or Prices that can be got for the same, the Money arising therefrom to be applied by the said Trustees to the same Purposes as the Tolls hereby authorized to be received and taken are directed to be applied to, whenever it shall be deemed expedient by the said Trustees so to do.

Power to take Tolls.

XXI. And be it further enacted, That any Sums of Money not exceeding the following Sums respectively, shall be demanded and taken at each and every such Toll Gates, Bars, or Chains, from the Owner or Owners of, or Person or Persons riding, driving, using, or attending any Coach, Berlin, Landau, Chariot, Calash, Chaise, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any Sort of Cattle, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast of Burden, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For



For every Horse, Mare, Gelding, or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, with Wheels of less Breadth than Six Inches, any Sum not exceeding Sixpence; and with Wheels of Six Inches or upwards, any Sum not exceeding Four-pence Halfpenny, except only those going for or returning laden with Lime only:

For every Horse, Mare, Gelding, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, going for or returning laden with Lime only, with Wheels of less Breadth than Six Inches, any Sum not exceeding Four-pence Halfpenny; and with Wheels of Six Inches or upwards, any Sum not exceeding Three-pence:

For every Horse, Mare, Gelding, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, going for or returning loaded with Timber between the First Day of *November* and the First Day of *March* in every Year, with Wheels of less Breadth than Six Inches, any Sum not exceeding One Shilling; and with Wheels of Six Inches Breadth or upwards, any Sum not exceeding Nine-pence:

For every Horse, Mare, Gelding, Mule, or other Beast drawing any Coach, Chariot, Chaise, Landau, Hearse, Phaeton, Curricule, Gigg, Car of Pleasure or for travelling, or any other such like Carriage, any Sum not exceeding Sixpence:

For every Horse, Mare, Gelding, Mule, or other Beast drawing any small Sledge made entirely of Wood, without any Iron or other Metal, any Sum not exceeding Two-pence:

For every Score of Oxen, or other Neat Cattle, any Sum not exceeding One Shilling and Eight-pence; and for every Score of Calves, Swine, Goats, Sheep, or Lambs, not exceeding Ten-pence, and so in Proportion for any greater or less Number of Oxen or other Neat Cattle, Calves, Swine, Goats, Sheep, or Lambs.

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

Two Oxen to be considered as One Horse.

XXII. And be it further enacted, That it shall be lawful for the respective Toll Gatherers or Collectors on the said Roads, and they are hereby authorized and empowered, on each and every *Sunday*, to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night in each and every Year during the Continuance of this Act, to demand and take for and in respect of each and every Carriage, Horse, Beast, or other Cattle passing through any Gate or Turnpike upon the said Roads, or any of them, Double the Toll or Sum which may for the Time being be demanded and taken by virtue of this Act for the same respectively, on any other Day of the Week, before such Carriage, Horse, Beast, or other Cattle, shall be permitted to pass through any such Gate or Gates, Turnpike or Turnpikes; which said respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the

Double Tolls on Sundays.

Tolls vested in Trustees, and manner of



Recovery in  
case of Non-  
payment.

the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as is hereinafter 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 Horse, Cattle, or Carriage, upon or in respect of which such Toll is hereby imposed, together with their respective Bridles, Saddles, Geers, Harness, or Accoutrements; and if the Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure or Distress shall not be paid within the Space of Five Days next after such Seizure or Distress made, the Person or Persons so seizing and distraining may sell the Horse, Cattle, Carriage, or Harness so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise from such Sale, if any, and what shall remain unpaid upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Tolls to be  
taken but  
Once a Day,  
and Tickets  
to be given.

XXIII. 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, or through any other Gate or Turnpike situated within the Distance of Eight Miles from the Gate or Turnpike where he so paid with the same Horses, Beasts, or Cattle Toll free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, which Note or Ticket the Collector of the Toll is hereby required to deliver *gratis* on Receipt of such Toll.

Tolls may be  
reduced and  
risen again.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at any Meeting to be holden for that Purpose, (whereof One Calendar Month's Notice at the least shall be given in Writing, to be affixed on all the Toll Gates erected on the said Roads), to lessen and reduce, and again to raise and advance the several Tolls hereby authorized to be taken, or any of them, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so that the respective Tolls so raised and advanced never exceed the Rate of Tolls by this Act authorized to be taken; and such Tolls so varied, and every of them, shall be collected, recovered, paid, and applied, in the same Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered, paid, and applied: Provided always, that the said several Tolls shall commence and take Effect from and after the Twentieth Day of *May* One thousand eight hundred and eleven, and that in the mean Time the same and the like Tolls shall be continued to be taken at the said Gates, Bars, and Chains, as were taken at the Time of passing this Act.

