



ANNO TERTIO

GEORGIIV. REGIS.

Cap. 1.

An Act for more effectually repairing the Road from the North End of a Lane called *Rosemary Lane* in the Township of *Broughton*, to the Town of *Mold* in the County of *Flint*, and for diverting a Part of the said Road, and for making a new Branch of Road to communicate with the said Road. [15th *May* 1822.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing the Roads from the Town of Shrewsbury through Ellesmere in the County of Salop, and Overton in the County of Flint, to Wrexham in the County of Denbigh*: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act to enlarge the Term and Powers of an Act for repairing the Road from Shrewsbury to Wrexham in the County of Denbigh, and to repair and widen several other Roads therein mentioned, and the Road from Wrexham to Chester, and from thence to Pen-y-fordd Waen in the Parish of Whitford, and also the Road from Broughton to Mold in the County of Flint*: And whereas an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act, passed in the Twenty-ninth Year of the Reign of King George the Second, for repairing the Road from Shrewsbury to Wrexham in the County of Denbigh,*

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and from Wrexham to Chester, and also from Broughton to Mold in the County of Flint, and several other Roads therein mentioned; and for making and repairing a Road from the said Wrexham and Chester Road to the Wrexham and Ruthin Road in the said County of Denbigh: And whereas an Act was passed in the Fifty-third Year of the Reign of His late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of an Act of King George the Second, and an Act of His present Majesty, for repairing the Road from Shrewsbury to Wrexham, and several other Roads in the Counties of Denbigh, Chester, and Flint, so far as relate to the Road in the County of Flint called the Mold District*: And whereas it was by the said recited Act of the Twenty-ninth Year of the Reign of His said Majesty King George the Second enacted, that the Roads therein comprised should be divided into several Districts or Divisions, and be respectively called the *Ellesmere* District or Division, the *Chester* District or Division, the *Flint* District or Division, and the *Mold* District or Division; which said *Mold* District or Division is therein described to be the Road from the North End of a Lane called *Rosemary Lane*, in the Township of *Broughton*, to the Town of *Mold* in the County of *Flint*: And whereas the Trustees of the said *Mold* District of Roads have, in carrying the said Acts into Execution, so far as respects the same District, borrowed considerable Sums of Money upon the Credit of the Tolls arising upon the same District, which Money still remains due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the Term granted by the said several Acts be further continued, so far as respects the said *Mold* District or Division of Roads; and it would be more convenient to the Trustees for executing the said recited Acts and this Act, so far as respects the said last-mentioned District of Roads, if the said Acts were repealed so far as respects the said last-mentioned District of Roads, and further, better, and more effectual Powers granted instead thereof, in One Act of Parliament, as well for the Purpose of amending, widening, repairing, and from Time to Time improving the said present District of Roads, as also for the Purpose of diverting Part thereof, and making and maintaining the new Branch of Road in manner herein-after mentioned: And whereas it would be a great Convenience to the Neighbourhood, and of great public Utility, if Powers were granted to divert a Part of the said Road within the *Mold* District or Division, from or near a certain Place called *Pentre Bridge*, near the Town of *Mold*, to *Llong Bridge* in the Township of *Bistree* in the said County of *Flint*, along a certain Road or Highway leading by certain Estates called *Tyddyn* and *Plas Issa*; and from thence along the same Road or Highway by ancient inclosed Lands belonging to the Reverend *Hope Wynne Eyton*, of *Leeswood Hall*, Vicar of *Mold*, in the several Townships of *Argoed* and *Bistree*, in the Parish of *Mold*, to or near to a Farm or Tenement in the Township of *Bistree* in the said County of *Flint* called *Garreglwyd*; and from thence along the same Line of Road by a Farm and Tenement in the said Township of *Bistree* called *Padeswood*, belonging to Mr. *William Hancock*; and from thence along the same Road or Highway, and over certain ancient inclosed Lands belonging to Sir *Stephen Richard Glynne* Baronet, and others, in the several Townships of *Bistree*, *Bannel*, *Higher Kinnerton*, and *Broughton*, in the said County of *Flint*, by a certain House called the *Warren House*, to or near the Village of *Broughton* aforesaid; and also to make and maintain a Branch of the said Turnpike Road (to

be comprised within the said *Mold* District), from at or near the South-west End of the said Village of *Broughton*, to the Turnpike Road leading from *Mold* to *Wrexham* aforesaid, at or near a Dwelling House situate in the Township of *Leeswood* in the said County of *Flint*, and now in the Holding of *Thomas Simpson*, called *Pont Blydden*, in the Direction of the present Highway from *Broughton* aforesaid to *Pont Blyddyn* aforesaid, or nearly so; but the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, so far only as the same relate to the *Mold* District or Division of the said Roads, shall be and are hereby declared to be repealed and null and void to all Intents and Purposes whatsoever; and that this Act shall commence and take effect in lieu and instead thereof, and shall be put in Execution for and during the Term herein-after mentioned, as well for the Purpose from Time to Time of repairing, widening, improving, and keeping in Repair the Road included in the said *Mold* District of Roads, as also for the Purpose of making, diverting, widening, altering, and improving and keeping in Repair the said intended Diversion branching out of the said Road, at or near the said Place called *Pentre Bridge* near the said Town of *Mold*, by *Padeswood* and the *Warren House* aforesaid, to or near the said Village of *Broughton*; and also for making, widening, improving, and keeping in Repair the said intended Branch of Road from *Broughton* aforesaid to *Pont Blyddyn* aforesaid (which Diversion and new Branch of Road shall be considered a Part of the said *Mold* District); and this Act, and the Term hereby granted, shall be subject and liable to the Payment of all Monies now due and owing on the Credit of the Tolls, or otherwise on account of the said recited Acts, or any of them, with respect to the said District of Roads called the *Mold* District, or which shall be borrowed on the Credit of this Act, for the Use of the same District of Road and the aforesaid intended Diversion and Branch thereof, and the Interest due and to grow due thereon respectively; and all Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons to or with any of the Trustees for executing the said former Acts, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said former Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Recited Acts repealed so far as relate to the *Mold* District.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Flint*, together with the Right Honourable *Richard Grosvenor* commonly called Lord Viscount *Belgrave*, the Honourable *Robert Grosvenor*, the Honourable *Lloyd Kenyon*, Sir *Stephen Richard Glynne* Baronet, Sir *Thomas Hanmer* Baronet, Sir *Edward Pryce Lloyd* Baronet, Sir *Thomas Mostyn* Baronet, the Honourable *George Neville* Clerk, *Abraham Ball*, *William John Bankes*,
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Power to appoint additional Trustees.

Francis Edge Barker, James Boydell, James Boydell the younger, Philip Davies Cooke, Thomas Hugh Clough Clerk, Charles Butler Clough Clerk, Richard Butler Clough, Whitehall Whitehall Davies Clerk, Thomas Mostyn Edwards, Hope Wynne Eyton Clerk, John Wynne Eyton, Thomas Wynne Eyton, William Wynne Eyton, Charles Wynne Eyton, Henry Glynne, Richard Garnons, Edward Jones Hughes, William Hancock, William Hancock the younger, Jonathan Hobson, Ellis Hughes, David Hughes, Philip Humberston, Wilson Jones, Trevor Owen Jones, Howell Wepre Owen Jones Clerk, Roger Jones of Caia, Clerk, Hugh Jones Clerk, Henry Jones Clerk, Thomas Jones, William Jones, John Jones, Samuel Knight, James Knight, James Kelsall, Henry Kelsall, Thomas Lloyd, Edward Mostyn Lloyd, John Madocks, Thomas Trevor Mather, William Matthews, Thomas Makin, Henry Potts, Charles Potts, John Conway Potter Clerk, Benjamin Conway Potter Clerk, Richard Parry, William Richards, Cadwallader Blaney Trevor Roper, Charles Blaney Trevor Roper, William Rigby, John Rigby, Honoratus Leigh Rigby, Hugh Roberts, William Makepace Thackeray Doctor of Medicine, Gwyllym Lloyd Wardle, Edward Lloyd Gwyllym Wardle, John Wardle, William Wardle, Alfred Wardle, William Ward, Richard Willett, Edward Whitley, William Williams, Thomas Brock Yates, and John Yates the younger, shall be and they are hereby appointed the Trustees for amending, widening, repairing, and from Time to Time improving the said District of Roads, and for making the Diversion and new Branch of Roads herein-before mentioned, and for otherwise putting this Act into Execution.

