



ANNO TERTIO

# GEORGH IV. REGIS.

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## Cap. xciv.

An Act for repairing and improving several Roads leading to and from the Town of *Caerleon* in the County of *Monmouth*. [24th June 1822.]

**W**HEREAS an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing, widening, and improving the Road from the Village of Magor, to the Bridge Foot in the Town of Chepstow in the County of Monmouth, and several other Roads in the Counties of Monmouth, Gloucester, Hereford, and Brecon, to continue in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament*: And whereas the several Roads directed to be repaired by the said Act were thereby divided into Eight Districts, and the Fourth District or Division was by the said Act directed to be called by the Name of *The District of Caerleon*: And whereas the Trustees for the said District of *Caerleon* have borrowed at Interest considerable Sums of Money on the Credit of the Tolls authorized to be taken on the Roads within the said District of *Caerleon*, which still remain due and cannot be paid off, nor can the said Roads be kept in repair and properly improved, unless the Term and Powers of the said Act, so far as the same relate to the said District of *Caerleon* are enlarged, and unless Powers are given for increasing the Tolls now taken thereon: And whereas it would be of great Convenience and Advantage to the Public travelling on the Roads within the said District of *Caerleon*, if a certain Part of the

39 & 40 G.3.  
c. 15.

Recited Act  
repealed.

This Act to  
be executed  
instead  
thereof.

Roads under  
this Act  
described.

Tolls granted  
by this Act  
subject to  
Monies due.

Persons  
owing Money  
to continue  
liable, and all  
Bonds, &c.  
to remain in  
force.

Line of the said Roads were diverted ; that is to say, if a new Piece of Road were to be made from or near a certain Place on the Turnpike Road leading from *Caerleon* to *Usk* called *Court Blethin* in the Parish of *Tredunnoch*, to a certain Bridge on the said Turnpike Road leading from *Caerleon* to *Usk* called *Soar Bridge* in the Parish of *Lanbennock* ; also if another new Piece of Road were to be made from the Foot of the Hill at or near *Caerleon* Village in the Parish of *Christchurch*, to or near the Bottom of *Fair Oak Hill* in the Parish of *Christchurch* aforesaid, to join there the Turnpike Road (in the District or Division of Roads called the District of *Newport*) leading from *Newport* to *Christchurch* : And whereas it would facilitate the Execution of the Purposes aforesaid, if the said former Act, so far as the same relates to the said *Caerleon* District of Roads, was repealed, and if other Powers and Provisions were granted and made : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, so far as the same relates to and affects the said District or Division of the said Roads called the District of *Caerleon*, shall be and the same is hereby declared to be repealed ; and that this Act shall from thenceforth commence and take Effect and be put into Execution for and during the Term herein-after mentioned, for the Purpose of repairing, amending, diverting, altering, making, improving, and maintaining in Repair the several Roads herein-after described ; that is to say, the Road from a certain Turnpike Gate at the Top of the Hill called *Pen-yr-boel-hyr* in the Parish of *Lanvrechva* in the said County of *Monmouth*, to and through the Street of the Town of *Caerleon*, to the Top of the Hill at *Belmont* into the Road there in the *Newport* District of Roads leading to the *New Passage* and *Chepstow* ; the Road from a certain Place called *Court Blethin* in the Parish of *Tredunnoch* in the said County of *Monmouth*, at the Point or Place there where the *Usk* District of Roads terminates, to the said Road leading from the Top of the Hill called *Pen-yr-boel-hyr* to *Caerleon* ; the Road from *Lantrissent Church* through the Parish of *Kemeys Inferior* into the Road before described, leading from *Caerleon* to *Belmont* ; and the aforesaid new Pieces of Road, from or near the said Place called *Court Blethin* to the said Bridge called *Soar Bridge*, and from the Foot of the Hill at or near *Caerleon* Village to the Bottom of *Fair Oak Hill* in the Parish of *Christchurch* aforesaid ; which said Roads shall be and be called by the Name of *The Caerleon District* ; and this Act, and the Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit or on the Account of the Tolls authorized to be taken by the said former Act on the Roads in the District of *Caerleon*, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Money had been borrowed or become due on the Credit or on Account of this Act ; and that all and every Person or Persons owing any Sum or Sums of Money to the Trustees for executing the said former Act, so far as relates to the said District of *Caerleon*, shall be liable to the Payment thereof to the Trustees for executing this Act ; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person