When com-  
mencing.

General Ex-  
emptions  
from Tolls.

XXV. And be it further enacted, That none of the Tolls hereby authorized to be taken, shall be demanded, taken, or received at any of the



Toll Gates erected or to be erected or continued upon the said Roads for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Ex-  
 presses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons residing in any of the said Parishes and Places through which any Part of the said Roads shall pass in going to or returning from his or their Church, Chapel, or other usual Place of religious Worship on *Sundays*, or any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Hamlet, or Place through which any Part of the said Road lies; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Monmouth*; or for carrying or conveying Vagrants sent by legal Passes, or for carrying or conveying any Person or Persons committed to the County Gaol of *Monmouth* for Felony, Larceny, or any other Breach of the Peace; or for carrying or conveying Hay, Straw, or Corn in the Straw, or Hedging Stuff for the Use of the Owner, and not for Sale or purchased; or for carrying and conveying any Dung, Mould, Manure, or Compost, (other than Lime), to be used only for manuring of Land, or going to or returning empty in that Employment; nor for any Horses, Beasts, or Cattle, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implements of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implements of Husbandry, be also laden with any other Thing not hereby intended to be exempted from the Payment of Toll; nor for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture, provided that such Water or Pasture be in the Parish wherein the Owner or Occupier shall reside, or in the next adjoining Parish thereto; nor for any Horse, Beast, or other Cattle, when going to or returning from being shod or farried; nor for any Horse, Beast, or Cattle used or employed for the Purpose only of carrying or conveying Materials for the making or repairing any Highway or Public Road within any such Parish, Hamlet, or Place as aforesaid; or for re-building, building, or repairing any present or future Bridge or Bridges on the said Roads; nor for any Horse, Beast, Cattle, or Carriage which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning

Mails.

Soldiers.

Rectors,  
Vicars, and  
Curates.

Funerals.

Elections.

Vagrants,  
Felons.Hay for Use  
of Owner not  
being pur-  
chased.Dung, Ma-  
nure, &c.Conveying  
Implements  
of Husbandry.Horses, &c.  
going to  
Water or  
Pasture.  
Horses, &c.  
going to be  
shod.Carrying Ma-  
terials for re-  
pairing any  
Turnpike  
Road, &c.  
Horses, &c.  
going only  
100 Yards.  
Volunteer  
Corps.



Penalty on taking Benefit of Exemption not being entitled.

turning from any Place appointed for Exercise, Inspection, or Review provided that such Person shall be dressed in the Uniform of his Corps and have his Arms, Furniture, and Accoutrements, according to the Regulations appointed by such Corps, at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Owners of Waggon conveying Military Stores not subject to Penalties for Overweight.

XXVI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, and nothing else, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by Reason of any Weight on any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Penalty on evading the Tolls.

XXVII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Land, Ground, or Place lying by the Side of or near to any Part of the said Roads; or if any Person or Persons owning or occupying any Land, Ground, or Place situated as aforesaid, (the same not being a public Highway, or a Road to or from some Mill) shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls, or any Part thereof, or whereby or by Means whereof any such Evasion shall take place or be effected; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person any Note or Ticket, with Intent to avoid or evade the Payment of the said Tolls, or any Part thereof, or shall unload or cause to be unloaded any Goods or other Things, or shall take off or cause 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, with Intent to avoid or evade the Payment of any of the said Tolls; or if any Person or Persons shall do any other Act in order or with Intent to avoid or evade the Payment of the said Tolls, or any Part thereof, all and every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds (over and besides such Damages and Punishments as he, she, or they shall be liable to by Law), to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

XXVIII. And



XXVIII. And whereas some Parts of the Roads included in this Act lead over open Wastes and Commons, and the Tolls at Gates in such Situations are liable to be evaded; be it therefore further enacted, That the said Trustees shall and may cause Fences and Ditches to be made over such Parts of such Wastes and Commons as they shall think necessary, in order to prevent Payment of Toll being evaded; and if any Person or Persons shall pull down or in anywise displace, destroy, or carry away any such Fence, or any Part thereof, or shall fill up or injure any such Ditch, or shall pass over or through the same for the Purpose of evading the Payment of such Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that no ancient Road or Highway running across the said Roads shall be stopped up or obstructed, and that no such Fence or Ditch to be made as aforesaid shall extend more than Half a Mile from any Turnpike Gate erected or to be erected under or by virtue of this Act.

