



ANNO QUINQUAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. lxxiv.

An Act for more effectually repairing the Road from the *Neath* Turnpike Road, at or near *Abernant*, through *Merthyr Tidvill*, in the County of *Glamorgan*, to join the Turnpike Road within the *Abergavenny* District, near *Rhyd y Blew House*, in the County of *Monmouth*. [10th July 1817.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for amending and repairing the Road from the Neath Turnpike Road at or near Abernant, through Merthyr Tidvill, in the County of Glamorgan, to join the public Roads near Rhyd y Blew, in the County of Brecon*: And whereas it would be advantageous and of great convenience to the Public if Power was given to make a Road from the said Road at or near the *Crown Inn* in *Bedwelty*, over the Lands called *Nanty-bwch*, and passing near the *Trivil Machine House*, and *Nant Raffy*, to join the said Turnpike Road at or near *Rhyd y Blew*: And whereas the Trustees acting in the Execution of the said Act have, at different Periods during the Continuance of the said Act, borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which still remain due and cannot be paid, and the said Road effectually amended, unless the said Act is repealed, and further and other Powers given for those Purposes, and the Tolls increased; May it therefore please Your Majesty, that it may be enacted, and be it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

[Local.]

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Temporal,

35G.3.c.156.

Recited Act
repealed.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That as soon as any Five or more of the Trustees appointed by this Act shall be assembled at their first Meeting, pursuant to the Directions hereinafter contained, and shall have proceeded to put this Act in Execution, the said Act hereinbefore mentioned shall be, and the same is hereby declared to be repealed, and that instead thereof this Act shall commence and take Effect, and be put in Execution, for and during the Term hereinafter mentioned, for the Purpose of making, amending, widening, turning, altering, diverting, improving, and keeping in Repair the said Roads.

Description
of Roads.

II. And be it further enacted, That the Road leading from the Turnpike Road at the Toll House near *Abernant*, in the Parish of *Cadoxton juxta Neath*, in the County of *Glamorgan*, along the present Road, some Years past diverted through *Nant y Gwennith Haun*, and adopted and used instead of the Road at the Back Part of *Cyfarthfa* House, (hereby authorized to be shut up,) to a Point of the Road opposite to a House now occupied by the Treasurer to the *Glamorganshire* Canal Navigation, and from thence along the Road on the West Side of the *Glamorganshire* Canal to a certain Bridge over the said Canal, and from the said Bridge to a certain Bridge over the River *Taff*, called the *Iron Bridge*, in the Parish of *Merthyr Tydvill*, in the said County of *Glamorgan*, and from the said Treasurer's House over *Jackson's* Bridge, along the present Line of Road, leading by *Derwen y Cruse* over *Geillyfailog* Bridge, to join the Turnpike Road within the *Abergavenny* District, near *Rhyd y Blew* House, in the County of *Monmouth*; and also the said Road from the *Crown Inn* in *Bedwelty*, over the Lands called *Nanty-bwch*, and passing near the *Trivil* Machine House and *Nant Raffy* to *Rhyd y Blew*, shall together with such Alterations and Deviations as are authorized to be made, or shall or may be made by virtue of or under this Act, be deemed to be comprized in, and shall be called and known by the Name of the *Abernant* and *Rhyd y Blew* Turnpike Trust, and shall be deemed the Roads to be repaired and maintained by virtue of the several Powers of this Act.

Trustees.

III. And be it further enacted, That Sir *Robert Lynch Blossé* Baronet, *Anthony Bacon*, *Thomas Bacon*, *Joseph Bailey*, *Crawshay Bailey*, *Hugh Bold*, *Thomas Bold*, *John Bruce Bruce*, *Richard Blakemore*, *William Bryant*, *William Bevan* of *Beaufort Works*, *William Crawshay*, *Richard Crawshay*, *William Crawshay* the Younger, *George Crawshay*, *Thomas Cook*, *Sir Christopher Cole*, *William Davies* of *Mardy*, *Edward Davies* of *Garth*, *William Milbourne Davies*, *David Davies* of *Langattock*, *David Davies* Surgeon, *Richard Davies*, *Daniel Davies* of *Cwm*, *Thomas Davies* Clerk, *Thomas Davies* the Younger, Clerk, *Richard Davies* of *Wenoo*, *John Edwards* of *Rheola*, *David Edwards* of *Gwnos*, *Edward Edwards* of the same, *Powell Edwards* Clerk, *James Evans* Clerk, *William Evans* of *Fair Water*, *John Jones* of *Cardiff* Clerk, *William Forman*, *Thomas Seaton Forman*, *William Henry Forman*, *Edward Forman*, *Richard Fothergill*, *Richard Fothergill* the Younger, *Thomas Fothergill*, *Rowland Fothergill*, *Edward Frere*, the Honourable *William Booth Grey*, *Josiah John Guest*, *Thomas Revel Guest*, *George George* of *Brithair*, *Watkin George*, *Watkin George* the Younger, *Henry Grant*, *Henry John Grant*, *Turner Grant*, *John Goodrich*, *William Goodrich*, *Bartlett Goodrich*, *Thynne Howe Gwynne*, *Thynne Howe Gwynne*.

Gwynne the Younger, John Gwynne, William Gwyn, Samuel Homfray, Samuel Homfray the Younger, Watkin Homfray, Richard Hill, John Hill, Anthony Hill, Richard Summers Harford, Samuel Harford, Summers Harford, Benjamin Hall, Benjamin Hall the Younger, Edward Hawkins, Thomas Hill of Blacnavon, Thomas Hill the Younger of the same, Robert Jones, Calvert Richard Jones, James Jones, John Jones of Brecon, William Jones, Henry Jones, William James, Christopher James, Robert Jenner, Herbert Jenner, Evan Jones, Jehosaphat Jones, Thomas Jones Clerk, Richard Hoare Jenkins, Richard Jenkins of Abervan, David Jenkins of the same, William Bruce Knight Clerk, James Lewis Knight, Edward Kendall, Wyndham Lewis of Green Meadow, Wyndham Lewis of Lanisben, William Price Lewis, Henry Lewis of Lisvane, Morgan Lewis of Merthyr, John Lewis of the same, Capel Hanbury Leigh, John Llewelyn of Pelligair, John Llewellyn of Rumney, Griffith Llewellyn, Thomas Lockwood, Sir Charles Morgan Baronet, Charles Morgan, George Gould Morgan, George Martin Maber Clerk, John Macnamara, Matthew Monkhouse Clerk, Matthew Monkhouse the Younger, William Morgan of Grawen, William Morgan of Watford, Lewis Morgan of the same, Evan Morgan of Havod, John Morgan of Graig, Sir John Morris Baronet, John Morris, Thomas Morris Clerk, William Meyrick, David Williams Meyrick, Thomas Maybery, John Nathaniel Miers, Richard Hill Miers, Capel Miers, John Hodder Moggridge, George Overton, Walter Powell, John Powell of Brecon, Thomas Harcourt Powell, William Powell, Charles Powell, John Price of Landough Castle, William Price of Joy House, John Perrott of Gellygare, William Perrott of the same, Thomas Pierce, Thomas Richard, the Honourable Wyndham Quin, John Richards of Cardiff, John Richards of Landaff, Theophilus Richards, Samuel Rees of Werfa, Thomas Rees of the same, Thomas Reece of Navigation House, Richard Fowler Rickards, Thomas Bates Rous, George Russell, George Scale, John Scale, the Right Honourable William Henry Somerset commonly called Lord William Henry Somerset, Christopher Rice Mansel Talbot, Thomas Thomas of Lanbradach, George Thomas of the same, Evan Thomas of Sully, Robert Thompson, William Thompson, Llewellyn Traherne, Morgan Popkin Traherne, William Vaughan of Lanlay, Walter Wilkins, Walter Wilkins the Younger, Jeffrey Wilkins, Jeffreys Wilkins Clerk, John Parry Wilkins, Richard Wilkins, Edward Wilkins, Cann Wilkins, Thomas Watkins Clerk, William Williams of Aberpergwm, Rees Williams of the same, Thomas Williams of the same, Daniel Williams of Perthygleison, John Wood of Cardiff, John Wood the Younger, Nicholl Wood, David Williams of Merthyr, John Williams of the same, Edward Williams of Godlys, Matthew Wayne, Henry Williams of Duffryerffrawd, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