Power to
elect new
Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five in the Whole, to be Trustees for the Purposes of this Act; and such Trustees so appointed, and to be from Time to Time elected as aforesaid, and being duly qualified as herein-after mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Election of
new Trustees
on Vacancies
arising.

IV. And be it further enacted, That when and so often as any Trustees named in this Act, or to be appointed in Manner herein-before or herein-after mentioned, shall become by Bankruptcy, Insolvency, or in any other Manner disqualified to act, or shall die, neglect, or refuse to act, then and in such Case it shall be lawful for the surviving or remaining Trustees, from Time to Time at any Meeting of the said Trustees (of the Time and Place of which Meeting Notice shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected upon the said Roads, or on the Sides thereof respectively, and also by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days previously to such Meeting), by Writing under their Hands, to elect One other Person to be a Trustee in the Room of each Trustee so disqualified to act, or dying, or neglecting or refusing to act as aforesaid; and every Person so to be elected shall be and he is hereby empowered to act in the Execution of this Act in as full and ample a Manner, to all Intents and Purposes, as the Trustee in whose Room or Stead he shall be so elected could or might have done.

V. And

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

Qualification
of Trustees.

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

Oath.
So help me GOD.’

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

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previously to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Personsholding any Place of Profit not to act as Trustees.

VI. And be it further enacted, That no Person appointed or to be appointed a Trustee for putting this Act into Execution, who shall have or accept any Place of Profit under the Authority of this Act, or who shall be interested or concerned in any Contract, or a Lessee or Farmer of the Tolls granted by this Act, shall during the Continuance of such Office or Interest be capable of acting as a Trustee in the Execution of this Act.

Victuallers, &c. incapable of acting.

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

Trustees may act as Justices except where interested.

VIII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may, in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where he or they shall be personally interested; and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest for the same, shall on that Account be deemed disqualified to act as a Trustee.

Meetings of the Trustees.

IX. And be it further enacted, That the said Trustees shall and they are hereby required to meet at the *Leeswood Arms* Inn, or some other convenient Place in the Town of *Mold*, on the Third *Wednesday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, and afterwards meet at the Place aforesaid, or at such other convenient Place upon or near the said Roads as the said Trustees shall think proper, for putting this Act in Execution; and the said Trustees shall and may from Time to Time at such Meeting adjourn themselves to the same or some other convenient Place upon or near the said Roads; and if it shall happen that at any Meeting there shall not appear a sufficient Number of Trustees to proceed in the Execution of this Act, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk to the said Trustees shall from Time to Time, in either of such Cases (by Notice in Writing to be affixed on all the Turnpike Gates then erected on the said Roads, and also inserted in some Public Newspaper circulated in the Neighbourhood, Ten Days before the next Meeting), appoint the Trustees

tees to meet at the Place where the last Meeting was appointed to be held, on such Day as shall be specified in such Notice, not exceeding Three Calendar Months next after the Day on which such last Meeting was appointed to be held; and in case the Clerk to the said Trustees shall in the Cases aforesaid neglect, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting, at any Time after the Space of Ten Days from such Neglect or Prevention, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at the House where the last Meeting was held or appointed to be held, or at some other convenient House or Place upon or near to the said Roads; upon the Day Three Weeks next after the Date of such last mentioned Notice; but no Business shall be proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon, nor later than Four in the Afternoon on the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Acts, Orders, and Proceedings relating to this Act, which are authorized or directed to be had, made, done, or exercised by or before the said Trustees, shall and may be had, made, done, and exercised by or before the major Part of the Trustees present at their respective Meetings, the whole Number present at such Meetings not being less than Three (except in such Cases where any other Number is herein mentioned); and all Orders and Proceedings had, made, or done, by or before such Three Trustees, shall have the same Force and Effect, and be as binding on all Persons, to all Intents and Purposes, as if the same were had, made, done, or executed by or before all the said Trustees: Provided always, that no Order or Proceeding shall be or be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act, (except as herein is particularly mentioned) nor unless there shall be present at such Meeting Three Trustees at the least, nor unless the Majority of the Trustees present shall concur therein, nor shall any such Order or Proceeding be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless the Trustee or Trustees, Person or Persons desirous of having any such Order revoked or altered shall give Notice thereof in Writing to the Clerk to the said Trustees, to be by him affixed and inserted in manner herein-before mentioned, nor unless a Majority of the Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration; and at every Meeting of the said Trustees a Chairman shall be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting, upon any Question (including the Vote of the Chairman), then and in every such Case the Chairman shall have and he is hereby empowered to give a double or casting Vote.

X. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing signed by any Three or more of the acting Trustees (although not assembled at a Meeting) mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such Order

Meetings on
Emergencies.

Order (not being less than Ten Days next after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees thereat shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Proceedings to be entered in a Book, to be signed by the Trustees.

XI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by the Trustees making the same, or the major Part of them, or by their Chairman; which said Book or Books shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes touching any thing done or to be done by virtue or in pursuance of this Act, or in anywise relating thereto.

Books used under former Acts to be Evidence.

XII. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Trustees may appoint Officers.

XIII. And be it further enacted, That the said Trustees shall and may, at their First or any subsequent Meeting, as Occasion shall require, elect and appoint a Clerk, Treasurer or Treasurers, Collector or Collectors, and all such other Officers respectively as they shall from Time to Time think proper, and that the said Trustees shall and may from Time to Time remove such Clerk, Treasurers, Collectors, and other Officers, or any of them, and from Time to Time appoint others in the Room of such of them as shall be so removed, or shall die, or resign, or refuse or neglect to perform, or become incapable of performing their Duty; and the said Clerk, Treasurers, Collectors, and other Officers who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from Time to Time, as often as they shall be called upon for that Purpose, produce unto the said Trustees true and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively collected or received, and how and to what Uses the same shall have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or to such Person or Persons as the said Trustees shall direct and appoint; and if any of the said Officers shall refuse to give such Account as aforesaid, or to produce and deliver to the said Trustees the Receipts and Vouchers relating to the same, or to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases it shall be lawful for any One Justice of the Peace for the County or Place where such Officer shall reside (and such Justice is hereby authorized and required) to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered and required

quired to administer without Fee or Reward), and if any Person shall be thereof convicted, such Justice shall commit the Party to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees; and in case any of the said Officers shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any one Justice of the Peace of the County or Place where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal, in a summary Way, in manner aforesaid, and by Warrant under his Hand and Seal to cause such Sum or Sums of Money as shall appear to him to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering the Overplus (if any) upon Demand, after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted, unto the Party on whom such Distress or Distresses shall be made; and if sufficient Distress or Distresses cannot be made, then the said Justice shall commit such Person or Persons to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he or they shall have paid over such Money in manner aforesaid, or compounded for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, which Composition the said Trustees are hereby empowered to make: Provided always, that no Person who shall be committed to Prison for want of sufficient Distress shall remain in Prison for a longer Space of Time than Six Calendar Months.