To prevent evading Payment of Tolls on Commons.

XXIX. And be it further enacted, That if any Dispute shall happen about the Amount of Toll due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same or the Money arising from the Sale thereof (as the Case may happen) until the Amount of the Toll due, and the Charges of seizing, distraining, keeping, and selling (as the Case shall happen) shall be ascertained by One or more Justice or Justices of the Peace for the County or Place wherein such Dispute shall arise, who upon Application made to him or them for that Purpose, shall examine the said Matter on Oath of the Parties or other Witnesses or Witnesses, and determine the Amount of the Toll due, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices, all which Sums so determined or assessed shall be paid to the said Collector or other Person, before he shall be obliged to return the Distress or the Overplus after the Sale thereof, or of any Part thereof.

Disputes concerning Tolls how to be settled.

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

Trustees may let the Tolls.

XXXI. And be it further enacted, That in case any or either of the Tolls arising by virtue of this Act, shall be demised or let to Farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Fourteen Days next after any of

And in the Event of Rent not being paid according to Agreement may vacate the same, and retake Possession of the Toll Gates.



the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof, then and in either of those Cases the said Trustees or their Clerk or Treasurer, or any other Person authorised by Writing under their Hands, shall be at Liberty, and they are hereby authorized to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove or put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessees Part) as if such Demise or Agreement had never been made; and it shall 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.

Penalty on Collectors taking greater or less Tolls than allowed.

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

Collectors of Tolls competent Witnesses.

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

Power to provide Lamps.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings to be held under or by virtue of this Act, to erect and set up, or cause to be erected and set up, at all or any of the Turnpike Gates now erected or hereafter to be erected upon the said Roads, such Number of Lamps as they shall think necessary, together with proper Lamp Posts and Lamp Irons thereto, and to cause the said  
Lamps



Lamps to be lighted at such Times and in such Manner as the said Trustees shall from Time to Time direct and appoint, and all Expences attending the providing of such Lamps, Lamp Posts, Lamp Irons, and the Furniture thereof, shall be defrayed out of the said Tolls or out of any Money to be borrowed on the Credit thereof; and if any Person shall break, throw down, or damage all or any of the said Lamps, or the Posts, Irons, or other Furniture thereof, or shall wilfully or maliciously extinguish any such Lamps or do any other Damage thereto, such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Costs and Expences of repairing and amending such Lamps, Lamp Posts, Irons, and Furniture so broken, thrown down, or damaged as aforesaid.

Penalty for breaking them.

XXXV. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Gates, and Toll Houses, and the several Conveniences and Appurtenances thereto belonging, which are already erected, or made upon, or on the Sides of the said Roads, or which shall be erected or made by virtue of this Act, and all Materials for building and repairing the same, and for repairing the said Roads; and all the Lamps, Lamp Posts, Lamp Irons, and Furniture thereof respectively, and all other Materials, Articles, and Things, which shall be purchased, collected, or provided, for the Purposes of this Act, shall be vested in the said Trustees; and they 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 of such Turnpikes, Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb them or their Agents or Servants in the Possession thereof.

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

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

Power to borrow Money and to assign Tolls.



Form of  
Mortgage.

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

Copies of  
Mortgages to  
be entered in  
Books.

And Copies of all such Mortgages shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer of the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby secured, or to whom any Mortgage or Assignment of Tolls may have been made under the said recited Act, on the Credit or on Account of the Tolls arising within the said District of *Newport*, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing before one credible Witness an Instrument in the following Words, or Words to the like Effect; (that is to say),

Form of  
Transfer.

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

Which must  
be left with  
the Clerk and  
be registered.

Which Transfer shall be produced and notified to the Clerk or Treasurer to the said Trustees, who shall cause an Entry or Memorandum to be made thereof in the before mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof: Provided always, that the Trustees who shall execute such Mortgage, or any other Deed or Contract by this Act authorized, shall not personally be liable to the Payment of Monies so borrowed, or to the Performance of any other such Contract as aforesaid.

