



ANNO TERTIO

# GEORGIIV. REGIS.

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## Cap. xvi.

An Act for continuing the Term and altering the Powers of Three Acts, for repairing the Roads leading from the *Ryeway* in the Parish of *Yarpole* in the County of *Hereford*, to *Presteigne* in the County of *Radnor*, and several other Roads therein mentioned in the said County of *Radnor*, and in the Counties of *Hereford* and *Salop*.

[15th May 1822.]

**W**HEREAS an Act was passed in the Twenty-ninth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for amending, repairing, and widening the Roads leading from the Ryeway in the Parish of Yarpole in the County of Hereford, to Presteigne in the County of Radnor, and from thence to Leintwardine, and from Presteigne aforesaid to the Top of Trap Hill; and from the Ryeway aforesaid by the Maidenhead to Woolferton in the County of Salop*: And whereas another Act was passed in the Eighteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending, repairing, and widening the Roads leading from the Ryeway in the Parish of Yarpole in the County of Hereford, to Presteigne in the County of Radnor, and from thence to Leintwardine, and from Presteigne aforesaid to the Top of Trap Hill, and from the Ryeway aforesaid by the Maidenhead to Woolferton in the County of Salop; and for amending, widening, and keeping in Repair several other Roads branching out of the Roads comprised*

[Local.] 7 E 29 G. 2. c. 94.  
18 G. 3. c. 111.



40 G. 3. c.68. *prised in the said Act: And whereas another Act was passed in the Fortieth Year of the Reign of His late Majesty King George the Third, intituled An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts, passed in the Twenty-ninth Year of the Reign of His Majesty King George the Second, and in the Eighteenth Year of the Reign of His present Majesty King George the Third, for amending, repairing, and widening the Roads leading from the Ryeway in the Parish of Yarpole in the County of Hereford, to Presteigne in the County of Radnor, and several other Roads therein mentioned in the said County of Radnor, and in the Counties of Hereford and Salop: And whereas, in order to carry the said Acts into Execution, several Sums of Money have been borrowed by the Trustees acting under the same, on the Credit of the Tolls thereby granted, and a considerable Sum of Money now remains due and owing thereon, and the said Roads cannot be effectually amended, improved, and kept in Repair, and the said Money so borrowed repaid, unless the said Acts be continued for a further Term, and the Powers and Provisions therein respectively contained, altered and enlarged, and the Tolls thereby granted increased: And whereas the Road from Bircher, by the Knowle, towards the Village of Orleton and Cumberton Turnpike Gate, and also the Road from Presteigne towards Knill, cannot be amended and kept in good Repair by the Laws in being for the Amendment and Preservation of Public Highways; and it would be for the Convenience and Accommodation of the Public and the Inhabitants of the neighbouring Parts, that the said additional Roads herein-before described or mentioned, which communicate with the several Roads comprised in the said recited Acts, or some of them, should be placed under the Care and Management of the said Trustees, and that the Provisions of the said recited Acts and this Act should be extended to the same Roads in Manner therein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Twenty-ninth Year of the Reign of His Majesty King George the Second, and the Eighteenth and Fortieth Years of the Reign of His late Majesty King George the Third, and all the Powers, Provisions, Exemptions, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, (except such as are varied, altered, or repealed), shall be and continue in full Force, and be executed for and during the Term herein-after mentioned, for amending, widening, altering, improving, and keeping in repair the several Roads comprised in the said Acts; and also for making, diverting, amending, widening, altering, improving, and keeping in repair the several additional Roads herein-before described or mentioned, in as full and ample a Manner, and as effectually to all Intents and Purposes, as if all such Powers, Authorities, Tolls, Privileges, Provisoos, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things in the said Acts respectively contained and now in force, (except as aforesaid) were expressly repeated and re-enacted in the Body of this Act, with relation thereto; and that this Act, and the Term and Powers hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the Credit or on Account of*