IV. Provided always, and be it further enacted, That it shall be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby empowered at any Time or Times to elect any Number of additional Trustees, not exceeding Ten, who being duly qualified, shall have the same Power and Authority for executing this Act as if they had been hereby nominated and appointed.

Allowing the Trustees to appoint an additional Number of Trustees.

V. And for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted, That when and as often as any Trustee

Power to elect new Trustees.

Trustee or Trustees shall die, or cease to reside in either of the Counties of *Brecon, Glamorgan, or Monmouth*, provided he qualifies by virtue of a Personal Estate, or decline, or refuse to act, or shall not act, after once qualifying, for Three successive Years, it shall be lawful for any and every Trustee, at any Meeting to be held by virtue of this Act, to propose One or more fit Person or Persons in the Room of every such Trustee or Trustees so dying, removing, declining, refusing, or neglecting to act; and at the First Meeting of the said Trustees, which shall be held next after such Person or Persons shall have been so proposed as aforesaid, the said Trustees, or any Five or more of them, under their Hands and Seals, shall or may appoint and elect any such Person or Persons, who shall have been so proposed at the previous Meeting, a Trustee or Trustees, for executing this Act; Notice of the Time and Place of Meeting for such Election, and of the Names of the Person or Persons so proposed, being affixed in Writing upon all the Toll-Gates or Turnpikes erected or to be erected upon the said Roads, by virtue of this Act, at least Ten Days before the Meeting for such Election; and every Person or Persons who shall from Time to Time be so proposed and elected, (being qualified as by this Act is required,) is and are hereby empowered to act to all Intents and Purposes in as full and ample Manner as the Trustees hereby appointed are empowered to act.

Qualification
of Trustees.

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be possessed at the Time of acting in his own Right, or in Right of his Wife, of an Estate in Lands, Tenements, or Hereditaments, situate in either of the Counties of *Glamorgan, Brecon, or Monmouth*, of the clear Yearly Value of Fifty Pounds above Reprizes, or possessed of, or entitled at the Time of acting to a Personal Estate to the Amount or Value of One thousand Pounds over and above Payment of his Debts, or unless such Person shall at the Time of acting be Heir Apparent to a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear Yearly Value of One Hundred Pounds in either of the said Counties, and unless such Person shall, previous to his acting as a Trustee, deliver, or cause to be delivered in upon Oath, a Declaration or Certificate in Writing, signed by him, expressing his Qualification, which Declaration or Certificate shall be kept and filed by the Clerk to the said Trustees, and an Entry made of their Names, and the Time when delivered; and no Person shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time in which he shall be Renter of the Tolls, or shall hold any Place for which he shall receive any Salary or Allowance under this Act, or in any Case where he shall be personally interested: Provided nevertheless, that no Person shall be capable of qualifying, by virtue of a Personal Estate of One thousand Pounds aforesaid, or of acting as a Trustee under such Qualification, unless such Person shall, at the Time of his qualifying and acting as a Trustee, reside and dwell within either of the said Counties; and if any Person deemed incapable to act, either from the Want of Qualification in respect of Property, or on the Ground of being personally interested, or from any other of the Causes or Disqualifications aforesaid, shall presume to act in Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds, to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at

Westminster, or in the Court of Great Sessions to be held for the Counties of *Glamorgan* and *Brecon*, by Action of Debt, or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed; and the Person so prosecuted for acting, without being qualified in respect of Property, shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided always, that no Person holding a Deed Poll, or being a Creditor, shall be deemed or considered interested, or shall for such Cause be disqualified from acting as a Trustee, or be liable to the said Penalty on account thereof.

VII. Provided also, and be it further enacted, That all Acts which shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Persons had been qualified to act according to the Directions of this Act. Acts of un-qualified Trustees before Conviction to remain valid.

VIII. 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 Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of, or against the said Trustees by virtue of this Act, in the Name of their Treasurer, shall abate or be discontinued by the Death or Removal of any such Treasurer, nor by the Act of such Treasurer, without the Consent of the said Trustees, or any Five or more of them, at a Meeting held in pursuance of this Act, but that the Treasurer for the Time being to the said Trustees shall be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully indemnified, reimbursed, and paid out of the 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 or Defendant as aforesaid. Trustees may sue and be sued in the Name of their Treasurer. Treasurer to be reimbursed the Expences.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Castle Inn*, in *Merthyr Tydvill*, on the Second *Friday* after passing of this Act, or as soon after as conveniently may be, between the Hours of Twelve of the Clock at Noon and Three of the Clock in the Afternoon; and shall then and there proceed to the Execution of this Act, and adjourn themselves from Time to Time, not exceeding Forty Days, and afterwards meet there or at any other Place on or near the said Roads, as the said Trustees, or any Five or more of them, shall think proper and appoint, as often as it shall be necessary for putting this Act in Execution: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only, and in case a competent Number of Trustees shall not be present at the Time and Place appointed for a Meeting of the Trustees for putting this Act in Execution, either to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either

of the said Cases it shall be lawful for the Clerk or Treasurer to the Trustees for the Time being to adjourn the Meeting to some future Day, not exceeding Four Weeks from the Day on which such Meeting ought to have been held, of which Notice in Writing shall be given by such Clerk or Treasurer, and affixed on all the Turnpikes or Toll-Gates erected on the said Roads at least Ten Days before the Day so appointed, or to which such Adjournment shall be made; and in case such Clerk or Treasurer respectively shall refuse or neglect, or 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, or in case they shall think fit, to appoint a Meeting for any particular Purpose, by Notice in Writing under their Hands, to be affixed in Manner aforesaid, (specifying in such Notice the particular Purpose of such Meeting, if called specially,) to appoint the Trustees to meet at the usual Place of holding such Meetings as aforesaid, upon some convenient Day within Two Weeks next after the Day of such last-mentioned Notice.

The Majority of Trustees assembled to concur in all Orders.

Trustees being Justices of the Peace may act as such.

X. And be it further enacted, That all the Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise, (except as herein mentioned,) and no Order or Determination shall be made, unless the Major Part of the Trustees present at any Meeting, (the whole Number present at such Meeting not being less than Five,) shall concur therein; and all such Trustees as are or may be Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

How the Orders of the Trustees are to be revoked or altered.