XXXVII. Provided



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

XXXVIII. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said recited Act, for the said District of *Newport*, or out of the Tolls, and all other Monies which shall be raised and received by virtue of this Act, the said Trustees shall, in the First Place pay and discharge all the Costs, Expences, and Charges relating to the 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 Act on the said District of *Newport*, or any or either of them, or to be borrowed in pursuance of this Act, and the Interest due, and to grow due thereon respectively, and in completing, making, diverting, widening, altering, maintaining, or rendering more commodious the said Roads, or in otherwise putting this Act in Execution, and to or for no other Use or Purpose whatsoever. Application of Tolls.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor, and all such Persons as they or he shall appoint, to search for, dig, gather, take, and carry away any Materials for making or repairing the said Roads, or any Bridge or Bridges thereon, out of any River or Brook, or out of, or from any Waste or Common in or near which any Part of the said Roads lie, without paying any Thing for such Materials, the said Trustees, or their Surveyor, or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any Lands or Grounds, for or with such Materials (such Damages to be ascertained, as hereinafter mentioned) and also that it shall and may be lawful for the said Trustees, their Surveyor, and such Persons as they or he shall appoint, to search for, dig, gather, take, and carry away any such Materials, in or out of the inclosed Lands or Grounds of any Person (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Materials so to be dug or got; and also for the Damages in carrying and getting the same, as the said Trustees shall adjudge reasonable; and in case of any Difference between the said Trustees, or their Surveyor, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Land, or any of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace at their next General Quarter Session, or at the Second General Quarter Session at the furthest, to be holden for the County of *Monmouth*, on Eight Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matters of such Payments and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to and upon all Parties. Power to get Materials.



Notice to be given by the Surveyor to Occupiers of enclosed Lands before he enter thereon to get Materials.

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

Penalty on taking away Materials raised by Surveyors.

XLI. And be it further enacted, That if any Person whatsoever 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 Trustees or their Surveyor, or their or his Workmen, shall have discontinued working therein for the Space of Twelve Calendar Months, (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his own private Use only, and not for Sale), every Person so offending, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Surveyors may remove Annoyances.

XLII. And be it further enacted, That it shall be lawful for the said Trustees or their Surveyor, and such Person or Persons as they or he shall appoint, to remove all Annoyances on or by the Side of any Part of the said Roads, and to dispose of the same for the Benefit of the said Roads, and at proper Seasons of the Year to cut down Trees or Bushes growing thereon, or in the Hedges or Grounds adjacent thereto, and within Twenty Feet of the Centre of the said Roads, (except Trees or Bushes planted previous to the passing of this Act, for Ornament or Shelter to the House, Building, Court Yard, or Pleasure Ground of the Owner thereof, which shall be suffered to remain, if not within Fifteen Feet of the Centre of the said Roads), and to cut or plash such Hedges, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to cut or plash such Hedges, or to remove such Annoyances for the Space of Ten Days after Notice given in Writing for that Purpose, under the Hand or Hands of the Trustees or their Surveyor, the Charges whereof shall be reimbursed and paid to the said Trustees or their Surveyor by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to cut or plash such Hedges, or to remove such Annoyances as aforesaid; and in case such



such Owners or Occupiers shall not upon Demand pay and reimburse to the said Trustees or their Surveyor such Charges as aforesaid, it shall be lawful for the said Trustees or their Surveyor, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County in which such Road shall be situate, from Time to Time to levy the said Charges upon such Owners or Occupiers by Distress and Sale of his, her, or their Goods and Chattels, tendering the Overplus (if any be) to the Owners thereof upon Demand, after all Expences attending such Distress and Sale shall be paid; and if after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before any One Justice of the Peace for the County in which such Offence shall be committed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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

Power to make Causeways and Drains.

XLIV. And be it further enacted, That if any Person who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall adjoin to or lead into or out of the said Roads, shall not in a proper Manner scour and cleanse or cause the same to be scoured or cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him or her respectively, or shall be left at his or her respective Place of Abode by the said Trustees or their Surveyor, then the said Trustees or their Surveyor shall and may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for scouring and cleansing the same; and if the said Person shall not repay the Money so paid by such Trustees or their Surveyor 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

Owners of Watercourses neglecting to scour the same after Notice;

Surveyors may do so and charge them.



the said Money and Demand thereof made, and Non-payment thereof as aforesaid by the Oath of One or more credible Witness or Witnesses before any One Justice of the Peace of the County or Place where such Person shall live, shall or may by a Warrant under the Hand and Seal of such Justice be levied by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus (if any be) to the Owner thereof upon Demand, after all Charges are paid.

Roads to be  
measured and  
Mile Stones  
set up.