XIV. And be it further enacted, That as often as any Collectors of the Tolls shall die, or shall neglect or become incapable of performing his or their Duty, or shall abscond, or absent or misbehave himself or themselves, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act) shall and may discharge such Collector so neglecting or becoming incapable of performing his or their Duty, or absconding, or absenting or misbehaving himself or themselves, and shall and may nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such first-named Collector, 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 in whose Place he was appointed; and if any Collector of the said Tolls who shall be discharged from his Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building erected or being in and upon or on the Side or Sides of the said Roads, by virtue of this Act, for the Space of Three Days next after Demand made thereof, and Notice in Writing given for that Purpose, by any Two of the said Trustees (although not assembled at a Meeting), or by their Clerk, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice of the Peace

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for the County or Place where such Toll House or Building shall be situate, by Warrant under his Hand and Seal, to order any Constable for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any one or more of them, or their new appointed Officer into the Possession thereof.

Trustees may allow Salaries.

XV. And be it further enacted, That out of the Money to arise by virtue of this Act, such Salaries or Allowances shall be made to the Collectors, Clerk, Treasurers, Surveyors, and such other Persons as shall be assisting in the Execution of this Act, as to the said Trustees shall seem reasonable.

Treasurers, &c. to give Security.

XVI. Provided always, and be it further enacted, That the said Trustees shall take such Security from their Treasurers, Clerk, Collectors, and other Officers, for the due Execution of their respective Offices, and accounting for the Money received by them respectively, as to the said Trustees shall seem meet.

Officers under the former Acts to account to the Trustees for executing this Act.

XVII. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts (so far as relates to the said *Mold* District of Roads), or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are hereinbefore inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writing, or other Things, by virtue of this Act.

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

XVIII. 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 or Names of any one or more of them, or in the Name of their Clerk or 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 or Names of any one or more of them, or in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Trustee or Trustees, or such Clerk or Treasurer, nor by the Act of such Trustee or Trustees, Clerk or Treasurer, without the Consent of the said Trustees, at a Meeting held in pursuance of this Act; but that the Trustee or Trustees, Clerk or Treasurer for the Time being to the said Trustees, shall be deemed to be the Plaintiff or Defendant, Plaintiffs or Defendants (as the Case may be) in every such Action or Suit: Provided always, that every such Trustee or Trustees, Clerk or Treasurer, in whose Name or Names 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 he or they shall pay, bear, expend, or be put unto, or become chargeable with, by reason of

his or their so being made Plaintiff or Defendant, Plaintiffs or Defendants as aforesaid.

XIX. 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 kept by their Clerk or Treasurer for the Time being, in which Book or Books shall be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said District of Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid for or on account of the said District; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors of the said Tolls, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books without paying any thing for the same; and in case the said Clerk or Treasurer shall refuse to permit, or shall not permit, the said Trustees or such Creditors to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds.

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

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

Clerk not to act as Treasurer and vice versa.

XXI. And be it further enacted, That the said Trustees shall and may continue the several Turnpike Gates which now stand across or on the Sides of the said Road within the said *Mold* District, or from Time to Time remove the same or any of them, and set up and erect in lieu thereof, and in addition thereto, One or more Turnpike Gate or Turnpike Gates in, upon, across, or on the Side or Sides of any Part or Parts of the Roads directed by this Act to be made, amended, and repaired, as they the said Trustees may deem expedient, and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto, and may also inclose from the said Roads, or any Common or Waste Land immediately adjoining such Toll Houses, convenient Garden Spots to the said Toll Houses respectively, as they the said Trustees may judge proper,

Power to continue the present Gates or to erect others.

proper, not exceeding in the whole One-eighth Part of a Statute Acre to or for each Toll House; and the said Trustees may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings, from Time to Time to be taken down, removed, and set up again, or altered, in such Place or Places across or on the said Roads, or on the Side or Sides thereof, in such Manner as the said Trustees shall judge proper; subject always nevertheless to the Restriction herein-after contained in respect of the said intended Branch of Road from *Broughton to Pont Blyddyn* aforesaid.

Turnpikes,
Toll Houses,
&c. vested in
the Trustees.

XXII. And be it further enacted, That the several Turnpikes or Toll Gates and Toll Houses and other Erections and Buildings, and the several Conveniencies and Appurtenances thereto respectively belonging, now or hereafter to be erected or provided in or upon or across the said Roads; or the Sides thereof, and the Materials for building or altering the same, and all Materials and Things which shall be provided, collected, or made use of for repairing the said Roads, shall be and the same are hereby vested in the said Trustees, and they are hereby authorized and empowered to sell and dispose of the same or any Part or Parts thereof as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks, or to prefer and prosecute, or cause to be preferred and prosecuted at the Expence of the Revenues of the said Roads, any Bill or Bills of Indictment against any Person or Persons who shall steal, take, carry away, break down, or damage the same or any Part thereof, or disturb them or their Agents or Servants in the Possession of the same or any Part thereof; in which Bill or Bills of Indictment it shall be sufficient to state generally such Articles, Matters, and Things to be the Property of the Trustees for executing an Act passed in the Third Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act, &c.* [*here insert the Title of this Act*] without naming or describing them.

Repealing
former Tolls,
and granting
new ones.

XXIII. And be it further enacted, That there shall be demanded, taken, collected, and paid, at the several and respective Gates and Turnpikes which have been or shall or may be erected in, upon, or across, or on the Side or Sides of the said Roads or Branch of Road included in this Act, or across any Lane or Way leading out of the same, under or by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night) such Tolls as the said Trustees or any Three or more of them, at any public Meeting to be held for that Purpose, shall from Time to Time direct or appoint, not exceeding the several and respective Sums herein-after mentioned; (that is to say),

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Curricule, Gig, Caravan, Chair, or other such Carriage, Hearse, or Litter (not being a Waggon or Cart), the Sum of Nine-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Cart, Wain, Tumbrel, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth at the Bottom or Sole thereof than Six Inches, the Sum of Ten-pence:

For

For every Horse, Mule, or other Beast, drawing any Waggon, Cart, Wain, Tumbrél, or other such like Carriage, having at the Time of using thereof Wheels of the Breadth of Six Inches or more at the Sole or Bottom of the Fellies thereof, the Sum of Eight-pence :

For every Horse or other Beast, drawing any Carriage laden with Timber, the Sum of Ten-pence :

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

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

For every Drove of Calves, Sheep, or Lambs, the Sum of One Shilling and Four-pence *per* Score, and so in proportion for any greater or less Number : And,

For every Drove of Hogs or Swine, the Sum of One Shilling and Nine-pence *per* Score, and so in proportion for any greater or less Number :

Which said Tolls shall be and the same are hereby vested in the said Trustees, and shall and may be collected, varied, altered, assigned, paid, applied, and recovered, in such Manner as in this Act mentioned.

Tolls vested in the Trustees.