XI. 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 Trustees revoking or altering the same shall amount to Nine at least, and shall exceed the Number of Trustees by whom such Order was made, and unless the Person or Persons applying or intending to move to have such Order revoked or altered, shall Fourteen Days at least before such Application or Motion, give Notice thereof in Writing to the Clerk to the said Trustees, who within Three Days after Receipt of such Notice shall cause true Copies thereof to be affixed on all the Toll-Gates then erected on the said Roads.

All Orders to be entered in a Book;

XII. And be it further enacted, That the said Trustees shall, during the Continuance of this Act, take care to have all Receipts, Payments, Debts, Orders, or Contracts had or made, or contracted or entered into, for, upon, or on account of the making and amending, widening, diverting, or turning the said Roads, and all other the Proceedings of them the said Trustees, to be forthwith fairly written and entered in one or more Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers, which said Book or Books shall or may be seen and perused at all seasonable Times without Fee or Reward, by any Person or Persons whomsoever; and also that any of the said Trustees shall and may take Copies of all or of any Part thereof, paying for every Copy not exceeding Sixpence for every One Hundred

dred Words, and so proportionably for any greater or less Number of Words; and that all such Orders so entered shall be signed by the Trustees making the same, and countersigned by the Clerk, and such Orders shall be deemed and taken to be original Orders, which said Book or Books, and also such Book or Books as shall or may be kept for registering or entering Certificates of Qualifications, Assignments, Transfers, and Compositions, shall and may be produced, admitted, and read in Evidence in all Cases of Appeal, Suits, or Actions, touching any Thing done in pursuance and by Authority of this Act.

which shall be original Orders.

XIII. Provided always, and be it further enacted, That all and every Book and Books, in which any Entry or Entries of any Proceeding or Proceedings relating or in anywise appertaining to the said Roads to be made, amended, widened, and repaired by virtue of this Act, or any of them, or any of the Trustees or other Person or Persons acting by or under the Authority of the said recited Act, (such Entry or Entries being made in such Book or Books, according to the Directions of, and made Evidence by the said recited Act,) shall be and be deemed to be good and sufficient Evidence of such Proceedings in any Court whatsoever, any Thing herein contained to the contrary in anywise notwithstanding.

Entries of Proceedings under former Acts good Evidence.

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

Accounts to be kept of Receipts and Disbursements.

XV. And be it further enacted, That each and every Treasurer, Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers nominated and appointed under and by virtue of the said recited Act, 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, and other Officer and Officers shall have the like Power and Authorities for carrying this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever as if he or they had been nominated and appointed under or by virtue of this Act.

Old Officers to continue till others appointed.

XVI. And

Trustees may
appoint
Officers ;

and remove
them.

Officers to
account.

Remedy
against Offi-
cers not ac-
counting.

XVI. And be it further enacted, That the said Trustees, or any Five or more of them, at their First, or any subsequent Meeting, as Occasion shall require, may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall arise or may be due and payable by virtue of this Act, and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees or any Five or more of them shall think necessary and proper to be employed in the Execution of the Powers of this Act, and also may remove from Time to Time all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees or any Five or more of them shall see occasion ; and the said Trustees, or any Five or more of them, shall and may out of the Money to be raised and received by virtue of this Act make such Allowance unto the Clerk, Treasurer, Receiver, Collector, Surveyor, and 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 or any Five or more of them 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, or any Five or more of them, by Writing under their Hands, make out and deliver unto such Trustees, or to such Person or Persons as they or any Five or more of them 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 have been disposed of, together with the Vouchers and Receipts for such Payments ; and every such Officer 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 or any Five or more of them shall appoint to receive the same ; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce or deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall appoint, within Seven Days after being thereunto required by the said Trustees, or any Five or more of them, 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 any Five or more of them, 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 determine the Matter of such Complaint in a summary Way, and to settle the said Account if produced in such a Manner as the said Trustees or any Five or more of them might have done ; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or
received

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 making such Distress, and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out or 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 or deliver up unto the said Justice the several Vouchers and Receipts relating to such Accounts, 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 where he or they shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in, and settled such Account, 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 compounded with the said Trustees, or any Five or more of them, for such Money and Charges, and paid the Composition Money to the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees or any Five or more of them 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, or any Five or more of them: Provided 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: Provided always that no Person shall be capable of holding any Place of Profit under the said Trustees who shall sell Ale, Beer, Wine, Cyder, or Spirituous Liquors by Retail.

XVII. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees or any Five or more of them shall seem fit. Treasurer to give Security.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk not to be Treasurer, and vice versa.

[Local.]

Clerk in the Execution of this Act, every Person so offending shall for every such offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed.

Trustees may
appoint tem-
porary Col-
lectors.

XIX. 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 Trustees, in the Stead of such Collector or Receiver who shall 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 Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person who shall refuse to deliver up the Possession of any Toll-Gate or Toll-House, or any of the Appurtenances, for the Space of Seven Days next after Demand thereof made, and Notice in Writing given for that Purpose, by any Five 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 where the Offence shall be committed, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such other Assistance as shall be necessary, to enter 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 House and 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 any such new appointed Collector or Receiver, into the Possession of such Toll-Gate, Toll-House, and Appurtenances.

Power to con-
tinue and
erect Toll-
Gates.

XX. And be it further enacted, That the said Trustees, or any Five or more of them, 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, and may erect and set up, or cause to be erected and set up, any other Toll-Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads, or any new Road or Roads to be made by virtue of this Act, and upon the Sides thereof, and also across any Way or Lane leading into or out of the same; and may also continue, erect, and provide a Toll-House with suitable Out-Buildings and Conveniences at or near each Toll-Gate, and may from
Time

Time to Time afterwards remove, alter, or discontinue such Toll-Gates, Bars, Chains, and Toll-Houses, or any of them, as they the said Trustees or any Five or more of them shall think expedient; and also may take in and inclose from the Side of the said Roads convenient Spots for Gardens for the Toll-Houses respectively, not exceeding One-eighth Part of an Acre to each Toll-House.

XXI. And whereas some Parts of the Roads included in or to be made by virtue of this Act lead and will lead over open Wastes and Commons, and the Tolls at Gates in such Situations are liable to be evaded, be it therefore 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 or carry away any such Fence or any Part thereof, or shall fill up or injure any such Ditch, 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 under or by virtue of this Act.

To prevent evading Payment of Tolls on Commons.

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

Power to take Tolls.

For every Horse, Mule, or other Beast of Burthen, laden or unladen, and not drawing, any Sum not exceeding Two-pence: Tolls.
 For every Horse, 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 Nine-pence; and with Wheels of Six Inches, or upwards, any Sum not exceeding Sixpence:
 For every Horse, or other Beast, drawing any Waggon, Wain, Cart, or any other such like Carriage, 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, or upwards, any Sum not exceeding Nine-pence:
 For every Horse, Mule, or other Beast, drawing any Coach, Chariot, Chaise, Landau, Phaeton, Curricle, Gig, Cart for travelling, or any other such like Carriage, any Sum not exceeding Sixpence:
 For every Score of Oxen, or other Neat Cattle, any Sum not exceeding Twenty-pence; and for every Score of Calves, Swine, Goats, Sheep, or Lambs, any Sum 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.