XLV. 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 as they shall think proper, and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Foot Path formed by the Trustees or their Surveyor upon or on the Side of or adjoining to the said Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Foot Path; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the same or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads, and meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, or shall set Fire to or let off or throw any Squib, Rocket, Serpent, or Fire Work whatsoever, on any Part of the said Roads, or on the Banks or Land adjacent and lying open thereto; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Sides of the said Roads, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or any other Matter or Thing whatsoever upon the said Roads or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Persons travelling thereon; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon the said Roads or any Part thereof, and shall not within the Space of Fourteen Days take or carry away the same, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Trustees may  
divert Roads.

XLVI. And be it further enacted, That the said Trustees shall and are hereby fully empowered 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 comprised in this Act; and that any new Road, or any Variation of Road, may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Loss and Damage they may thereby sustain; and it shall be lawful for the said

respective



respective Trustees from Time to Time to contract and agree with the Owners of and Persons interested in any adjoining Lands or Hereditaments for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of such Road through such adjoining Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, or Agents, and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infant Wards, *Cestuique* Trusts, Lunatics, Idiots, or Persons of unsound Memory or Understanding; and to and for all Females Covert, who are or shall be seised or interested in their own Right; and to and for all and every Person and Persons whomsoever, who are or shall be seised or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them 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 Intent 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.

XLVII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any such Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, or any other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice in Writing by the Clerk for the Time being to the said Trustees, to him, her, or them given or left at the Dwelling House or Houses, Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to any Part of the said Roads, or to which the said Roads are intended to be diverted or varied as aforesaid, shall for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by Reason of Absence shall be prevented from treating, then and in every or any such Case, the said Trustees shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands and Hereditaments shall be situate, (which Oath any Two or more of the said Trustees are hereby empowered to administer), what Damage will be sustained by and what Recompence and Satisfaction will be made to such Owners or Proprietors, or other Person or Persons interested for or on account of the taking of such Lands or Hereditaments into the said Roads, or of making, widening, diverting, varying, or changing the said Roads through the same; and in order thereunto, the said Trustees are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought proper and necessary to be examined concerning

When Persons neglect or refuse to treat after Notice given;

Damages to be assessed by a Jury.



concerning the Premises (which Oath any Two or more of the Trustees are hereby empowered to administer); and they the said Trustees shall order the said Jury to view the Place or Places in question by all lawful Ways and Means as well for their own as for the Jury's better Information in the Premises; and after the said Jury shall have so ascertained and settled such Damage and Recompence, they the said Trustees shall order, adjudge, and direct the Sum or Sums of Money which shall be so assessed by the said Jury, to be paid to the Owners or Proprietors of, or Person or Persons interested in the said Lands or Hereditaments, or to be deposited in the Bank of *England* in Manner by this Act directed, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement or Determination, so had and made, shall be final and binding and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability or Incapacity whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Aggregate or Sole, as well as all other Persons whomsoever, and against all and every such Owners and Proprietors, and all and every Person or Persons anywise interested in such Lands, Grounds, or Hereditaments, shall thereby be thenceforth to all Intents and Purposes excluded and divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same.

Trustees shall  
issue a War-  
rant to the  
Sheriff to  
summon Jury.

XLVIII. And be it further enacted, That for the summoning and returning such Jury or Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County in which such Lands or Hereditaments shall be situate, thereby requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed, and the said Sheriff or his Deputy is hereby required to impanel, summon, and return Twenty-four such Persons as aforesaid, and out of the Persons so impanelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid, and for such other Purposes as are required by this Act, and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall and is hereby required to 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 the said Trustees and all Persons interested shall have their lawful Challenges against any of the said Jurymen; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff or his Deputies, or any Bailiffs or Agents making Default in the Premises, and on any of the Persons who being summoned and returned on such Jury, shall not appear (except for some reasonable Excuse), or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give, or shall not give his or their Verdict, or shall in any other Manner wilfully neglect his or their Duty therein (contrary to the true Intent and Meaning of this Act), and on any Person or Persons who being summoned to give Evidence before the said Jury as aforesaid touching the Premises, shall not attend (except for some reasonable Excuse).



or attending shall refuse to be sworn and examined, or to give Evidence touching the same, so that no such Fine do exceed the Sum of Ten Pounds upon any Person for one Offence.