Acts continued.



the said recited Acts, and also of such other Sum or Sums of Money as may be borrowed for the Purposes of the said recited Acts and of this Act, and of all Interest now due and to grow due for the same respectively.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Hereford, Radnor, and Salop* respectively for the Time being, together with the Reverend *James Thomas Allen, Thomas Coleman, William Dansey, Thomas Dunne* Doctor of Medicine, *William Evans*, the Reverend *William Evans, Edward Evans, George Ferguson*, the Right Honourable Lord *Harley, William Hanbury, James Lloyd Harris*, the Reverend *Joseph Heath, Richard Heming, John Hill, David Jenkins James, Sir Harford Jones* Baronet, *John Johnstone*, the Reverend *James Kevill*, the Reverend *Whittington Landon* Doctor of Divinity, the Reverend *James Landon, Thomas Frankland Lewis, William Edward Nightingale, Samuel Peploe, William Preece, Richard Price, Matthias Price, Thomas Bourke Ricketts*, the Honourable *James Thomas Harley Rodney*, the Honourable and Reverend *Henry Rodney, Edward Rogers, Theophilus Salwey, John Sherburne*, the Reverend *James Simpkinson, Thomas Smith, Benjamin Thomas* Doctor of Medicine, the Reverend *John Thomas, William Taylor, Edward George Wakefield*, and their Successors, to be elected in Manner directed by the said first recited Act, shall be and they are hereby appointed the Trustees for amending, widening, improving, and keeping in Repair the several Roads mentioned and described in the said recited Acts, and for putting the said Acts and this Act into Execution.

New Trustees.

III. And whereas it is by the said first recited Act enacted, that no Person shall be capable of acting in the Execution thereof, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of a Personal Estate, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repeal of Qualification of Trustees.

IV. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said former Acts and this Act, unless at the Time of his acting therein he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or in the Receipt of Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent to a Person seised or possessed or in the actual Receipt of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; and if any Person not being so qualified, or being disqualified by Bankruptcy, Insolvency or otherwise, or not having taken and subscribed the Oath herein-after mentioned, (or, being a Quaker, not having made and subscribed the Affirmation herein-after mentioned), shall act as a Trustee in the Execution of the said former Acts and this Act,

Qualification of Trustees.

every



every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of the said former Acts and this Act, or either of them: Provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of the said former Acts and this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees to  
take an Oath.

V. Provided also, and be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such (except in administering the Oath next herein-after mentioned), shall take and subscribe an Oath, (or, being a Quaker, make and subscribe an Affirmation), before Two or more of the said Trustees (who are hereby empowered to administer the same), in the Form or to the Effect following; (that is to say),

Oath.

‘ I *A. B.* do swear, (or, being one of the People called *Quakers*, do  
‘ solemnly affirm,) That I truly and *bond fide* am, in my own Right  
‘ (or, in the Right of my Wife, *as the Case may be*) in the actual  
‘ Possession and Enjoyment or Receipt of the Rents and Profits of  
‘ Freehold or Copyhold Lands, Tenements, or Hereditaments of the  
‘ clear yearly Value of One hundred Pounds above Reprizes, (or, am  
‘ Heir Apparent of \_\_\_\_\_ who, to the best of my  
‘ Knowledge and Belief, is *bond fide* seised or possessed of, or in the  
‘ actual Possession or Receipt of Rents and Profits of Freehold or  
‘ Copyhold Lands, Tenements, or Hereditaments of the clear yearly  
‘ Value of Two hundred Pounds above Reprizes,) or am possessed of  
‘ a Personal Estate alone, or Real and Personal Estate together, to the  
‘ Amount of Four thousand Pounds; and that I will truly, faith-  
‘ fully, and impartially act in the Execution of the Trusts and Powers  
‘ vested and reposed in me by an Act passed in the Third Year of  
‘ the Reign of His Majesty King *George* the Fourth, intituled *An Act*  
‘ [*here set forth the Title of the Act.*] So help me GOD.  
‘ (or, being a Quaker, omit the Words ‘ So help me GOD.’)