XXIV. Provided always, and be it further enacted, That on every Letting of any Tolls the said Trustees shall take from the respective Renters or Farmers thereof One Month's Rent in advance before they shall put such Renters or Farmers in Possession of the Toll Gate, Toll House, or Turnpike at which Tolls are to be collected ; and that in every Agreement to be entered into for letting any Tolls, the Rent or Money payable for such Tolls shall be made payable Monthly and in advance, and that there be contained in such Agreement, Clauses and Conditions that if the Rent or Money to be paid at the Commencement of any Month shall not be paid within Three Days after the same shall become due and payable the said Agreement shall be void, if the Trustees shall think proper, and they shall be entitled to take Possession of the Toll Gate, Toll House, or Turnpike at which such Tolls shall be received, and the respective Renters or Farmers of such Tolls shall produce Two sufficient Sureties to join in the said Agreement, undertaking on their Parts for the due and punctual Payment of the Rent or Sum of Money to be paid for the said Tolls ; and in every Case where the Terms of such Agreement shall not be fulfilled the said Trustees shall and they are hereby empowered, if they shall think proper, to re-enter and take Possession of any such Toll Gate or Toll House, and the Tolls there collected, and to relet the same in Manner herein-before directed, or to appoint a Collector to receive the same ; and it shall be lawful for any Justice of the Peace acting for the County or Place in which such Lessee or Lessees, Farmer or Farmers of the said Tolls shall live or reside, by Warrant under his Hand and Seal (which Warrant such Justice is hereby empowered and required to grant upon the Request of the said Trustees), to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses, and take Possession of such Gates, Turnpikes, or Bars and Premises, and to remove the Person and Persons who shall be found in such Toll House or Toll Houses,

Rent of Tolls to be paid always One Month in advance.

[Local.]

18 L

together

together with his, her, and their Goods, out of the said Houses and Premises, and to put such other Person or Persons into Possession of the said Toll House or Toll Houses, Gates, Turnpikes, Bars, and Premises, and into the Receipt and Collection of the said Tolls, and to do such other Acts in the Premises as the said Trustees shall appoint.

Abatement
of Tolls in
certain
Cases.

55G.3.c.119.

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

Table of
Tolls to be
put up.

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

Tickets to be
provided de-
noting Pay-
ment of Toll.

XXVII. And be it further enacted, That upon Payment of the Tolls authorized to be collected and taken upon the said Roads the Collectors or Receivers thereof shall and they are 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 Name or Names of the Gate or Gates freed by such Payment, and also the Name of the Gate at which such Ticket shall have been delivered.

Penalty on
Persons dis-
posing of
Tickets to
avoid paying
Toll.

XXVIII. And be it further enacted, That if any Person shall offer or dispose of any such Ticket with Intent to evade the Payment of any of the Tolls hereby authorized to be taken, every such Person so offering or disposing of such Ticket, and the Person receiving the same, shall respectively forfeit and pay any Sum not exceeding Forty Shillings.

On Non-
payment of
Toll Col-
lectors may
distrain.

XXIX. Provided always, and be it further enacted, That if any Person subject to the Payment of any of the said Tolls shall after Demand thereof made neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls, by himself, herself, or themselves, and with such Assistance as he, she, or they shall think necessary (and which Assistance all Persons are hereby required to give, if called upon), to seize and distrain any Horse or Horses, Beast or Beasts, Cattle or other Thing or Things upon or in respect of which such Toll is hereby imposed, together with its or their respective Bridles, Saddles, Gears, Harness, Accoutrements, or Loading (except the Bridle, Halter, or Reins of any Horse or Beast separate from such Horse or Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may, as soon as convenient afterwards, sell the Things so seized and distrained,

or

or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

XXX. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees to erect, set up, or place, or cause to be erected, set up, or placed, more than One Toll Gate, Bar, or Chain, or to cause more than One Toll to be demanded or taken for the Passage of the same Horse, Beast, Cattle, or Carriage on the same Day, to be computed as aforesaid, on the said intended Branch of Road leading from *Broughton* to *Pont Blyddyn* aforesaid; nor for the Passage on the same Day, to be computed as aforesaid, of the same Horse, Beast, Cattle or Carriage, through all the Toll Gates erected or to be erected on the said District between *Mold* and *Broughton*.

Not more than One full Toll to be taken on the same Day for the same Horses, &c.

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

Exempting Return Chaises and Post Horses from Payment of Toll for re-passing, &c.

XXXII. Provided always, and be it further enacted, That no Person, having paid the Toll to which he or she shall be liable for the Time being under this Act for the Passage of any Horse, Beast, Cattle, or Carriage, through any Toll Gate, Bar, or Chain to be erected, placed, or set up on the said intended Line of Communication or Branch of Road between *Broughton* and *Pont Blyddyn* aforesaid, or on the Side or Sides thereof, and producing a Ticket denoting such Payment, shall be subject or liable to pay more than Half Toll for the Passage of the same Horse, Beast, Cattle, or Carriage on the same Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) through the Gate now erected near the North End of the Village of *Broughton*, or any other Gate, Bar, or Chain that may be erected or set up in lieu thereof; nor shall any Person, having paid the Toll to which he or she shall be liable for the Time being under this Act, for the Passage of any Horse, Beast, Cattle, or Carriage, through the said Gate now erected near the North End of the Village of *Broughton* aforesaid, or any other Gate, Bar, or Chain that may be erected or set up in lieu thereof, and producing a Ticket denoting such last-mentioned Payment, be subject or liable to pay more than Half Toll for the Passage of the same Horse, Beast, Cattle, or Carriage on the same Day (such Day to be computed as aforesaid) through any Toll Gate, Bar, or Chain to be erected, placed, or set up on the said intended Line of Communication or Branch of Road between *Broughton* and *Pont Blyddyn* aforesaid, or on the Side or Sides thereof.

Half Toll only to be paid between *Broughton* and *Pont Blyddyn*.

XXXIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees to receive or demand any Toll whatever at any Gate, Bar, or Chain to be erected, placed, or set up on the said intended

Toll not to be taken between *Broughton* and *Pont* Line

Blyddyn
until certified
by Three
Justices, that
the Road hath
been suffici-
ently made.

Line of Communication or Branch of Road between *Broughton* and *Pont Blyddyn* aforesaid, or on the Side or Sides thereof, until Three of His Majesty's Justices of the Peace of the said County of *Flint*, not interested in the Matter in question, shall have certified, by Writing under their Hands and Seals, that the said Line of Communication or Branch of Road hath been fully and sufficiently formed, completed, and repaired in every respect as a Turnpike Road ought to be, and such Certificate shall have been lodged in the Office of the Clerk of the Peace for the said County of *Flint*, open to the Inspection of all Persons interested or concerned therein.

For settling
Disputes
concerning
Tolls.

XXXIV. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due or the Charges of keeping any Distress, such Dispute shall be settled and determined by some Justice of the Peace of the County or Place where such Dispute shall happen, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to such Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold: Provided always, that the Person or Persons 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 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.

Toll Collec-
tors not in-
competent
Witnesses:

Power to let
the Tolls.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held under or by virtue of this Act, to demise, lease, and let to farm all or any of the Tolls granted by this Act, and all or any of the Toll Houses and the Conveniences and Appurtenances thereto belonging, to any Person or Persons, for any Term or Number of Years, not exceeding Three Years, upon public Bidding to the highest Bidder, and for the highest Rent that can be reasonably got for the same, to be paid and payable at such Times, and under such Covenants, and to such Person or Persons, and with such Sureties for the due Payment thereof as the said Trustees shall direct or appoint, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been last let, any thing in any Law or Statute to the contrary notwithstanding; and the Money

arising

arising thereby shall be applied and disposed of in such Manner as the Tolls granted by this Act are directed to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever: Provided always, that the said Trustees shall, before the Letting of the said Tolls, at all Times cause Ten Days Notice at the least to be affixed upon all the Toll Gates which shall be then standing upon the said Roads, of their Intention to lease, demise, or let such Tolls, or any Part thereof.