XLIX. And be it further enacted, That in case any such 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 before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss, or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by the said Trustees as the Purchase Money for any such old Road as aforesaid; then, and in every such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences incident thereto, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give 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 of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, or for more Money than shall have been offered to be accepted or taken for any such old Road as aforesaid; then, and in every such Case, the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences incident thereto, 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 One Justice of the Peace for the County in which such Lands or Hereditaments shall lie, not interested in the Matter in Question, (who is hereby authorized and required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the Whole Sum or Sums so assessed or adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by Reason of Absence have been prevented from treating with the said Trustees, the Whole of such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Expences of  
Jury how  
paid.

L. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be, and is and are hereby charged on the said Tolls, or upon the Monies to be borrowed on the Credit of such Tolls, and shall be paid thereout accordingly; and upon Tender or Payment thereof to the Person or Persons entitled thereto, or to their Agents, or upon Payment of the same into the Bank of *England*, in Manner by this Act directed, as the Case may be, it shall be lawful for the said Trustees, their respective Surveyors, Workmen, or Agents, to enter into or upon, and to take such Lands

Money  
agreed on  
assessed how  
to be paid or  
tendered.



and Hereditaments, and to do all and every Act, Matter, and Thing, in relation to such Lands and Hereditaments as the Trustees shall think proper; and the Lands and Hereditaments so added to, taken in, or made Part of the said Roads, shall be fenced from the adjoining Lands by the said Trustees, and shall be deemed and taken to be for ever thereafter a Part of the said Roads hereby directed to be amended, widened, altered, improved, and kept in Repair, and shall to all Intents and Purposes be a public and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be amended, widened, altered, improved, and kept in Repair, are by this Act to be repaired; and after such new diverted Road shall be completed, the Lands and Grounds constituting such old or former Roads shall be vested in the said Trustees, and shall and may be sold and conveyed by them (if they shall think fit) for the best Price that can be reasonably gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the Benefit of this Act, and a Conveyance of the said old Road, being executed by the said Trustees, and enrolled with the Clerk of the Peace for the County in which such old Road shall be situate, shall be good, valid, and effectual in Law.

The old Roads to be first offered to Proprietors of Lands adjoining new Roads.

LI. Provided always, and be it further enacted, That whenever the Course of any of the said Roads shall be altered by virtue of this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road (if the same shall be to be sold) shall be first made to the Owner of such adjoining Land which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the same, and such Owner shall be still desirous of becoming the Purchaser thereof, then the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price of any Land to be taken in pursuance of this Act is directed to be settled and ascertained, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the said Jury to be the Value thereof; and in case he shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk for the Time being, to the said Trustees, and Tender of such Conveyance as aforesaid, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not then and thereupon agree, or shall refuse to purchase any such old Road, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County where such Piece or Pieces of Ground shall lie, by some Person or Persons (not interested in the Premises), stating that such Offer was made by or on Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be): Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is lying immediately adjoining to his or her Land respectively in Manner aforesaid: Provided also, that if the Owner or

Owners



Owners respectively shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assign the same to such Person or Persons by entering the same in their Books, and delivering to him, her, or them, a Copy of the Entry thereof, signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit at Law or in Equity.

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

Application  
of Compensation  
Money  
above 200l.

LIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed

Application  
when under  
200l. and  
above 20l.



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

When under  
sol.

LIV. 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, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of  
not making  
out Titles;

or if Persons  
cannot be  
found;

Money to be  
paid into the  
Bank of Eng-  
land,

subject to  
the Order of  
the Court of  
Chancery.

LV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; or in case any such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered; then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order such Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or 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 Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank



Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

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

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

LVII. Provided always, and be it further enacted, That where, by Reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands 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 Court of Chancery, 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 the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences to be paid by Trustees.

LVIII. Provided always, and be it enacted, That every Waggon and Cart the Fellies of the Wheels of which when placed on a flat hard Surface shall in any Part of the Breadth or Bottom thereof be elevated One Inch from such Surface, shall be deemed and considered to be a Carriage with Wheels of less Breadth than Six Inches:

Carts and Waggon that shall be deemed of less Breadth than Six Inches.

LIX. And be it further enacted, That no Person shall chain or tie, or cause to be chained or tied, the Wheel or Wheels of any Carriage whatsoever for the Purpose of going down any Hill or Descent, where the Fall of the Ground shall be less than Three Inches in a Yard.

Regulation for Carriages going down Hill.



Waggon  
and Carts to  
have Rollers,  
&c.