Trustees  
holding  
Places of  
Profit not to  
act.

VI. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Acts and this Act, during the Time he shall hold any Place of Profit, or be interested or concerned in any Contract or Contracts under the said Acts and this Act; but that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by the said Acts and this Act, or receiving Interest thereout for the same, nor any Creditor upon the said Roads, shall be on that account deemed unqualified to act as a Trustee in the Execution of the said Acts and this Act.

VII. And



VII. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of the said recited Acts and this Act, may be done and executed by the Majority of the Trustees nominated and appointed in pursuance of the said Acts and this Act, or who shall hereafter be elected and appointed as aforesaid, present at their respective Meetings, the whole Number present not being less than Three; and all Acts, Matters, and Things so done by any such Majority shall be as good, valid, and effectual, as if the same had been done by all the Trustees appointed or to be appointed, except in the Cases by the said Acts or this Act particularly directed to be done and executed by a less Number; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and so often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such case it shall and may be lawful for the Chairman to give the decisive or casting Vote, and at all such Meetings the said Trustees shall defray their own Expences: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by the said Acts and this Act, or receiving Interest for the same, or any Creditor, shall on that account be deemed disqualified to act as a Trustee in the Execution of the said Acts and this Act, save and except only in those Cases where they respectively may happen to be personally interested.

All Acts may be done by the Majority of Trustees, unless otherwise directed.

Chairman to have the casting Vote.

VIII. And be it further enacted, That no Order made by any of the said Trustees shall be revoked or altered at any subsequent Meeting, unless the Number of Trustees present and revoking or altering the same shall exceed the Number of Trustees by whom such Order shall have been made, and unless Ten Days Notice shall have been given by Two Trustees, or by the Clerk or Clerks of the said Trustees, by an Order signed by any Two or more Trustees, to call a Meeting at a Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration such Order, with a View to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting, and in such case Notice shall be given by such Trustees or by the Clerk or Clerks, Ten Days at the least before such Meeting, to such Trustees as were present when the Order was made of the Intention to revoke or alter any such Order.

How Orders of Trustees may be revoked or altered.

IX. And be it further enacted, That so much of the said Act passed in the Twenty-ninth Year of the Reign of His late Majesty, as requires any Officer or other Person to verify his Account on Oath, and as authorizes the Trustees for executing the said Act to administer an Oath to any such Officer or Officers appointed or to be appointed by virtue of the said Acts or this Act, as to the Correctness or Justness of his or their Accounts, shall be and the same is hereby repealed.

Repeal of Penalties for verifying Accounts on Oath.

X. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by the Chairman at such Meeting; which Book or Books, and also the Book or Books directed to be kept for registering

Orders to be entered in a Book.



gistering Mortgages and Assignments or Transfers thereof by the said first recited Act, shall be admitted as Evidence in all Courts whatever.

Accounts to be kept of Receipts and Disbursements.

XI. 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 the said Acts and 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 Sum or 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 granted by the said Acts and this Act, 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 shall refuse to permit or shall not 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 in the said first recited Act directed.

Clerk restrained from acting as Treasurer, or vice versa.

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

Trustees may sue and be sued

XIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue of or in pursuance of this Act, in the Name of any One of the said Trustees, or of their Clerk 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 such Trustee or Clerk, shall abate or be discontinued by the Death or Removal of any such Trustee or Clerk, nor by the Act of such Trustee or Clerk, without the Consent of the said Trustees, at a Meeting held in pursuance of this Act, but that one of the said Trustees



or the Clerk 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 Trustee or Clerk 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 Proceeding 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.