XXIII. And

Sunday
Tolls.

XXIII. 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 every Carriage, Horse, Beast, or other Cattle passing through any Gate or Turnpike upon the said Roads, or any of them, the said respective Tolls, and One-half more in addition thereto, before such Carriage, Horse, Beast, or other Cattle, shall be permitted to pass through any such Gate or Gates, Turnpike or Turnpikes: Provided always, that no Turnpike-Gate shall be erected or Toll taken by virtue of this Act between a certain House called *Derwen y Cruse*, near to *Penyddarran* Works, and *Pontmorlais*, nor between the Iron Bridge and the old Road leading to *Aberdare* by *Heolgerrig*.

Waggons,
&c. having
Wheels and
Axletrees ac-
cording to
55 G. 3.
c. 119. to
have an
Abatement
of One-fourth
Part.

XXIV. And be it further enacted, That all Waggons, Carts, or other Carriages having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act made in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be entitled to an Abatement of One-fourth Part of the Tolls hereby granted.

Tolls vested
in the Truf-
tees.

XXV. And be it further enacted, That the said respective Tolls shall be and they are hereby vested in the said Trustees, and shall be paid, applied, assigned, and disposed of for the Use, Benefit, and Advantage of the said Roads, and for the several Purposes of this Act.

Tolls may be
levied by
Distress.

XXVI. And be it further enacted, That if any Person or Persons subject to the Payment of any such Tolls shall, after Demand thereof made, refuse or neglect to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said respective Tolls by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any Horse, Mare, Gelding, Mule, Ass, or other Beast or Cattle, or of any Carriages upon which such Tolls are by this Act imposed, or any of the Bridles, Saddles, Harness, or Accoutrements upon any of the Horse or Horses or other Cattle, (but no Bridle shall be taken separate from the Horse or other Beast,) and to detain and keep the same until such Tolls, together with the reasonable Charges of distraining and keeping the same shall be paid; and it shall be lawful for such Person or Persons, after the Space of Five Days next after such Distress so taken, to sell the Cattle, Carriage, Bridles, Saddles, Harness, or Accoutrements so distrained, returning the Overplus (if any shall be) upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges of distraining and selling the same, shall be deducted and paid.

Power to vary
the Tolls.

XXVII. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be holden for that Purpose, whereof Twenty-one Days' Notice shall be inserted in such Newspaper or Newspapers as aforesaid, and affixed on such Gates or Turnpikes as aforesaid, may and they are hereby respectively empowered hereby from Time to Time, to lower or reduce all or any of the said respective
Tolls

Tolls hereby granted, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient; and to order such respective Tolls so lowered and reduced to be collected and received in such Manner, Parts, and Proportions as they shall think fit, so that such Reduction be no Prejudice to and be with the Consent of Five-sixths in Value of the several Persons who shall have advanced any Money on the Credit of the said recited Act, or the Tolls payable by virtue thereof, and of this Act; and the said Trustees may, and they are hereby empowered to raise the said respective Tolls again, or any Part thereof, so that the same do not exceed the respective Tolls hereinbefore granted and made payable, and such respective Tolls so lowered and reduced, and raised again, shall be collected, recovered, paid, applied, and disposed of in such and the same Manner as the said respective Tolls hereinbefore granted and now payable as aforesaid, are respectively directed to be collected, received, paid, and applied.

XXVIII. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, or Beast, through any of the said Toll-Gates or Turnpikes, such Person shall upon producing a Note or Ticket, denoting the Payment thereof, on that Day at the same Toll-Gate, (which Note or Ticket, naming and specifying the Gates freed by such Payment, the Collector or Collectors of the said Tolls is and are hereby required to deliver gratis on Demand to every Person who shall so pay such Toll,) be permitted to pass and repass Toll free, with the same Horses, Cattle, or Beast, through the same Toll-Gate, at any Time during the same Day, to be computed from Twelve of the Clock on One Night to Twelve of the Clock on the succeeding Night; but if any Person with any Horse, Beast, Cattle, or Carriage, having paid One whole Toll, at any Turnpike or Toll-Gate upon the said Roads, shall pass through any other Turnpike or Toll-Gate upon the said Roads with the same Horses, Beasts, Cattle, or Carriages, he shall be liable to the Payment of Toll at such other Turnpike or Toll-Gate: Provided always, that no more than Five Tolls in the Whole shall be demanded or payable in any One Day, to be computed as hereinbefore mentioned, from any Person for passing or repassing, the whole Length of the said Roads, and through all or any of the Toll-Gates thereon, with the same Horses, Beasts, Cattle, and Carriages, nor shall any Person who shall have paid the said Tolls be liable to pay the same again at any Turnpike which shall be erected within Four Statute Miles of any other at which Toll shall have been paid.

Toll to be paid only Five Times on whole Road in One Day.

XXIX. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector, or Person distraining, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the County, Liberty, or Place where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witnesses or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to

Settling Disputes concerning Tolls.

[Local.]

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either

either Party as to the said Justice shall appear right and proper, all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof, forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Toll Collectors to put up their Names, &c.

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

To prevent Evasion of Toll.

XXXI. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Place, lying by the Side of, or near to any Part of the said Roads, (except the Owner or Occupier of such Land, Ground, or Place, or any of his or their Family or Servants,) or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a public Highway, shall knowingly permit or suffer any Person or Persons (except as aforesaid) to pass with any Horse, Cattle, Beast, or Carriage, through or over the same, with Intent to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall forge or counterfeit, or shall give to, or receive from any Person or Persons any Note or Ticket, by this Act directed to be given by the Collectors of the Tolls, or unload, or cause to be unloaded, any Goods, Wares, or Merchandize,

chandize, or take off, or cause to be taken off, any Horse or other Beast from any Carriage, or having passed through any Turnpike, shall afterwards add or put any Horse or other Beast to any such Carriage, with an Intent to evade the Payment of the said Tolls or any Part thereof, every such Person so offending in any of the Cases aforesaid, shall, for each Offence, forfeit any Sum not exceeding Five Pounds, One-half whereof shall be paid to the Informer, and the other Half shall be applied towards the Purposes of this Act.

XXXII. And be it further enacted, That in case any Dispute 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.

Collectors of Tolls not incompetent Witnesses.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, (at any Meeting whereof Fourteen Days' Notice shall have been given in Writing, to be affixed upon all the Toll-Gates then erected upon the said Roads, and inserted in some Newspaper circulated in the Neighbourhood of such Roads,) from Time to Time, by Writing under their Hands, to demise or let to farm, or agree to be 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, 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, or any Five or more of them, 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, any Thing in any Law or Statute to the contrary thereof notwithstanding; and the Renter or Renters of such Tolls, and their Collectors, shall have the same Powers and Authorities as are vested in the Collectors hereinbefore mentioned, for all the Purposes of this Act; and such Lessee or Lessees, Farmer or Farmers, shall have such and the like Powers and Authorities of appointing any Collectors of the Tolls, and dismissing them for Misbehaviour or Neglect of Duty of recovering the Tolls received by such Collector, and of obtaining Possession of the Toll-Gates and Houses as are by this Act given to the said Trustees.

Trustees may let the Tolls.