LX. And be it further enacted, That from and after the Twentieth Day of *May* One thousand eight hundred and eleven, every Waggon, Cart, and Wain, travelling on the said Roads, shall have and be provided with a proper Roller and Chains affixed thereto, and that the Driver of every such Waggon, Cart, or Wain, shall place the same behind one of the Wheels thereof whenever such Waggon, Cart, or Wain, shall be ascending any Hill; and that every Waggon or Cart having the Wheels thereof of less Breadth than Six Inches, shall also be provided with a Shoe or Patten, or Skid Iron, of at least Six Inches in Breadth, and Eighteen Inches in Length, placed in some proper or convenient Part of such Waggon or Cart, and that the Driver of every such Waggon or Cart shall affix the same on and under the Wheel of every such Waggon or Cart which he shall chain or tie, or cause to be chained or tied, whenever such Waggon, Cart, or Wain shall be going down any Hill or Descent where the Fall of Ground shall be Three Inches or upwards in a Yard; and if any such Waggon, Cart, or Wain, shall not be provided with any such Roller, or if any such Waggon or Cart as last mentioned shall not also be provided with such Shoe or Patten, or Skid Iron, of the Breadth and Length aforesaid, it shall be lawful for the respective Toll Gatherers or Collectors on the said Roads, and they are hereby authorized and empowered to demand and take for or in respect of any such Waggon, Cart, or Wain passing through any Gate or Turnpike upon the said Roads, or any of them, Double the Toll or Sum which may for the Time being be demanded and taken by virtue of this Act for the same, before any such Waggon, Cart, or Wain shall be permitted to pass through any such Gate or Gates, Turnpike or Turnpikes, which said Sum of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be, and is hereby vested in the said Trustees, and shall be applied in such and the same Manner and Way as is herein-before directed, with respect to the Application and Recovery of Double Tolls on *Sundays*; and if the Driver of any such Waggon shall not place such Roller, or affix such Shoe, Patten, or Skid Iron, as before directed, he shall forfeit and pay any Sum not exceeding Ten Shillings: Provided always, that Six Months previous Notice shall be given by affixing a Copy of this Clause on every Toll House then standing on the said Roads.

Drawing  
Timber.

LXI. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn upon any Part of the Roads, any Tree or Piece of Timber, or any Stone otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag or trail upon any Part of the said Roads, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Gates to  
open inwards.

LXII. And be it further enacted, That all Gates to be hereafter made or put up in any Field or Ground adjoining the said Roads or any of them, shall be made and hung to open inwards towards such Field or Ground, and not outwards towards the said respective Roads; and it shall and may be lawful to and for the said Trustees to cause all such Gates as are now erected and open outwards towards the said respective Roads, to be altered and to open inwards, at the Expence of the Owner or Owners of such Gate or Gates, such Expences to be recovered from the Owner or Owners of such Gates



Gates, in such and the like Manner as the Expences of carrying off Soil, Earth, or other Matter, scraped up in Frontage of Lands adjoining the said Roads, are herein-before directed to be recovered.

LXIII. And be it further enacted, That all and every the Occupier and Occupiers of Lands or Grounds adjoining to the several Roads to be made and repaired under this Act, shall, on Six Days Notice to be given to him or them respectively by the said Trustees or their Surveyor, or any Person or Persons which they or he shall appoint, from Time to Time haul, remove, and carry away all such Soil, Earth, or other Matter as shall have been gathered, collected, or scraped from off the said Roads or any of them, as far as the Lands or Grounds of such Occupier or Occupiers shall respectively extend, but no farther; and in case any such Occupier or Occupiers shall neglect or refuse to haul, carry off, or remove such Soil, Earth, or other Matter as aforesaid, after such Notice as aforesaid, then the said Trustees or their Surveyor, shall and may cause such Soil, Earth, or other Matter to be hauled, removed, and carried away, and pay for hauling, removing, and carrying away the same; and if the said Person shall not repay the Money so paid by such Trustees or their Surveyor on Demand thereof made upon him or her respectively, either in Person or by Writing left at his or her respective Place of Abode, the said Money, upon Proof of the hauling, removing, and carrying away the said Soil, Earth, or other Matter, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person shall live, shall and may by a Warrant under the Hand and Seal of such Justice be levied by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus (if any be) to the Owner thereof upon Demand, after all Charges are repaid: Provided always, that no Person shall be obliged to haul, remove, or carry away, or to pay for the hauling, removing, or carrying away any such Soil, Earth, or other Matter during the Time of his or her Hay or Corn Harvest.

Occupiers of adjoining Lands to carry off Scrapings.