XIV. And be it further enacted, That the said Trustees shall and may, as they shall think most proper, continue or remove the Turnpike Gates already erected or hereafter to be erected, and cause others to be erected in, upon, or across any Part or Parts of the said Roads, and upon the Side or Sides thereof, and also across any Lane or Way leading into or out of the same respectively; and the said Trustees shall and may erect or provide a Toll House or Toll Houses, with suitable Outbuildings and Conveniences, at or near such Turnpike Gate, and also may inclose such convenient Garden Spots for the said Toll Houses as they may think fit; and from Time to Time afterwards remove, alter, or discontinue such Turnpike Gates or Toll Houses, or any of them, as they the said Trustees shall think expedient.

Turnpike  
Gates to be  
erected.

XV. And whereas the Tolls now authorized to be taken on the said Roads are found insufficient for the Purposes of the said recited Acts and of this Act; be it therefore further enacted, That the said respective Tolls shall be and the same are hereby repealed.

Tolls  
repealed.

XVI. And be it further enacted, That the respective Tolls following shall be demanded and taken at each and every Turnpike Gate now erected or hereafter to be erected upon the said Roads, of the Person or Persons attending any such Cattle or Carriage, by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any such Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Berlin Landau, Hearsé, Chariot, Chaise, or Chair, the Sum of Sixpence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other such Carriage, with Wheels of less Breadth than Six Inches, between the First Day of *March* and the First Day of *November* in every Year, the Sum of Sixpence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other such Carriage, with Wheels of less Breadth than Six Inches, between the First Day of *November* and the First Day of *March* in every Year, the Sum of Nine-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other such Carriage, with Wheels of the Breadth of Six Inches and upwards, between the First Day of *March* and the First Day of *November* in every Year, the Sum of Four-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other such Carriage, with Wheels of the Breadth of Six

Inches



Inches and upwards, between the First Day of *November* and the First Day of *March* in every Year, the Sum of Sixpence :

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

For every Horse or Mule, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Ass, laden or unladen, and not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number : And,

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

Which said respective Tolls shall be demanded and taken before any Horse or other Beast, Coach, Wain, Cart, or other Carriage whatsoever, or Drove of Oxen, Cows, or other Neat Cattle, Calves, Swine, Sheep or Lambs, shall be permitted to pass through any Turnpike or Toll Gate, Bar or Chain, erected or to be erected upon the said Roads by virtue of this Act, or upon or across any Lane or Way leading into the same ; and upon the Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment.

Toll on Carriages with Building Materials.

XVII. And be it further enacted, That all Horses and other Beasts drawing any Waggon, Wain, Cart, or other Carriage laden with or having therein any Materials for building, or any Timber (other than Deal Planks or Deal Boards not exceeding Three in Number) in any one Carriage at any one Time between the First Day of *October* and the First Day of *April* in every Year during the Continuance of this Act, shall be and they are hereby charged with Double the Tolls payable by or for Horses or other Beasts drawing any Waggon, Wain, Cart, or other Carriage not so laden.

Tolls may be reduced.

XVIII. And be it further enacted, That the said Trustees at any Meeting to be held for that Purpose, whereof Ten Days Notice shall be affixed on all the Turnpike Gates erected or to be erected upon the said Roads by virtue of this Act, may and they are hereby empowered from Time to Time to reduce all or any of the Tolls hereby granted, so as such Reduction be made with the Consent of the Person or Persons entitled to Five-sixth Parts of the Money then due on the Credit of the said Tolls, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Tolls herein-before granted.

Turnpikes within a certain Distance to free each other.

XIX. Provided always, and be it further enacted, That if any Turnpikes are erected or shall be erected on the said Roads within a less Distance than Three Statute Miles of each other, any Person or Persons producing a Ticket to shew that Toll has been paid for or in respect of any Horse, Cattle, or Carriage, no further Toll shall be demanded or taken on the same Day, for or in respect of the same Horse, Cattle, or Carriage, at any Gate within the Distance of Three Statute Miles of the Gate at which such Toll shall have been paid.