XXXIV. Provided always, nevertheless, and be it further enacted, That in case all or any of the Requisites herein mentioned for letting the Tolls shall not have been strictly complied with in the making of any Contract or Agreement for letting the same, then and in that Case such Contract or Agreement shall be null and void, and it shall be lawful for any Two or more Trustees at any Time or Times, by Writing under their Hands, to call a Meeting of the said Trustees, to let the Tolls again.

In case Requisites are not complied with, Contract to be void.

XXXV. And be it further enacted, That during such Times as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person

Lessees and Persons appointed by them may collect the Tolls.

or Persons as he or they shall, by Writing or Writings under his or their Hand or Hands authorize and appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for Recovery thereof to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same, and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

General Ex-
emption from
Tolls.

XXXVI. 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 Expresses, 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 going to or returning from his or their Parochial Church, Chapel, or other usual Place of Religious Worship, on *Sundays*, or on 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 be buried in any Parish, Hamlet, or Place through which the said Roads pass, nor from any Surveyor or Surveyors appointed by the Trustees under this Act for managing the said Roads, nor for any Horses, Beasts, Cattle, or Carriages used and 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 Counties of *Glamorgan*, *Brecon*, or *Monmouth*, or of carrying or conveying Vagrants sent by legal Passes, or of carrying or conveying Hay, Straw, or Corn in the Straw, for the Use of the Owners, and not for Sale; nor having been purchased, or of carrying or conveying any Dung, Mould, Manure, or Compost (other than Lime) to be used only for manuring of Land, or going or returning empty in that Employ, nor for any Horses, Beasts, or Cattle, employed in carrying or conveying any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing, not hereby intended to be exempted from Payment of Toll, nor for any Horse, Beast, or Carriage, passing to, or repassing from Water or Pasture, and not travelling upon this Road Two Miles; and for either of those Purposes, going or passing only from one Parish unto the next adjoining Parish, and not travelling more than Two Miles along the said Roads, nor for any Horse,

Horse, Beast, or other Cattle going to or returning from being shod or farried, not beyond the Distance of Two Miles, nor for any Beast or Cattle used or employed for the Purpose only of carrying Materials for the making and repairing any Highways or Public Roads within any such Parish, Hamlet, or Place as aforesaid, or for re-building, building, or repairing every present or future Bridge or Bridges on the Roads hereby directed to be repaired, 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, furnished by, or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him, in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person be dressed in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements, according to the Regulations appointed for 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 and provided, 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 Proofs of Exemptions shall lie upon the Person claiming the same.

XXXVII. Provided also, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act, for or in respect of any Carriages usually called Rail-way or Tram Waggon passing along any Railway or Tram Road.

Exempting
Railway
Waggon.

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

Carriages
conveying
Military
Stores not to
be subject to
Penalties for
Overweight.

XXXIX. And be it further enacted, That if any Farmer, Renter, or Collector of the said Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees or any Five or more of them 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 hereinafter mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall

Penalty on
Collectors of
Tolls taking
greater or less
Tolls than
allowed.

[Local.]

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be of Opinion that the Offender had probable Grounds for such Demand and Taking, it shall be lawful for such Justice wholly to exonerate the Offender from the said Penalty, as such Justice shall think fit, any Law or Statute to the contrary thereof notwithstanding.

Toll-Gate
Houses, &c.
vested in
Trustees.

Who may
dispose of the
same, and
bring Ac-
tions.

XL. And be it further enacted, That all 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 have been erected at any Time heretofore by virtue of or under the Powers of the said recited Act, as or for the Purpose of Toll-Houses, upon or on the Sides of the said Roads, and which may be rendered or considered useless as Toll-Houses in consequence of the Removal of Toll-Gates to other Situations, or which shall be erected or made by virtue of this Act; and all Materials for building and repairing the same, 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 or any Five or more of them 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 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 such House or Appurtenances, or shall steal, take away, break down, or damage, any such Turnpikes, Toll-Gates, Toll-Houses, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb them or their Agent or Servant in the Possession thereof.

Sirhowy
Railway
Company
may make a
Tram Road
over Sirhowy
Bridge.

XLI. And whereas the Company of Proprietors, incorporated by an Act made in the Forty-second Year of the Reign of His present Majesty, intituled *An Act for making and maintaining certain Railways to communicate with the Monmouthshire Canal Navigation, and for enabling the Company of Proprietors of that Navigation to raise a further Sum of Money to complete their Undertaking, and for explaining and amending the Acts passed in the Thirty-second and Thirty-seventh Years of His present Majesty's Reign relating thereto*, contributed towards the Expences of erecting the Bridge over the River Sirhowy, by advancing the Sum of One hundred and fifty-seven Pounds Ten Shillings in Aid of the Monies laid out thereon by the Trustees under the said recited Act, upon Condition that the said Company should be permitted to lay Iron Plates for a Tram Road over and along one Side of the said Bridge, and at all Times to continue and make Use of the same, be it therefore enacted, That it shall and may be lawful to and for the said Company, and their Successors, and they are hereby empowered at all Times hereafter to maintain and continue the said Tram Road over the said Bridge, and to make use of the same without any Molestation of or from the said Trustees or any other Person whomsoever, so that the Width thereof is not enlarged, and without Prejudice or Obstruction to Carriages passing over the same Bridge.

For borrow-
ing Money.

XLII. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Twenty-eight Days' Notice shall be given in some public Newspaper circulated in the Neighbourhood of the said Roads,

Roads, and affixed on all the Turnpikes or Gates on the said Roads, to borrow and take up at Interest, upon the Credit of the Tolls payable by virtue of this Act, such Sum or Sums of Money as they shall think proper, and to mortgage and assign the said Tolls, or any Part or Parts thereof, and any of the Turnpikes and Toll-Houses for collecting the same, to any Person or Persons, his, her, or their Executors, Administrators, or Assigns, who shall advance or lend his, her, or their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed and the Interest thereof, which Mortgages shall be signed and sealed by the said Trustees, or any Nine or more of them, and be in the following Words, or in any other Words to the like Effect; (that is to say,)

‘ BY virtue of an Act passed in the Fifty-seventh Year of the Reign of
 ‘ His Majesty King *George* the Third, intituled [*here set forth the* Form of Af-
 ‘ *Title of this Act,*] We of the Trustees of the signment.
 ‘ said Roads, whose Names are hereunto set, and Seals affixed, in Con-
 ‘ sideration of the Sum of by
 ‘ to the Treasurer of the said Roads, in Hand paid, do grant, bargain,
 ‘ sell, and demise unto the said Executors, Ad-
 ‘ ministrators, and Assigns, such Proportion of the Tolls arising by
 ‘ virtue of the said Act, and also of the Turnpikes and Toll-Houses
 ‘ for collecting the same, as the said Sum of
 ‘ doth or shall bear to the whole Sum charged and advanced, or to be
 ‘ charged or advanced on the Credit of the said Tolls, to be had and
 ‘ holden from the Date hereof, for and during the Continuance of the
 ‘ said Act, unless the said Sum of with
 ‘ Interest, after the Rate of *per Centum per Annum*, shall
 ‘ be sooner repaid and satisfied. Given under our Hands and Seals,
 ‘ this Day of in the Year of our
 ‘ Lord