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

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

XXXVII. And whereas it frequently happens that Carts drawn by One Horse, passing upon and along the said Roads, carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses, to the great Destruction of the said Roads; be it therefore further enacted, That all Carts passing upon the said Roads, or any Part thereof, drawn by One Horse only, from and after the passing of this Act, shall, in case the said Trustees or any Three or more of them shall so order and direct, be weighed at any Machine to be erected on the said Roads, and that in such case the like additional Sums or Tolls as are payable by virtue of any Law or Laws now in force for the Overweight of any Waggon, Cart, or other Carriage, and the Loading thereon, shall and may be demanded and taken by the said Trustees, or any Three or more of them, or their Collector or Collectors, in respect of Carts drawn by One Horse only, and which, with the Loading thereon, shall exceed the Weights hereinafter mentioned; that is to say, Carts having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches, One Ton and Five hundred Weight, of One hundred and twenty Pounds to the Hundred, in Summer, and One Ton and Two hundred Weight, of One hundred and twenty Pounds to the Hundred, in Winter; and Carts having the Sole or Bottom of the Fellies of the Wheels of less Breadth or Gauge than Six Inches, One Ton and Two hundred Weight in Summer, and One Ton in Winter; and that all the Powers, Regulations, and Penalties now in force relating to the Weighing of Waggons, Carts, and other Carriages, drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof, any Law, Statute, or Usage to the contrary in anywise notwithstanding; and for the several Purposes aforesaid it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive.

One Horse Carts may be weighed, &c.

XXXVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horse drawing any Carriage, or not drawing, attending His Majesty or any of the Royal Family, or returning from having so attended.

Exempting the Royal Family from Toll.

XXXIX. Provided also, and be it further enacted, That no Tolls shall be demanded or taken for any Horse or other Beast drawing any Carriage

General Exemptions from Tolls.

[*Local.*]

riage passing laden with or unladen for or returning the same Day unladen after having been laden with Materials for making or repairing the said Roads, or for repairing the Highways in any Township through which any of the Roads lead; nor for any Horse or other Beast drawing any Carriage laden with or passing unladen for or returning the same Day unladen after having been laden with Grass, Hay, Straw, or Corn in the Straw only, not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be placed in the Outhouses or on the Lands of the Owner thereof, who shall not have bought the same, nor for any Muck, Marl, Dung, Lime, or other Manure to be used in Husbandry, nor for any Implements of Husbandry passing in order to the using or repairing of the same in any of the Townships through which the said Roads pass, nor for any Thorns, Rails, Posts, Gates, or Stiles, to be used in the repairing or fencing of any Lands, nor for any Horse or Beast going to or from Water, Pasture, or Work in Husbandry upon or within any of the Lands within such Townships, or any of them; nor for any Horse or Beast which shall be only passing in order to be shoed or farried, or drawing any Carriage or Implement in Husbandry, or other thing to the Carpenter's or Wheelwright's Shop to be repaired, or for the Return of such Horses or other Cattle; nor from any Rector, Vicar, or Curate going to officiate or returning from officiating at his proper Parish Church, or other Place of Divine Worship, or on his or their parochial or ministerial Duty, or visiting his sick Parishioners, nor from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, nor from any Person or Persons going to or returning from his, her, or their usual Place of religious Worship tolerated by Law, upon *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, nor from any Person or Persons going to or returning from the Funeral of any Person or Persons who shall die and be buried in any Parish or Place in which such Turnpike shall be situate; nor for any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Flint*, or going to or returning from any Election of a Burgess or Burgesses to serve in Parliament for any of the Boroughs within the same County, during the Time of or on the Day before or Day after such Elections respectively shall begin or be concluded; nor for any Horses, or other Beasts 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 such Mails or Expresses, or in returning back therefrom; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided such Person be dressed in the Uniform of his Corps, and wear his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming such Exemptions; nor for the Horses of Soldiers passing who are upon their March or upon Duty, nor for Horses or other Beasts drawing any Waggons, Wains, or Carriages employed in conveying the Arms or Baggage of any such Soldiers, or any sick, wounded, or disabled Officers or Soldiers, or the Wives and Children of such Soldiers; nor for any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriages whatsoever, employed

in carrying 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, or returning after having been so employed; nor for any Horses or other Beasts drawing any Carriage employed in conveying Vagrants sent by legal Passes, or Prisoners in Custody under any legal Warrant, or returning after having been so employed; and if any Person or Persons shall in any fraudulent or collusive Manner claim the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie on the Person claiming the same.

XL. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act upon the said District of Roads, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket, *gratis*, denoting the Payment of the Tolls, and naming and specifying the Gate at which such Payment shall have been made, and also the Gate or several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said District of 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 Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty, in case of Nonpayment thereof, shall be levied and recovered, and shall be paid and applied in such and the same Manner as other Penalties are by this Act directed to be levied, recovered, paid, and applied.

Toll Collectors to put up their Names.

XLI. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or other Person employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons obstructing the Execution of this Act.

XLII. And

Trustees empowered to compound for Tolls.

XLII. And be it further enacted, That the said Trustees may, and they are hereby empowered, from Time to Time as they shall see convenient, to compound and agree, for any Term not exceeding One Year at any one Time, with any Person or Persons for the Toll of any Horse or other Cattle or Beast drawing any Carriage, or not drawing, passing through any of the said Turnpikes, so that no Composition shall be made with any Person or Persons for the Toll of any Horse or other Cattle or Beast drawing any Carriage employed in carrying for Hire : and all such Composition Money shall be paid in advance, otherwise such Agreement or Composition to be void.

Action of Ejectment may be supported by One Mortgagee.

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

Power to borrow Money on Mortgage of the Tolls.

XLIV. And be it further enacted, That the said Trustees, at any Meeting to be holden under or by virtue of this Act, at any Time or Times hereafter, may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted, such Sum or Sums of Money as they shall think necessary ; and they are hereby also authorized and empowered, either at every such Meeting, or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the said Tolls hereby granted, (the Charges of mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same ; which Mortgages shall be made in the following Form of Words, or in some other Form of Words to the like Effect ; (that is to say),

Form of Mortgage.

‘ BY virtue of an Act passed in the Third Year of the Reign of His
 ‘ Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert*
 ‘ *the Title of this Act*] we _____ of the Trustees for putting
 ‘ the said Act in Execution, in consideration of the Sum of _____
 ‘ to the Treasurer of the said Trustees in hand paid, do grant, bargain,
 ‘ sell, and demise unto *A. B.* his, [*her, or their*] Executors, Administra-
 ‘ tors, and Assigns, such Proportion of the Tolls arising by virtue of the
 ‘ said Act, and of the Toll Gates and Toll Houses for collecting the same,
 ‘ as the said Sum of _____ doth or shall bear to the
 ‘ whole

‘ Whole of the Monies owing and secured on the Credit thereof; to be
 ‘ had and holden from this Day of in the Year
 ‘ of our Lord for and
 ‘ during the Continuance of the said Act, unless the said Sum of
 ‘ with Interest at the Rate of *per Centum per*
 ‘ *Annum*, shall be sooner paid and satisfied. Given under our Hands
 ‘ and Seals this Day of in the Year of our
 ‘ Lord

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer of the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby secured (or to whom any Mortgage or Assignment may have been made under the said recited Acts, or either of them, of Tolls taken on the Road within the said *Mold* District) may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing, before One credible Witness, an Instrument either indorsed or not indorsed, upon such Mortgage or Assignment, in the following Words, or Words to the like Effect; (that is to say),

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

Which Transfer shall be produced and notified to the Clerk or Treasurer to the said Trustees, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Dates, Names of the Parties, and the Amount of the Sum transferred, for which Entry the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may in like manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

XLV. And be it further enacted, That from and after the passing of this Act, the said Trustees shall and they are hereby authorized and required, after Payment of all the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act, and also the Interest due and to grow due for or in respect of the Principal Money borrowed and now owing, or that shall be hereafter borrowed upon the Credit of the Tolls granted by this Act, and after all the Charges and Expences of making, maintaining and keeping in Repair the said Roads shall have been paid and defrayed, from Time to Time to form the Residue and Remainder of the said Tolls and other Monies into a Sinking Fund for the gradual

Payment of all the Principal Sum or Sums of Money now borrowed or hereafter to be borrowed on the Credit of the Tolls granted by this Act; and that as often as the said Trustees shall think proper, the said Sinking Fund shall from Time to Time afterwards be applied in the Payment of an equal Amount of the Principal Money which shall then be due and owing on the Credit of the said Tolls, rateably, or by Lot, amongst the Creditors, in such Manner and under such Regulations and Restrictions as the said Trustees shall from Time to Time think right and proper.