XX. Pro-



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

XXI. And be it further enacted, That if any Dispute shall happen about the Amount of the Toll due, such Dispute shall be settled and determined by One or more Justice or Justices of the Peace for the Counties of *Radnor, Hereford, or Salop*, who, upon Application made to him or them for that Purpose, shall examine the said Matter on Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Toll due, and shall award such Costs and Charges to either Party, as to the said Justice or Justices 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 or Justices, 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. Disputes concerning Tolls how to be settled.

XXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall happen to arise, touching or in anywise relating to the Tolls to be collected on the said District of the said Roads, or the Recovery thereof, the Person or Persons now appointed or hereafter to be appointed to collect the said Tolls, 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 or their being so appointed to collect the said Tolls, or acting under the Authority of the said Trustees. Collectors may be Witnesses.

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

XXIV. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning therefrom. Carriages attending the Royal Family exempted.

XXV. And be it further enacted, That no Tolls shall be demanded or taken for any Horse or Cattle, or for any Waggon, Wain, Cart, or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in the same Places in carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used on or about the said Roads, or for repairing any of the Highways in the Parishes, Districts, or Places which are liable to perform Statute Duty upon any Part of the said Roads; nor carrying Exemptions from Toll.

[*Local.*]

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nor



nor conveying Hay not having been stacked, Straw or Corn in the Straw, or Produce of any Lands within the Parishes, Districts, or Places in which the said Roads do lie, not bought, sold, or disposed of, or carried for Sale, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof; nor any Ploughs, Harrows, or other Implements of Husbandry, to be used in any of the same Parishes, Districts, or Places, or to be taken to any Place for the Purpose of the same being repaired, or to be brought back from such Place after the same shall have been repaired; nor any Dung, Mould, Soil, or Compost of any Kind whatsoever, to be used in Cultivation, or manuring of Lands or Gardens (Lime excepted); nor for any Horse, Mule, Ass, or Cattle, kept within such Parishes, Districts, or Places, going to or returning from Work in cultivating Lands therein; nor for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod, within the same or the adjoining Parishes, Districts, or Places; nor from any Clergyman going to or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or any other his parochial or ministerial Duty; nor from any other Person or Persons residing in any of the said Parishes, Districts, or Places, who shall pass through any of the said Turnpikes or Toll Gates, going to or returning from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going or returning from his, her, or their usual Place of religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes in which the said Roads hereby directed to be repaired do lie; nor for any Horse or Carriage, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; nor for the Horses of Officers or Soldiers on their March or on Duty; nor for Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any such wounded or disabled Officers or Soldiers, or in returning back from carrying the same; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, provided that all and every such Persons are in the Uniform of their respective Corps, provided for such Corps respectively, at the Time of claiming such Exemption, and not otherwise; 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 or Barrack, or other Public or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or of any Prisoner in Custody under any legal Warrant, or returning after having been so employed; nor for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Hereford*, *Radnor* and *Salop*, on the Day or Days of such Election, or on the Day before or Day after such Election shall



shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid (not being entitled thereto), every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXVI. And be it further enacted; That no Person owning or driving; or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject or liable to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, or the Horses or other Cattle drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or other Cattle; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or other Cattle 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 employed in His Majesty's Service not liable for Overweight.

XXVII. And be it further enacted, That every Toll Collector being a Lessee of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Lessees for the Time being, to collect the Tolls payable at any Turnpike Gate or Toll Gate already erected or hereafter to be erected on the said Roads, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his beginning to collect such Tolls or 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 upon a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole of the Time he shall collect such Tolls or 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 and take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees, made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on being paid the said Tolls or any of them, or shall, in answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a Ticket, denoting the Payment of the Tolls, and naming and specifying the Gate at which such Payment shall have been made, and also the Toll Gate or Toll Gates (if any) freed by such Payment, or upon the legal Toll paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger

Regulations as to Toll Collectors,



senger, then and in every such case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector or Collectors of the said Tolls, or any Surveyor or Surveyors of the said Roads, who shall or may be employed by virtue of or in execution of the said former Acts or this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

55G.3. c.119.  
to extend to  
this Act.