And that Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Clerks to the said Trustees, and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, is and are hereby empowered from Time to Time to assign over or transfer such Security or Securities or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, or by an Indorsement on the same, in the following Words, or Words to the like Effect; (that is to say,)

‘ I being entitled to the Sum of secured to Form of
 ‘ Executors, Administrators, and Assigns, by virtue of a Mort- Transfer.
 ‘ gage or Assignment, bearing Date the Day of
 ‘ in the Year of our Lord , under the Hands and Seals
 ‘ of of the Trustees acting in Execution of an Act passed
 ‘ in the Fifty-seventh Year of the Reign of King *George* the Third, inti-
 ‘ tuled, an Act [*here insert the Title of this Act,*] upon the Credit of the
 ‘ said Act do hereby transfer, assign, and set over all my Right and Title
 ‘ in and to the same, and all the Principal and Interest Money now due
 ‘ and owing thereon, unto Executors, Administrators, and
 ‘ Assigns,

‘ Assigns, dated this Day of in the Year of
 ‘ our Lord

All which Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees, within Twenty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Dates and Names, Additions and Places of Abode of the several Parties, of the Sum or Sums of Money therein transferred, for which the said Clerk or Clerks shall be paid the Sum of Five Shillings, and no more, by the Person or Persons to whom such respective Transfers shall be made, which said Book or Books shall and may be inspected, at all seasonable Times, by any Person or Persons whomsoever, and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee may in like Manner assign again, and so *toties quoties*, and it shall not be in the Power of any Person who shall have made any such Transfer, to make void, release, or discharge the original Mortgage, or Assignment; or any Monies due thereon.

Trustees not
to borrow
more than
400l.

XLIII. Provided always, and be it enacted, That it shall not be lawful for the said Trustees to borrow and take up at Interest, upon the Credit of the Tolls payable by virtue of this Act, more than the Sum of Four hundred Pounds, without the Consent in Writing of Two-thirds in Value of the Creditors under this Act.

No Priority
of Mort-
gages.

XLIV. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls, in respect of the Priority of advancing 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 Creditor on the said Tolls in equal Degree one with another.

Converting
Interest into
Principal.

XLV. And whereas the said Trustees have borrowed considerable Sums of Money on the Credit of the Tolls arising by virtue of the said Act, which, together with the Arrears of Interest due thereon, amounted, on the First Day of *February* One thousand eight hundred and seventeen, to the Sum of Eleven thousand seven hundred and twenty-four Pounds Eleven Shillings and Nine-pence, and the said Trustees are unable to pay off and discharge the same, be it therefore enacted, That the said Trustees, or any Nine or more of them, shall, and they are hereby required at their first or some other Meeting to be holden within Six Calendar Months after the passing of this Act, to give and execute unto all and every Person and Persons who shall then be possessed of or entitled unto any Mortgage or Mortgages made in pursuance of the said Act, a Security or Securities for so much Money as the Interest which became due upon such Mortgage or Mortgages on the First Day of *February* One thousand eight hundred and seventeen, shall amount to, in the like Form and with the like Powers, Provisions, and Conditions as are hereinbefore mentioned in respect of any Money to be borrowed by virtue of this Act: Provided always, that no Mortgage made in pursuance of this

or the said recited Act shall entitle the Holder thereof to a greater or higher Rate of Interest than after the Rate of Five Pounds *per Centum per Annum*.

XLVI. And be it further enacted, That from and after the Payment and Discharge of all Debts and Claims incurred or contracted by, or due, or owing from the said Trustees, in their Capacity of Trustees by any Proceedings, Resolutions, or Orders, in case the Interest hereafter to become due under the Provisions of this Act shall at any Time remain undischarged for the Space of Twelve Calendar Months, it shall be lawful for Four-fifths in Value of the Creditors on the said Tolls (after having given Notice in Writing of their Desire to be paid the same to the Clerk or Clerks to the said Trustees,) to receive and collect, or cause to be received and collected, the Tolls hereby granted, and to apply the same in Payment of the Interest of their Debts rateably and in Proportion to the Sums then respectively due.

Creditors may seize on Tolls for Payment of Interest.

XLVII. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said recited Act, or out of the Tolls and all other Monies which shall be raised or received by virtue of this Act, the said Trustees or any Five or more of them shall in the first Place pay and discharge all the Costs and Expences relative to procuring and passing this Act; and in the next Place in paying and discharging all Debts and Claims incurred or contracted by, or due or owing from the said Trustees in their Capacity of Trustees, in or by any of their Proceedings, Resolutions, or Orders, under the said recited Act; and the Remainder of all such Monies shall, from Time to Time, be applied in paying the Interest on the Monies due to the several Persons who have advanced Monies towards opening, making, and repairing the Roads, under or by virtue of the said recited Act, in Manner hereinafter-mentioned; and lastly, in repairing, improving, and rendering commodious the said Roads, and in otherwise putting this Act in Execution, and to or for no other Use or Purpose whatsoever.

Application of the Tolls and Money borrowed.

XLVIII. And whereas a Map or Plan describing the Line of the Road intended to be made, and the Lands through which the same are to be carried, together with the Names of the Owners or reputed Owners or Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the County of *Monmouth*, be it therefore enacted, That the said Map or Plan shall remain in the Custody of the Clerk of the Peace for the said County of *Monmouth*, to the end that all Persons may at any reasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan, and that the said Trustees in making, widening, or repairing the said Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate through whose Lands or Grounds such Deviation shall be made.

Branch of Road to be made according to a Plan.

Misnomers
not to pre-
vent the Ex-
ecution of
the Act.

XLIX. Provided always, and be it further enacted, That if any of the Lands laid down or described in the said Map or Plan, or any of the Persons in whose Possession or Occupation the same, or any Part thereof, are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Premises, and every Part thereof, shall and may be purchased for the Purposes of this Act as fully and effectually as if the same were more properly named: Provided it shall appear to any One or more Justices of the Peace for the said County of *Monmouth*, and be certified in Writing under his or their Hands, that such Misnomer or inaccurate Description proceeded from Mistake.

Trustees to
make Road
on Payment
of Two-
thirds of Ex-
pence by the
Duke of
Beaufort.

L. And be it enacted, That if Application be made at any Time hereafter by His Grace the Duke of *Beaufort*, or any other Person by him authorized to make the Road hereinbefore mentioned, and upon Payment to the said Trustees, or any Five or more of them, or to their Treasurer, of Two-third Parts of the estimated Expence of making the said intended Road from the *Crown Inn* in *Bedwelty* to *Rhyd y blew*, the said Trustees shall, and they are hereby empowered, directed, and required, within Six Months thereafter, to proceed in making, forming, and putting into proper Condition the said Road for the Passage of Horses, Cattle, and Carriages.

Power to get
Materials.

LI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint to search for, dig, gather, take, and carry away any Materials for making or repairing the said Roads, or building, rebuilding, or repairing any present or future Toll-House, or Toll-Houses, on or by the Side thereof, or any Bridge or Bridges thereon, out of any common River or Brook, or out of or from any Waste or Common in or near which any Part of the said Roads now made, or to be made by virtue of this Act, shall lie, without paying any Thing for such Materials; the Surveyor or Surveyors, 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 be lawful for the said Surveyor or Surveyors, and other Person or Persons as aforesaid, by Order of any One or more Justice or Justices of the Peace, to search for, gather, dig, take, and carry away such Materials in or out of the Lands of any Person (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House or Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Damages done to the Owners or Occupiers of the Land where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two Justices of the Peace for the County where the Lands shall be situated,
on

on Six Days' Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to and upon all Parties.