Gates not to open into the Road.

XLVI. 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 (unless 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 if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing outward towards the said Roads, contrary to the true Meaning of this Act, shall not, within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Roads, cause such Gate to be hung so that no Part of such Gate shall, when open, project over any Part of the said Roads, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice of the Peace for the County or Place where such Gate shall be situate, upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration and hanging such Gate in a proper Manner; and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and such Penalty shall be levied, recovered, paid, and applied in manner herein-after mentioned.

Power to impound Cattle or Swine straying on the Road.

XLVII. And be it further enacted, That if any Horse, Cow, Ass, Swine or other Live Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying, or lying upon, about, or on the Sides of the said Roads, or any Part thereof respectively (except in such Parts of the said Roads where the same are not fenced, or are open on either Side to any Commons or Waste Lands), it shall be lawful for the Surveyor of the said Roads for the Time being, or other Person or Persons whomsoever, to seize and impound every such Horse, Cow, Ass, Swine, or other Live Stock or Cattle, in the common Pound (if any) of the Parish, Township, or Place in which the same shall be found tied or fastened, or wandering, straying, or lying upon or on the Sides of the said Roads, or any Part thereof respectively, or in such other Place or Places as the said Trustees, although not assembled at any Meeting, or the said Surveyor, shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every such Horse, Cow, Ass, Swine, or other Live Stock or Cattle, so impounded, pay the Sum of Ten Shillings to the Person so impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five

Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the said County of *Flint*, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Horse, Cow, Ass, Swine, or other Live Stock or Cattle to be sold; and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Horse, Cow, Ass, Swine, or other Live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same so sold shall appear to have been.

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

Punishment
of Persons
guilty of
Pound-
breach.

XLIX. And be it further enacted, That if any Person or Persons driving any Coach, Chaise, Waggon, Cart or other Carriage, upon the said Roads (except when overtaking in order to pass any other Coach, Chaise, Waggon, Cart, or other Carriage), shall not on meeting another Coach, Chaise, Waggon, Cart, or other Carriage, drive or keep his Carriage on the Left-hand Side of the Middle of the said Roads; or if any Person shall ride upon any Footway on the Side of or adjoining to the said Roads; or shall drive any Horse or other Cattle, or any Swine or Sheep, or any Cart or other Carriage upon any such Footway, or shall cause any Damage to be done thereto; or if any Person driving any Waggon or Cart shall absent himself therefrom, or shall not drive on the Left-hand Side of his Horse or Horses; or if any Person or Persons driving or riding upon any Horse or other Beast, carrying Crates, Cans or Panniers, shall not, on being overtaken by or meeting any other Person riding or driving any other Horse, Beast or Carriage, keep the said Horse or other Beast on the Left-hand Side of the Middle of the said Roads; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires; or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Roads; or shall play at Football or any other Game or Games upon the said Roads or any Part thereof, to the Annoyance of any Passenger or Passengers;

Penalty on
Persons not
keeping
the Left Side
of the Road,
&c.

Penalty on
Persons com-
mitting Nui-
sances on the
Road, &c.

Passengers; or if any Person or Persons shall lay any Straw, Hay, or other Matter or Thing, upon any Part of the said Roads, or the Sides thereof, to be made into Manure, or shall scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, without Leave of the Surveyor of the said Roads; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure or Soil, or leave any Cart, Carriage or Wheel-barrow, Rubbish, or other Matter or Thing whatsoever, (except Materials for the Repair of the said Roads deposited by or by the Order of the Surveyor thereof for immediate Use), on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon; or if any Person or Persons shall leave any Carriage (except in Cases of 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 such Carriage shall not during such Time be drawn up to the Side of the said Roads as near as conveniently may be; or if any Person or Persons, after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave or suffer or permit to lie and remain on any Part of the said Roads the Stone or other Matter or Thing used in such Blocking or Stopping, or shall do any other wilful Act, Damage, or Injury to the said Roads or any Part thereof; or if any Person or Persons shall haul or draw or cause to be hauled or drawn upon any Part of the said 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 or trail upon any Part of the said Roads to the Prejudice thereof, or shall in or upon any Part of the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Pigs or Swine upon the said Roads shall suffer such Pigs or Swine to root up or damage the said Roads, or any Part thereof, or the Hedges or Fences on either Side thereof respectively; or if any Person riding, attending, or driving any Horse or other Beast on the said Roads, and carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, across such Horse or other Beast in such Manner as that the same shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Roads; or if any Hawker, Pedlar, Gipse, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Roads, or any Part thereof; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart or other Carriage under his or her Care, upon the said Roads, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

L. And

L. And whereas a Map or Plan, describing the Lines of the said intended Diversion and Branch of Road, and the Lands, Hereditaments, and Premises through which the same have been or are proposed to be made or carried, together with a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Flint*; be it therefore enacted, That the said Map or Plan and Lists shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all 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 for the Time being a reasonable Compensation for making such Copies or Extracts; and that the said Trustees in making the said Diversion and new Branch of Road shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, first had and obtained.

Plan, &c. deposited in the Office of the Clerk of the Peace, to remain there for Inspection, &c.

LI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby fully authorized and empowered, from Time to Time to divert, shorten, vary, alter, and improve the Course or Path of any Part or Parts of the said Roads herein-before mentioned and described, through any Waste Grounds or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) within the Limits herein-before mentioned, first tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they shall sustain thereby; and such Roads, when diverted and turned under the Authority of this Act, shall and they are hereby declared to become Common Highways to all Intents and Purposes, and shall be thenceforward repaired and maintained by the Inhabitants of the respective Townships, Hamlets, or Places in which the same are situate, by such Means as the Common Highways of this Kingdom are by Law to be repaired and maintained by the Inhabitants of the Parishes in which they are situate.

Trustees may divert the Road.

LII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part of the present Road, comprising the said *Mold* District, to deviate more than One hundred Yards from the present Line or Course thereof (unless any new Line or Course which may be thought expedient to be made shall be along any public Road or Highway, or over any Common or Waste Ground) without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands such Diversion or Alteration shall be made, first had and obtained.

Trustees in diverting the old Road not to deviate more than One hundred Yards from the present Line.

LIII. And be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion and Branch of Road into, through, across or over the several Lands, Hereditaments and Premises of any Person or Persons who is or are or may be Owner or Owners or Occupier or Occupiers of Lands and Premises over which the same is or are set out

Trustees to make the Road conformably to such Plan, &c. notwithstanding Omissions or Errors.

and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or misstated in the said Map or Plan or Lists, in case it shall appear to any Two or more Justices of the Peace for the said County of *Flint*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake; and that it shall be lawful for the said Trustees, and for their Surveyor and Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Roads hereby authorized are intended to be made, and to stake out and make the same, or make any temporary Roads, in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damage that shall be done to the Land or Ground on the Sides of any new Road whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any such Road, or obstruct or hinder any Person or Persons employed in making such temporary Roads, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

Houses, &c.
not to be
injured.

LIV. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees, in making the said Diversion and Branch of Roads, to take or pull down, injure or damage any Dwelling House or other Buildings, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner thereof first had and obtained.

Old Road to
be given up
when new
Line made.