XXVIII. Provided also, and be it further enacted, That the several Privileges and Exemptions contained and expressed in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be extended to and be applicable to Waggon, Carts, or other Carriages passing along or over the said Roads, or any of them, and the several Horses or other Beasts drawing the same; any thing in this Act to the contrary notwithstanding.

Trustees not  
to widen  
Roads be-  
yond a certain  
Extent.

XXIX. And be it further enacted, That it shall not be lawful for the said Trustees to make, divert, turn, or alter any Part or Parts of the said Roads beyond the Limits of One hundred Yards, without the Consent in Writing of the Owners or Proprietors of the Lands through which the same shall be carried.

Allowing an  
Action of  
Ejectment to  
be supported  
by One  
Mortgagee.

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

When any  
Parts of the  
Old Roads  
are to be sold  
the first Offer  
to be made  
to original or  
adjoining  
Owners.

XXXI. And be it further enacted, That the said Trustees may and they are hereby empowered to sell and dispose of any Piece or Pieces of old Road which may become useless or unnecessary, to such Person or Persons as shall become willing to purchase or repurchase the same; Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground, as aforesaid, to any other Person or Persons, shall first offer the same to the Person or Persons of whom the same shall have been purchased, or to the Person or Persons whose Lands shall adjoin thereto, and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affi-  
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davit 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, Liberty, or Place where such Ground is situate (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating, that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the said Price or Prices thereof shall be ascertained by a Jury, in manner directed by the said Act made in the Twenty-ninth Year of the Reign of His said late Majesty, with respect to disputed Value of the Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground, shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

XXXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed 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 be lawful for the said Trustees to order the same Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall 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

In case of not making out Titles, or Persons entitled not being found.

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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 Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

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

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

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

For getting Materials.

XXXV. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take, and carry away any Furze, Heath, Stone, Sand, Gravel, and other Materials proper or convenient for repairing the said Roads; out of any Common or Waste, or Common River or Brook (not being within the Distance of Thirty Yards from any Bridge, Dam, Weir, or Jetty) in any Parish, Township, or Place, within which the said Roads, or any Part or Parts thereof respectively do lie; the said Surveyor and Surveyors filling up, fencing, or levelling all such Pits and Holes as shall be made or occasioned by the digging for or taking any



any such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby, as the said Trustees, or any Three or more of them, shall think fit and reasonable; and in case such Materials cannot conveniently be gotten from such Wastes, Commons, Rivers, and Brooks as aforesaid, that then it shall be lawful for such Surveyor or Surveyors, by Order of any Two or more Justices of the Peace of the County or Place in which the Lands shall be situated, to dig for and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Yard, Park, Paddock, planted Walk, or Avenue to any House, or inclosed Ground planted, set apart, or used as a Nursery for Trees) where such Materials are and may be found, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, and from Time to Time to carry away such Materials respectively as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Roads as aforesaid, paying such Recompence for such Materials, and for the Damage done to the Owners and Occupiers of the respective Grounds, where, through, and from whence the same shall be digged and carried away, as the said Trustees, or any Three or more of them, shall judge reasonable; and in case of any Difference between such Owners and Occupiers, or any of them, and the said Trustees, touching the Payment for such Materials, or the Damages aforesaid, any Two or more Justices of the Peace for the County or Place wherein the Lands lie from which such Materials shall be taken, or over or through which the same shall have been led or carried, on Ten Days Notice being given by either Party to the other in Writing, shall and may hear, settle, and finally determine the Matter of such Payments and Damages, and award such Costs to be paid by either Party as they shall think fit and expedient.