LII. 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 of or from any inclosed Lands until Notice in Writing signed by the 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 any Justice or 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, such Justice or Justices shall, if he or they shall think proper, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended, and the Order of such Justice or Justices shall be final and conclusive to and upon all Parties.

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

LIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, to make or cause to be made Causeways or Foot Paths along the Side or Sides of the said Roads, or any Part or Parts thereof, and to cut any Watercourses in or through any Lands adjoining or lying contiguous to any Part of the said Roads, in order to divert or drain any Water from the said Roads, and to prevent the same from being overflowed, and to erect Bridges or Culverts over such Drains or Watercourses if necessary, and also to make a Way over the Lands adjoining the said Roads, (not being the Scite of or Ground whereon any House or Houses stand, or planted Walk, 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 Lands for the Damages thereby sustained, as to the said Trustees, or any Five or more of them, 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 of the Peace for the County of *Glamorgan*, or at their Second Quarter Sessions, at the farthest, 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.

LIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances and Nuisances on or by the Side of any

Surveyor may remove Annoyances.

any Part of the said Roads, and to dispose of the same for the Benefit of the said Roads, and also to remove and take down any Pig-Stye, Shed, or other Incroachment made within the last Seven Years, within the Distance of Twenty Feet from the Centre 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 for Ornament or Shelter to the House, Building, Court-Yard, or Pleasure-Ground of the Owner thereof,) and to cut or plash such Hedges, the Owners or Occupiers thereof neglecting to cut down such Trees or Bushes, or to cut or plash such Hedges, or to remove such Annoyances and Incroachments, for the Space of Ten Days after Notice given in Writing for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to such Surveyor or Surveyors 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 and Incroachments as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors (such Charges to be settled by the said Trustees), then such Charges shall and may be levied and recovered in like Manner as any Penalty is hereby authorized to be levied and recovered; 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 or Persons so offending, and being thereof convicted, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of Watercourses neglecting to scour them after Notice.

Surveyor may do so, and charge them, &c.

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

Trustees may contract for Purchase of Land.

LVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, as they shall think proper, to make, widen, divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Roads; and that such

such Variation of Road may be made through or over any Common or Waste Ground, without making any Satisfaction for the same, and through or over any Private Lands or Hereditaments in Manner herein directed, making Satisfaction for the same to the Owners thereof, and Persons interested therein, for the Damages they may thereby sustain, and it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for any 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 the said Roads through or over such Lands or Hereditaments, and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on the Part and Behalf of their Infant-Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seized or interested in their own Right, and to and for all and every Person or Persons whatsoever, who are or shall be seized or possessed of, 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 or convey unto them, or any Five or more of them, any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding, and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: Provided always, that it shall not be lawful for the said Trustees, in making, widening, diverting, altering, shortening, or varying the Line of any Part of the said Roads, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or Occupiers of the Estates, Lands, or Grounds which may be affected by such Deviation respectively.

LVII. And be it further enacted, That if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporate, Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to them, him, or her given or left in Writing at the Dwelling-House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in the Possession of the Lands and Hereditaments through which any Part of such Roads is to be made, diverted, turned, or altered shall, for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence be prevented from treating, then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage or Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County in which such Lands

Where Persons neglect or refuse to treat, the Damage to be ascertained by a Jury.

[Local.]

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and

and Hereditaments may be situate; and the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occasion shall be and require, to summon and call before such Jury, and examine upon Oath any Person or Persons whomsoever, which Oath any One or more of the said Trustees is and are hereby empowered to administer; and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the said Premises; and after the Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order, and Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whatsoever, claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as in all other Persons whatsoever, and for the summoning and returning such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County, requiring him to empannel, summon, and return Twenty-four Persons qualified to serve on Juries to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to empannel, summon, and return such number of Persons accordingly; and out of the Persons so summoned, empannelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby empowered and required to draw by Ballot, and swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff or his Deputy or Deputies, or any Five or more of the said Trustees, shall return honest and other indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons who shall be summoned and returned as such Jury, and who shall not appear without some reasonable Excuse, or, appearing, shall refuse to be sworn on the said Jury, or, being sworn, shall refuse to give or not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, on having been paid or tendered a reasonable Sum for their respective Costs and Charges, shall refuse or neglect to appear without some reasonable Excuse, or, appearing, shall refuse

fuse to be sworn or examined, or give Evidence, so that no such Fine be more than Five Pounds on any one Person for one Offence.

LVIII. And be it further enacted, That in case any Jury shall give in a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property, of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid; that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall arise, not interested in the Matter in question, who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Tender and Payment of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Trustees, by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

How Expences of Jury shall be paid.

LIX. And be it further enacted, That all and every such Sum or Sums of Money, Compensation, Recompence, or Satisfaction to be agreed for, or ascertained or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, either into the Bank of *England*, as hereinafter mentioned, or to the Parties or Persons respectively entitled to such Monies as hereinafter directed, or to their Agents duly authorized; and that upon Payment or Tender thereof to such Persons or their Agents, or depositing the same in the Bank of *England* in the Manner by this Act directed, for the Use of such Parties or Persons; and after

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

after Seven Days' Notice thereof given to such Parties or Persons or their Agents, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to make, extend, widen, divert, or turn such Roads through or over such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands and Hereditaments, as the said Trustees or any Five or more of them shall think fit, according to the Directions of this Act; and the said Trustees, or any Five or more of them shall cause such Parts of the said Roads as shall be made, diverted, widened, or turned through any private Ground, to be ditched or otherwise fenced from the adjoining Land, in such Manner as the said Trustees, or any Five or more of them shall direct; and all Lands and Hereditaments which shall be made a Part or Parts of any Road, by virtue of this Act, shall to all Intents and Purposes be deemed a Common Highway, and shall be repaired and kept in Repair as such; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and the Lands constituting any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place, to which the respective new Roads do not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied for the Repair of the said Roads, by this Act directed to be repaired; and all Conveyances executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County where the Lands shall be situate, shall be good and effectual in the Law to all Intents and Purposes; but this Act shall not extend to the taking down of any Dwelling-House or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling-House, or any Yard, Park, Paddock, Planted Walk, Inclosed Nursery for Trees, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively, in Writing, first had and obtained.

Former
Roads may
be sold, &c.

Application
of Compen-
sation when
exceeding
200l.

LX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity as herein particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Act and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land-Tax or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting other Lands, Tenements, or Hereditaments standing settled there-

therewith, to the same or the like Uses, Intents, and Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased; taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect, and in the Meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant-General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, and in the Meantime, and until the said Bank Annuities shall be ordered by the 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, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

LXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability, or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and 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 of *England* in the Name and with the Privity of the said Accountant-General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 Five or more of the said Trustees, (such Nomination and Appointment to be signified in Writing, under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Compensation does not exceed 200l. nor less than 20l.

LXII. 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, Tenements, and Hereditaments, so purchased, taken, or used, for the Purposes of this

Application where the Money is less than 20l.