LV. And be it further enacted, That when and as soon as the said intended Diversion of Road hereby authorized to be made, shall have been effectually made and be fit for the Passage of Horses, Cattle, Carts, and Carriages along the same, then and in such case the said Trustees may and they are hereby authorized and empowered to surrender and give up so much and such Part and Parts of the Road or Roads now used and kept in repair under and by virtue of the said recited Acts, as shall not be required for the Purposes of this Act, to the respective Townships through which the same pass, and the same when so surrendered and given up shall no longer be repaired under the Powers and Provisions of this Act, except as herein-after provided and mentioned.

Trustees to
remain liable
to repair old
Road in
Broughton
and Pentre-
hobin.

LVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the Trustees for executing this Act, to surrender or give up such Part of the Road heretofore used and kept in repair by virtue of the said recited Acts as lies within the Townships of *Broughton* and *Pentrebobin* in the said County of *Flint*; but that the said Road, so far as the same lies within the said Townships, or either of them, shall from henceforth be

amended and maintained as a Turnpike Road, under the Powers and Provisions of this Act.

LVII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, shortening, varying, or altering the said Road and Branch or either of them, or any Part or Parts thereof respectively, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, or Committees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, and to and for all Femes Covert who are or shall be seised or interested in their own Right or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do under or by virtue of this Act.

Power to Trustees to contract for the Purchase of Lands, &c.

LVIII. And be it further enacted, That if such Bodies Politic, Corporate, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic or Corporate, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to any of the said Roads, and through which any Part of such Roads is to be made, varied, diverted, turned, or altered, shall for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Flint*; and in order thereto, the said Trustees are hereby empowered and required, from Time to Time as occasion may 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, or their Clerk for the Time being, is and are hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the

If Parties refuse to treat, &c. the Recompence to be ascertained by a Jury.

the said Jury's Information in the Premises; and after the said Jury shall have inquired into and ascertained and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties whomsoever, claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors; and for the summoning and returning such Jury the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy, is hereby required to impanel, summon, and return such Number of Persons accordingly; and the said Trustees shall and they are hereby required and empowered to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy, or the said Trustees, shall return other honest and sufficient Men that can speedily be procured to attend and make up the Number of Twelve.

Payment of
the Expences
of Juries.

LIX. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or by their Clerk, Treasurer, 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, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and Determination of such Difference, 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 by their Clerk, Treasurer, or known Agent as aforesaid, before the summoning and returning the said Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the Hearing and Determination of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine into, ascertain, and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much

much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed such Damages and shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by the Ways and Means herein-after provided for the 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 and received under and by virtue of this Act.

LX. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised under or by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to their Agents, as the Case may be; and that upon such Payment or Tender thereof it shall be lawful for the said Trustees, their Agents, Surveyors, and Workmen, to make, extend, widen, divert, or turn such Roads through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things, with relation to such Lands or Hereditaments, as the said Trustees shall think fit or necessary for the Purposes of this Act; and all the Lands and Hereditaments which shall be made a Part or Parts of any Road or Roads 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.

On Payment or Tender of Money assessed, Trustees may enter, &c.

LXI. 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 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 the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so

Application of Compensation Money when exceeding 200l.

[Local.]

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applied,

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.

Application where the Compensation is less than 200*l.* but not less than 20*l.*

LXII. 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 herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Two or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Money is less than 20*l.*

LXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-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 Act, in such Manner as the said Trustees shall think fit, or
in

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.

LXIV. 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 out a good Title to the Premises, to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High 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 of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the 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, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

LXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of any 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 shown to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied,

In case of
not making
out Titles.

Where any
Question
shall arise
touching the
Title to the
Money.

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

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

LXVI. 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 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 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.

Trustees to cause sufficient Fences to be made on each Side of the new Road, &c. within Two Months after the setting out or staking thereof.

LXVII. Provided always, and be it further enacted, That the said Trustees shall, within the Space of Two Calendar Months next after they shall cause to be set out or stake any new Road or Roads, or any Diversion of any Road or Roads, by this Act authorized to be made or diverted, through the Lands or Inclosures of any Person or Persons whomsoever, and before such Road or Roads, or Diversions, shall be open for the Public, make or cause to be made a good and sufficient Fence on each Side of the said Road through the said Lands or Inclosures, for the whole Length of the said Roads extending through the same.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

LXVIII. And whereas by reason of the Purchases which the said Trustees are hereby empowered to make, or by reason of the diverting of some Part or Parts of the said Roads, or otherwise, they may happen to be seised of some Piece or Parcel of the said old Roads, or of some other Piece or Parcel of Land over and above what may be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of the said Piece or Pieces of Ground, or Piece or Pieces of the said old Roads, either together or in Parcels, as they shall think proper, to such Persons as shall be willing to contract for and purchase the same, provided that the said Trustees, before they shall sell and dispose of any such Piece or Pieces of the said old Road, or other Land, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of any Piece or Pieces of Overplus Ground, shall first offer to resell the same to the Person from whom they shall have purchased such Piece or Pieces of Ground; and in case such Persons shall refuse to purchase or repurchase the same respectively, on an Affidavit being made and sworn to 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 or Place where such Piece or Parcel of old Road or Ground shall be, by some Person or Persons not interested in the said Piece or Pieces of old Road or 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 to whom the same was so offered, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and refused by the Person to whom it was made (as the Case may be); and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Pieces or Parcels of 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.

LXIX. 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, get, gather, take, and carry away any Gravel, Sand, Stone, or other Materials for making and repairing the said Roads, out of any common River or Brook, or out of or from any Common or Waste Grounds, Pit or Pits, in any Parish, Township, or Place in which any Part or Parts of the said Roads shall be, or in any adjoining Parish, Township, or Place, without paying any thing for the same; the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, and sloping down the Banks from whence such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may be free from Danger to Passengers and Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of any Two or more Justices of the Peace of the County or Place where the same shall lie, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, or for any Damages done thereby to the Owners or Occupiers of the Grounds and Premises where and from whence the same Materials shall be had and taken as aforesaid, or over which the same, or any other Materials for repairing the said Roads, shall be carried, according to the respective Rights and Interests in such Grounds and Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the Parties concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the said County or Place, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Difference; and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

Surveyors to
get Gravel,
&c.

LXX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing or making the said Roads, or any Part thereof, out of or from any inclosed Lands or Grounds, until Ten Days Notice

Notice to be
given to
Occupiers
of inclosed
Lands before
Materials are
taken there-
from.

[*Local.*]

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in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Two Justices of the Peace acting for the County or Place where such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices, by their Order, to authorize such Surveyor, or other Person or Persons, to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Penalty on
taking away
Materials,
&c.

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

Surveyors
may make
Causeways,
&c.