XXXVI. Provided always, and be it further enacted, That it shall not be lawful for such Surveyor or Surveyors, or other such Person or Persons as aforesaid, under the Authority of the said Acts and this Act, to dig, gather, take or carry away any such Materials as aforesaid, for any of the Purposes thereof, in or from any inclosed Lands or Grounds, until Twenty-one Days Notice in Writing, signed by the said Surveyor or Surveyors, or some other Officer or Officers of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken, or left at their usual Place of Residence, to appear before one or more Justice or Justices of the Peace acting for the County or Place in which such inclosed Lands lie, at a certain Time and Place, specified in such Notice, to shew Cause why such Materials shall not be taken away; and in case such respective Owners or Occupiers shall, by themselves or their respective Agents, attend pursuant to such Notice, and shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if they or he shall think proper, authorize such Surveyor or other Officer to dig, gather, take and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; or if such respective Owners or Occupiers shall neglect or refuse to appear by themselves or their respective Agents, such Justice or Justices shall and may make such Order therein as they or he shall

Materials not to be taken from inclosed Grounds till after Notice.



shall think fit, as fully and effectually, to all Intents and Purposes, as if such respective Owners or Occupiers had attended in manner aforesaid.

Penalty on  
taking away  
Materials got  
by Surveyors.

XXXVII. And be it further enacted, That if any Person whomsoever shall take or carry away any Materials which shall have been digged, gathered, or wrought for the Purpose of making, completing, or amending the said Roads, or for any other the Purposes of the said Acts and this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyor or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Surveyors  
may remove  
Annoyances.

XXXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors who shall be nominated under the said Acts and this Act, and such Person or Persons as he or they shall appoint, from Time to Time to cut down or lop, at proper Seasons of the Year, any Branches of Trees, Underwood, Shrubs, or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto, within Thirty Feet of the Centre of the said Roads (the same not being in any Garden, Yard, Paddock, planted Walk, or Avenue to a House, and not being an Ornament or Shelter to a House), so as to reduce such Hedges to any Height not less than Four Feet, and to take and carry away the same, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be, shall neglect so to do for Seven Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees) shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Branches of Trees, Underwood, Shrubs, or Bushes, which Charges shall be levied and recovered in the same Manner as any Forfeiture or Penalty is herein-after directed to be levied and recovered; and if, after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Gates to  
open inwards.

XXXIX. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Roads, that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and the Occupier or Occupiers of every such Building, Yard, Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall within Twenty-one Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in Default thereof, the Surveyor of the said Roads

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is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where the Cause of Complaint shall arise, and upon Conviction upon the Oath of one credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein; and such Penalty shall be recovered, levied, and applied in Manner herein-after directed.

XL. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Roads, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze or be and remain loose on the said Roads, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path formed upon or on the Side of or belonging to the said Roads, or shall drive any Horse, Beast, Cattle, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled 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 them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person, driving any Waggon, Wain, Cart, or other Carriages, shall ride on the Shafts or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage upon the said Roads; shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage, shall not keep his Carriage on the Left or near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any other 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 Squib, Rocket, Serpent, or Fire-work whatsoever, within Eighty Feet of the Centre thereof, or play at Football or any other Game or Games on the said Roads, or on any Part or Parts thereof, or on any Footway or Path belonging thereto, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Waggon, Wain, Cart or other Carriage (except in Cases of Accident), upon or on the Side of the said Roads, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same, during the Time of loading or unloading thereof, as near to the Side of the said Roads as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person, after having blocked any Waggon, Wain, Cart or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Matter or Thing used in such blocking, or shall scrape off any Soil or other Thing from the said Roads or the Side or Sides thereof,

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or shall take up or carry away any Scrapings thereof, without Leave of the said Trustees, or any Three or more of them, or their Surveyor, or the Surveyor or Surveyors of the Highways; or if any Person shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Roads, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from shining into the said Roads; or if any Person driving any Horse or other Beast on the said Roads, carrying Iron in Bars or Rods, Basket or Pannier, or any other Matter or Thing, shall place such Bars or Rods, Basket or Pannier, Matter or Thing, so that the same shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Hawker, Higler, Gipse, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Sides of any Part of the said Roads, every Person so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in like Manner as any other Penalty is directed to be levied and recovered by this Act.