Person or Persons to, or with the Trustees for executing the said former Act for the said District of *Caerleon*, shall remain in full force and effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on Account and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Contracts, Agreements, or Notices, made, entered into, or given by the said Trustees for executing the said former Act for the said District of *Caerleon*, to or with any Person or Persons, or for any other Purpose, shall remain in full force and effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; this Act or any Law or Statute to the contrary notwithstanding, except as herein-after particularly mentioned respecting the Renters or Farmers of the Tolls.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Monmouth* for the Time being, *George Brewer*, *Edward Blewitt*, *Richard Fothergill*, *Thomas Fothergill*, *Rodland Fothergill*, *Meredith Howell Clerk*, *Lewis Howell Clerk*, *Edmund Jones of Bullmoor*, *Capel Leigh*, *Charles Lewis*, *Thomas Lewis*, *Francis Lewis Clerk*, *Thomas Leyson Clerk*, *John Leyson Clerk*, *Sir Charles Morgan Baronet*, *Charles Morgan*, *Robinson Morgan*, *George Morgan*, *Augustus Morgan*, *Octavius Morgan*, *William Morgan*, *Graigwith*, *John Hodder Moggridge*, *Ityd Nicholl*, *William Phillips*, *Witsun*, *William Phillips the younger*, *Thomas Prothero*, *Sir Thomas Robert Salisbury Baronet*, the Honourable *Henry Somerset* commonly called the Marquis of *Worcester*, the Honourable *Granville Charles Henry Somerset* commonly called Lord *Granville Charles Henry Somerset*, the Honourable *William Somerset* commonly called Lord *William Somerset*, *John Thomas Clerk*, *James Thomas*, *William Adams Williams*, *William Adams Williams the younger*, *Trevor Williams*, *Charles Adams Williams*, *John Waters*, *Edward Waters*, together with their Successors, to be chosen in manner herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, amending, diverting, altering, making, improving, and maintaining in Repair the said several Roads herein-before mentioned and described, and for otherwise putting this Act into Execution.

Trustees  
Names.

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

Power to  
appoint  
additional  
Trustees.

IV. And be it further enacted, That in case any of the Trustees herein named and appointed, (except the Justices of the Peace acting for the County of *Monmouth*), or to be elected and appointed by virtue of this Act, shall die or become disqualified, or refuse or omit to act for Three successive

Power to  
choose new  
Trustees in  
the Room of  
Trustees



dying or  
refusing to  
act.

successive Years; it shall be lawful for the surviving Trustees, or any Five or more of them (at any Meeting whereof at least Seven Days Notice in Writing shall have been given upon all the Toll Gates erected or to be erected upon the said Roads, specifying that an Appointment of new Trustees is intended to be made at such Meeting), to elect and appoint some other Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying, or becoming disqualified, or refusing, neglecting, or declining to act; and every Person so nominated and appointed, being qualified as by this Act is required, shall be a Trustee or Trustees for the Purposes of this Act, and is and are hereby invested with the same Powers and Authorities for carrying this Act into Execution as if he or they had been herein named.

Qualification  
of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation of Qualification hereinafter mentioned), unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; nor until he shall have taken and subscribed an Oath, (or being a Quaker until he shall have made and subscribed an Affirmation), in the following Form of Words; and which Oath or Affirmation the said Trustees or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized and empowered to administer; (that is to say),

Trustees  
Oath or  
Affirmation.

I do swear, [*or, being One of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am in my own Right [*or in the Right of my Wife*] in the actual Possession and Enjoyment of [*or in the Receipt of Rents and Profits issuing out of*] Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, [*or, am possessed of a Personal Estate alone, or Real and Personal Estate together of the Value of Four thousand Pounds,*] [*or, am Heir Apparent of*] who to the best of my Knowledge and Belief is seised of a Real Estate in Freehold [*or Copyhold*] Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds,] [*as the Case may happen*]; 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 King George the Fourth, intituled *An Act [here set forth the Title of this Act.]*

So help me GOD.

[*Or being a Quaker, omit the Words ' So help me God.'*]

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act, in any Case wherein he shall be personally interested other than as a Creditor, or while he holds any Place of Profit under this Act,  
or



or who shall sell any Ale, Beer or Wine, or Spiritous Liquors, by Retail, or who shall be interested or concerned in any Contract, or who shall be Lessee or Farmer of the Tolls, or any Part or Parts thereof, under this Act; and if any Person, not being qualified as aforesaid, or not having taken and subscribed the Oath as aforesaid, or, being a Quaker, not having made and subscribed the Affirmation as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, 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, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparance shall be allowed; and the Person so sued or prosecuted shall prove that he is 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 such Acts and Proceedings as shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided also, that such of the said Trustees hereby nominated, or to be appointed by virtue of this Act, as are or shall be in the Commission of the Peace for the County of *Monmouth*, shall not, by reason of being such Trustees, be deemed disqualified from acting as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be individually interested.