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

In case of
not making
out Titles.

LXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to his Account, to the Credit of the Persons interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any
Question shall
arise touching
the Title to
Money.

LXIV. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Act, and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase; and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interests of the said Bank Annuities to be purchased with such Money, and also

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

LXV. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable to be paid by the said Trustees, or any Five or more of them, out of the said Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

LXVI. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, they may happen to be seised of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act, be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, and before they shall sell and dispose of any Land constituting any former Road, in lieu whereof some new Road shall be made, and which shall be vested in the said Trustees by virtue of this Act; for the Purposes of Sale as aforesaid, shall offer the same respectively to the Person or Persons to whom the same originally belonged; or where the same shall arise by reason of diverting any Part or Parts of the said Roads, then to the Person whose Lands shall adjoin thereto; and in case such Person or Persons respectively shall not then and thereupon agree, except with respect to and on Account of the Price thereof, as hereinafter mentioned, or shall refuse (except with respect to and on account of the Price thereof) to purchase and repurchase the same respectively, any Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Lands shall be situate, who are hereby empowered and required to take the same, by some Person or Persons now way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be a sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made; and in case such Person or Persons shall be desirous

Trustees empowered to sell overplus Grounds.

firous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner in this Act directed, with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Pieces of Road or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Power to work Mines without injuring the Road.

LXVII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice the Right of any Person to any Mines or Minerals within or under the said Roads, or shall in anywise prevent the working or scoufing of the same, or any other of the Mines, or carrying away the Minerals found therein, so that no Obstruction or Nuisance be thereby occasioned to the said Roads, or to the using of the same.

Power to lay Iron Rails upon the Road.

LXVIII. And be it further enacted, That it shall be lawful to and for the Proprietor or Proprietors of any Mines, Minerals, or Materials lying contiguous to the said Roads, to lay down on the said Roads, or the Bridges thereon, for the Purpose of crossing the same, only Iron Rails or Plates, for continuing any Iron or Rail Road, so that such Iron Rails or Plates be made and laid in such Manner as the said Trustees or their Surveyor shall approve, and so as to occasion as little Inconvenience and Injury to the said Roads as possible.

Districts now liable to repair the Roads to continue so.

LXIX. And be it further enacted, That all and every Person and Persons, Hundreds, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politic and Corporate, who, before the passing of the said recited Act, or this Act, have or hath used, or of Right ought by reason of the Tenure of any Lands, Tenements, or Hereditaments, or on 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.

Statute Work.

LXX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall be lawful for any Two or more Justices of the Peace, within their respective Jurisdictions, 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 Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways, of every such Parish or Place,

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 thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons,) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of, or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways, and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done at such Days, and at such Times, (not being Hay Time or Harvest,) and in such Parts of the said Roads 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 the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said 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 Residence, 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 and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject and liable to, by any Law or Statute in force or effect, for 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

[Local.]

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refuse

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 Ten Pounds.

Trustees may contract for Repairs, or any other Works.

LXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with any Person or Persons for the making or repairing of the said Roads, or any other Parts thereof, or for doing any other Works in Pursuance or Execution of this Act, in such Manner and for such Sum and Sums of Money annually or for a Term of Years, or otherwise, as the said Trustees or any Five or more of them shall think proper.

Roads to be measured and Mile Stones erected.

LXXII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them 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 in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks described thereon, or if any Person shall ride upon any Footpath formed by the said Surveyor or Surveyors, 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 such Footpath, or if any Persons shall cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing, (otherwise than upon Wheeled Carriages,) or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages, to drag upon the said Roads, to the Prejudice thereof, 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 shall play at Football on the said Roads, 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 other 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 Squibs, Rocket, Serpent, or other Fire Work whatsoever on any Part of the said Roads, or on the Banks or Lands adjacent or lying open thereto, or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side 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 in case the same shall not during such Times be standing as near to the Side of the Road as conveniently may be, or shall lay any Timber, Iron, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or Ashes, 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 permit or suffer any Pigs to wander and

Penalties on Damages done, Nuisances, &c.

be

be at large in, upon, or along the said Roads, or on the Sides thereof, 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 Seven Days take or carry the same away, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXIII. And be it further enacted, That no Gate of any Park, Paddock, or Field shall be made to open towards the said Roads, or shall be suffered to continue so to open unless the Hanging Posts thereof shall be Thirty Feet at the least from the Centre of the Road, and the Occupier or Occupiers of every Park, Paddock, or Field, the Gate whereof shall open towards the said Road, shall, within Fourteen Days after Notice from the Surveyor or Surveyors of the said Roads, cause such Gate to be altered in such a Manner as that no Part of the Gate, when open, shall project over any Part of the said Road, and in default thereof the said Surveyor or Surveyors is and are hereby authorized to cause such Gate to be taken down and afterwards fixed up in the Manner hereinbefore directed, and the Person or Persons making Default shall upon Complaint made to any Justice of the Peace for the said Counties of *Glamorgan* and *Monmouth*, and on Conviction thereof, on the Oath of One credible Witness, pay to such Surveyor or Surveyors such Sum as the said Justice shall direct for defraying the Expence of such Alteration, and shall also forfeit and pay any Sum not exceeding Forty Shillings, for his or their Default therein.

Gates to
open inwards.

LXXIV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote 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 Forty Shillings.

Penalty for
obstructing
the Execu-
tion of this
Act.

LXXV. 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 further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without 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 one or more Justice or Justices of the Peace of the County where the Offence shall be committed.

For securing
transient Of-
fenders.

LXXVI. 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 where the Offence shall be committed, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under

Penalties and
Forfeitures
how to be re-
covered and
applied.

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, and 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 for 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.

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

Form of Conviction.

‘ BE it remembered, That on the _____ Day of _____
 ‘ _____ in the Year of our Lord _____
 ‘ _____ is convicted before me _____ One of His Majesty’s
 ‘ Justices of the Peace for the said County, by virtue of an Act of the
 ‘ Fifty-seventh Year of the Reign of King *George* the Third, intituled
 ‘ [*here set forth the Title of this Act*]. Given under my Hand and Seal,
 ‘ the Day and Year first above written.’

Persons aggrieved may appeal to the Quarter Sessions.

LXXVIII. Provided always, and be it further enacted, That if any Person, shall think himself or herself aggrieved by any Thing done in pursuance of this Act, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden in and for the County, City, or Place, wherein the Cause of Complaint shall arise, such Appellant first giving, or causing to be given, Ten Days’ Notice at least in Writing, of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Three Days next after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, City, or Place, 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 such Cause of 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 as aforesaid; and the Justices at such First or Second Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and determine

termine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall neglect or refuse to pay the same; and for want of such sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction, of or for the County, City, or Place, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

LXXIX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *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 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 the Behalf of the Party distraining before such Action brought.

Proceedings
not to be
quashed for
Want of
Form.

LXXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done or pretended to be done in pursuance of this Act until after Twenty-one Days' Notice shall be given to the Clerk or Clerks to the said Trustees, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months after the Fact committed; and every such Action shall be laid and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereon, 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 Twenty-one Days' Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made and 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 such Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or 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.

Limitation of
Action.

[Local.]

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LXXXI. And

Public Act.

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

Continuance
of the Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1817.