Cattle straying on the Roads to be impounded.

XLI. Provided always, and be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors to the said Trustees for the Time being, or any One of the said Trustees, to impound in the common Pound, or such other Place as the said Trustees or any Three or more of them shall appoint for that Purpose, any Horse, Ass, Swine, or other Beasts or Cattle found wandering or straying about any or either of the said Roads, or that shall be feeding or grazing loose on the Banks or on the Sides of the said Roads, or any of them (except when the same leads over any Commons or Waste Grounds), whether attended by any Person or Persons to take care of the same or not, and to detain the same Horse, Ass, Swine, Beasts or other Cattle, in the said Pound or other Place, until a Penalty of Five Shillings, and the Expences of impounding and keeping the same, shall be fully paid and satisfied; and if in any such Case such Penalty and Expences shall not be paid within Four Days after such Horse, Ass, Swine, or other Beasts or Cattle shall be impounded, it shall be lawful for such Person or Persons as shall be appointed by the said Trustees, or any Three or more of them, to sell or cause the same to be sold; and the Costs and Charges of impounding and keeping the same in Pound, and selling the same, and the said Penalty, shall be deducted thereout, and the Overplus (if any) on Demand thereof being made, shall be paid to the Owner or Owners thereof.

Punishment of Persons guilty of Pound Breach.

XLII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, or shall release or attempt to

release



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

XLIII. Provided always, 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, and the Inhabitants of all such Parishes, Townships, or Places as have at any Time or Times done Statute Work upon or contributed 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 for the said Counties of *Hereford, Salop, and Radnor*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or 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, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to 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, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses) of the Names of the several Persons who within such Parish, Township, 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 is 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 such Justices shall or may allot, appoint, and order such

Regulations  
as to Per-  
formance  
of Statute  
Work.



and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on 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 may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to be by him or them paid over to the said Trustees, or their Treasurer or Treasurers, 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 this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected 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 or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wholly neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Trustees may  
compound for  
Repairs or  
Statute Work.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes, Townships, or Places liable thereto, or in which the said Roads do lie, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which



which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees, in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise such Person or Persons, Bodies Politic or Corporate, and the Inhabitants and Occupiers of such Parish, Township, or Place, shall not be permitted to compound for that Year.

XLV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or their Treasurer for the Time being, as the Case may be.

In case of Non-payment of Compensation for Materials or Damages done by the said Trustees the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

XLVI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Lessees, or Farmers of Tolls, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Lessees, Farmers, Surveyors, or other Officers), who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing transient Offenders.

XLVII. 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 Justice of the Peace for the

Penalties and Forfeitures how to be recovered and applied.

[*Local.*]

7 K

County



County or Place where the Offence shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale are recovered and deducted, shall be returned, upon Demand, to 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, One Moiety thereof to the Informer, and the other Moiety thereof to the Treasurer or Clerk to the said Trustees, to be applied to the Purposes of this Act; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the same Offender or Offenders shall give a sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant of Distress, not being more than Four Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then such Offender or Offenders shall be committed by such Justice 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 Three Calendar Months, as such Justice shall fix and appoint, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For paying  
the Expences  
of this Act.

XLVIII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the procuring and obtaining of this Act, together with lawful Interest for the same from the Time of passing this Act till the Time of Payment, shall be paid, borne, and discharged by the said Trustees, in preference to all other Payments whatsoever.

Public Act.

XLIX. 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 other Persons whatsoever, without the same being specially pleaded.

Term of the  
Act.

L. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the passing of this Act, cease and determine, and that the said Acts and this Act shall from thenceforth continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1822.