LXIV. 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 the repairing of the said Roads or any Part or Parts thereof, or for doing any other Work in pursuance or execution of this Act, in such Manner, and for such Sum or Sums of Money annually, or for a Term of Years or otherwise, as the said Trustees shall think proper.

Trustees may contract for Repairs or other Work.

LXV. And be it further enacted, That all and every Person and Persons, County, Hundreds, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politic and Corporate, who, before the passing of this Act, have or hath used, or of Right ought by reason of the Tenure of any Lands, Tenements, or Hereditaments, or any other Account or Accounts, to repair any Part or Parts of the said Roads, or any Bridge, Drain or Watercourse, in or upon the same, shall notwithstanding this Act be subject and liable to such Repairs, in the same Manner as they and every of them have or hath heretofore usually been, or would have been, in case the said Act or this Act had not been passed, and that nothing in this Act contained shall empower the said Trustees, or any of them, to repair the Pavements of any Streets in the Town of *Newport*, but that the Repair of the

Persons and Districts liable to Repair of Roads to continue so.



the said Pavements, or any Part thereof, shall be done and performed by such Ways and Means, and in such Manner as ought by Law to be done and performed in case this Act had not been made.

Persons liable  
to Statute  
Duty to con-  
tinue so.

LXVI. And be it further enacted, That all Persons who by Law are or shall be obliged or liable to do Statute Work towards repairing and amending the Roads hereby intended to be repaired, shall still remain subject and liable to the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads within their respective Parishes, Hamlets, or Places, at such Times and in such Manner as the said Trustees, or the Surveyor or Surveyors by them authorized shall direct or appoint.

Statute  
Work.

LXVII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said County of *Monmouth*, and they are hereby required and empowered upon Application made to them by the said Trustees, or by their Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be 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 and effect for the Repairs of the Public Highways, and out of the said Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done at such Days and at such Times (not being Hay Time or Harvest), and in such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distraints and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person



who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode, for that Purpose, by any Surveyor of 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 to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Highways; and if any Surveyor 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 and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LXVIII. And be it further enacted, That it shall be lawful for the said Trustees or their Surveyor, being authorized or empowered so to do by the said Trustees, to compound and agree with the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments of and in all or any of the Parishes, Tythings, Hamlets, or Places, from, to, or through which the said Roads hereby intended to be repaired, or any Part or Parts thereof, doth or do lie, (their Consent being first signified at a Vestry or other Public Meeting of such Inhabitants summoned to assemble for that Purpose), or with any of the said Inhabitants respectively, for a certain Sum of Money by the Year, or otherwise, as the said Trustees shall think reasonable, in lieu of the Statute Work to be by them, or any of them, done, provided such Composition be paid yearly in Advance by the Surveyor or Surveyors, or other Officer of the Parish, or respective Person so compounding, to the Treasurer of the said Trustees, on or before the Fifth Day of *April* in each Year.

Trustees may compound with Parishes.

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

Penalty for obstructing the Execution of this Act.

LXX. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Persons as he or they shall call to his or

For securing Offenders.



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

Penalties and  
Forfeitures  
how recovered.

LXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof, be not herein otherwise directed) shall upon Proof of the Offences respectively before any one Justice of the Peace for the County or Place wherein the Offence shall have been committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of one or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of 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 and recovered (if not otherwise directed to be applied by this Act) shall be from Time to Time paid to the Treasurer to the said Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, or Fines shall not be forthwith paid; it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Conviction.

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



Following Form of Words (as the Case shall be), or in any other Form of Words to the same Effect :

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

LXXIII. 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.

Proceedings  
not to be  
quashed for  
Want of  
Form.

LXXIV. 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 County in which such Cause of Appeal shall arise, such Appellant (if sufficient Time after the Cause of such Complaint shall have arisen) first giving or causing to be given Eight Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Four Days next after such Notice entering into a Recognizance before such Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter 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 County in which such Cause of Appeal shall arise; and the Justices at such First and Second Session upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Cause

Persons ag-  
grieved may  
appeal to Ses-  
sions.



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 the said 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 neglect or refuse to pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the County in which such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Limitation of  
Actions.

LXXV. 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 Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County in which the same was committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by 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 Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Publick Act.

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

Continuance  
of the Act.

LXXVII. And be it further enacted, That this Act shall commence and take place, from and upon the Twentieth Day of *May* One thousand eight hundred and eleven, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence until the End of the then next Session of Parliament.