LXXII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to make Causeways and Footpaths, and also Ditches and Drains, in and upon the said Roads, and also through any Grounds lying contiguous thereto (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), and also to make a Road through any Ground adjoining or lying near to any hollow Way, or narrow or ruinous Part of the said Roads (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a Public Highway whilst the old Road is repairing, and also to build, erect, and repair any Bridge or Bridges, Arch or Arches, Culvert or Culverts, upon any Part of the said Roads, and across any River, Brook, Stream, Water, Ditch, or Drain thereon, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the Amount of such Damages, any one Justice of the Peace for the County or Place where such Difference shall arise (on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left

at his or their respective Places of Abode), shall hear, settle, and determine the Matter of such Damages and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part of the said Roads, by Rails, Steps, Cellar-holes, Sign Posts, Walls, Windows, Shutters, Projections, Watering Troughs, or otherwise, and to turn, stop, or cover any Watercourse, Ditches, Sinks, or Drains, running into, along, out of, or by the Side of any Part of the said Roads to the Prejudice or Injury thereof, and to open, scour, and cleanse any Sough, Ditch, or Watercourse adjoining to or leading into or out of any Part or Parts of the said Roads, (not being in any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees,) and to make the same as deep and large as the said Trustees shall think proper and necessary; and at proper Seasons of the Year to cut down, lop, or top any Branches of Trees, Shrubs, or Bushes growing in or by the Side of any Part of the said Roads, or in the Hedges or Banks adjoining thereto, not being Shrubs or Bushes planted as a Shelter or Ornament to a House or other Building, or standing in any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, or in any inclosed Ground planted and set apart as a Nursery for Trees (in case the Person or Persons who ought to cleanse such Ditch or Watercourse, or to cut down or lop such Branches of Trees, Shrubs, or Bushes, shall neglect to do so for the Space of Fourteen Days next after Notice in Writing given for that Purpose, signed by the Surveyor or Surveyors for the Time being, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person or Persons shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any Penalty inflicted by this Act); and if after the Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence (over and above such Charges as aforesaid) forfeit and pay any Sum not exceeding Five Pounds.

Surveyors
may remove
Annoyances.

LXXIV. And be it further enacted, That it shall be lawful for the said Trustees at any Time during the Continuance of this Act, and they are hereby authorized and empowered, to widen any Part or Parts of the said Roads to be made, repaired, and kept in Repair by this Act, so as to make such Part or Parts of the said Roads not exceeding Sixty Feet in Width, for the Accommodation of Passengers; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, and Hereditaments (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House,

Power to
widen any
Part of the
Roads.

a House, or any inclosed Ground planted and set apart as a Nursery for Trees), and to stake out and make the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, or Hereditaments respectively, first making or tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain.

Milestones
to be set up.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required, from Time to Time as often as they shall think necessary, to cause the said Roads comprised within the said *Mold* District to be measured, and Stones or Posts to be placed in or near the Sides of the same, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they shall deem proper.

Trustees may
contract for
the making
or repairing
the Roads.

LXXVI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall and may and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, or repairing the said Roads, or any Part thereof, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts or Agreements in Writing, entered into pursuant to any Order of the said Trustees, or by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors or Administrators.

Statute
Labour.

LXXVII. And be it further enacted, That the Roads hereby authorized to be made, amended, widened, turned, varied, and kept in Repair, shall be deemed and taken to be and shall be the King's Common Highway for ever, to all Intents and Purposes whatsoever; and that the Inhabitants of the several Townships, Districts, or Places through which the said Roads do or shall lead, pass, and extend, shall respectively be and for ever continue subject and liable to the Repair thereof; and it shall and may be lawful for any Two or more Justices of the Peace for the County or Place in which the said Roads shall lie, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Two or more of them, or by their Clerk, Treasurer, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads, by the Inhabitants of the respective Townships, Districts, or Places in which the same do or shall lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Township, District, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Township, District, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the Service of such Summons), of the
Names

Names of the several Persons who within such Township, District, 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, setting forth the Number of Days Work which each such Person is liable to perform, and 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; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work as aforesaid upon the said Roads as the said Justices shall think reasonable, and the same shall be done at such Days and Times (not being Haytime 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 Surveyor or Surveyors of such Parish, Township, or Place respectively, to be by him or them paid over to the said Trustees, or their Treasurer or Surveyor, at such Time or Times as the said Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him or them at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force 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 dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such a 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 of 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 Townships, Districts, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect and pay over, such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree, by the Year or other-

[*Local.*]

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Trustees may compound for Statute Labour.

wise, with the Possessors or Occupiers, Grantees, Trustees, or Feoffees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repairs of any Part of the said Roads to be repaired or made by virtue of this Act, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways, or the Churchwardens or Overseers of the Poor of any of the said Townships, Districts, or Places, by and with the Consent of the Majority of the Inhabitants of such Townships, Districts, or Places first had at any Vestry or other public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads.

For securing
transient
Offenders.

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

In case of
Non-pay-
ment of
Compensa-
tion for
Materials,
Damages or
Injury done
by the Trus-
tees, &c. the
same to be
levied by
Distress of
the Goods of
such Trustees
or their Treas-
urer.

LXXX. 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 De-
mand

mand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

LXXXI. And be it further enacted, That where any Distress shall be made for any Penalty, or 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 done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, may at any Time before Issue joined pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, or Judgments shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Distress not to be deemed unlawful for Want of Form.

LXXXII. 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 is not otherwise directed, upon Proof of the Offences respectively before any One Justice of the Peace of the County or Place wherein the Offence shall be committed, either by Confession of the Party or Parties offending, or by the Oath of One or more Witnesses or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid, Half to the Informer and Half to the said Trustees, or to their Treasurer or Clerk, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Fourteen Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for any One Justice of the Peace

Recovery and Application of Penalties, &c.

as

as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For the more
easy Con-
viction of
Offenders.

LXXXIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Words, or in any other Form of Words to the like Effect, as the Case shall happen; (that is to say),

‘ County of } **B**E it remembered, That on the Day of in
‘ to wit. } the Year of our Lord A. B. is convicted
‘ before me, C. D. One of His Majesty’s Justices of the Peace for the
‘ County of [*specifying the Offence, Time and Place when*
‘ *and where the same was committed (as the Case may be), without further*
‘ *setting forth the Information or Evidence against the Defendant*]. Given
‘ under my Hand and Seal the Day and Year first above mentioned.’

And that no Objection shall be made, or Advantages taken, for want of Form in any such Conviction, by any Person or Persons whomsoever; and that no Proceedings of any Nature or Kind soever, to be had touching any Offender or Offenders against this Act, shall be quashed, vacated, or discharged for want of Form only.

Allowing an
Appeal.

LXXXIV. And be it further enacted, That if the said Trustees, or any Person or Persons, shall think himself, herself, or themselves aggrieved by any thing done by virtue or in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Trustees, or Person and Persons, shall and may appeal to the Justices of the Peace at the First or Second General or Quarter Sessions of the Peace to be holden in and for the County or Place where the Cause of Appeal shall arise, within Six Calendar Months next after the Matter of such Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice to the other Party at the least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the said Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice having been given, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way, and if they see Cause, may by Order of such Session mitigate, at their Discretion, all or any of the said Penalties, or quash and annul any Conviction or Convictions, Orders, or other Proceedings of any Justice or Justices of the Peace, or otherwise may ratify and confirm the same, and award such Costs to either of the Parties, or otherwise, as they may think proper, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of the said Justices shall

shall be binding and conclusive upon all Parties, to all Intents and Purposes.

LXXXV. And be it further enacted, That no Judgment, Order, or Determination of any Justice or Justices of the Peace, touching or concerning, or in Execution of any Power or Authority vested in such Justice or Justices by this Act, shall be quashed or vacated for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form.

LXXXVI. And be it further enacted, That no Action or Suit shall be brought or commenced by any Person or Persons for any thing done by virtue of this Act till after Fourteen clear Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action or Suit shall be intended to be so brought or commenced, thereby fully setting forth the Cause of such Action or Suit, and the Nature thereof, or left at his or their last or usual Place of Abode; and that every Action or Suit commenced or brought for any thing done as aforesaid shall be brought within the Space of Three Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere, and the Defendant or Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence, and that the same was done by virtue thereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Fourteen Days next after such Notice shall have been so given or left as aforesaid, or after the End of Three Calendar Months next after the Cause thereof shall have arisen, or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, then and in every of the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and shall also have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

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

For paying Expences of the Act.

LXXXVIII. 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.

Public Act.

[*Local.*]

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LXXXIX. And

Commence-
ment and
Continuance
of this Act.

LXXXIX. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall 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.

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