VI. And be it further enacted, That the said Trustees shall meet at the *Hanbury Arms* Inn in the Town of *Caerleon*, or at some other convenient House or Place in the said Town, on the Second *Wednesday* after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to the Execution of this Act; and shall from Time to Time, by Entry in Writing in the Book of Proceedings, adjourn their Meetings, to be held between the Hours of Eleven and Two at the same or such other House in the said Town of *Caerleon*, and on such Day as shall be named in such Entry or Adjournment: Provided always, that in case there shall not appear at the Time and Place, and within the Hours hereby appointed for the First Meeting, or hereafter to be appointed for any subsequent Meeting of the Trustees for putting this Act into Execution, a sufficient Number of Trustees to proceed to Business, it shall be lawful for the Trustee or Trustees present to adjourn the Meeting; or in case no Trustee shall be present, then it shall be lawful for the Clerk to the said Trustees for the Time being, by Notice in Writing, to be affixed on all the Turnpikes or Toll Gates erected upon the said Roads at least Seven Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held, or was appointed to have been held, on such future Day as shall be specified in such Notice, not

Penalty on Trustees acting not being qualified.

Acts of unqualified Trustees, before Conviction, to be valid.

Mortgagees may be Trustees.

Trustees being Justices, may act as such.

First Meeting appointed.

Power to adjourn.

If no Trustees present, Clerk to appoint a Meeting;



and in his  
Default, &c.  
Power to  
Three Trus-  
tees to ap-  
point Meet-  
ing.

Powers of  
the Act may  
be executed  
by Three  
Trustees at a  
Meeting, &c.

No Order to  
be revoked  
unless Five  
Trustees pre-  
sent.

Meetings on  
Emergen-  
cies.

Books to be  
kept of Pro-  
ceedings of  
Trustees.

to exceed Four Weeks after the Day on which such last Meeting was held, or was to have been held as aforesaid; and in case such Clerk shall refuse or neglect to give Notice, or shall by any means be prevented from giving Notice as aforesaid, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting, at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, by Notice in Writing under their Hands, to be affixed in manner aforesaid, to appoint the Trustees to meet at the said *Hanbury Arms Inn*, or some other convenient Place in the said Town of *Caerleon*, within Four Weeks after the Date of such last-mentioned Notice; and all the Powers and Authorities by this Act given to the said Trustees shall and may be executed by or before the Majority of the Trustees assembled at some Meeting to be held in pursuance of this Act, the whole Number present not being less than Three, and the same shall be of as full Force and Effect as if executed or done by or before all the Trustees for executing this Act (except in such Cases where any such Power, Authority, Provision, Matter or Thing, is by this Act particularly directed or authorized to be executed or done by any other Number of Trustees, or in any other Manner); and at all such Meetings a Chairman shall or may be appointed; and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote; and all Orders made under the Powers and Provisions of this Act, or of the said former Act, may be revoked or altered if Occasion shall require, provided that no such Order shall be revoked or altered except at some Meeting where not less than Five Trustees shall be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three or more Trustees, although not assembled at a Meeting, shall give Notice in Writing to the Clerk under their Hands, and also cause Notice to be affixed on all the Turnpikes or Toll Gates on the said Roads, specifying that such Revocation or Alteration is intended to be moved for Fourteen Days at least previous to any Meeting to be holden for that Purpose; and the Trustees shall, at their several Meetings, pay their own Expences.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for the Clerk to the Trustees, by or under an Order in Writing signed by Three or more Trustees, or for any Three or more Trustees (although not assembled at a Meeting), to call a Meeting of the Trustees, to be held at such Time and Place, in or near the said Town of *Caerleon*, as they shall think proper, by Notice, mentioning the Time and Place and Purpose of such Meeting, to be affixed on all the Turnpikes or Toll Gates then standing or being across the said Roads (such Time being not less than Seven Days after putting up such Notice on the several Turnpikes or Toll Gates aforesaid); and all Proceedings of the Trustees at such Meeting shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an Adjournment.

VIII. 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



the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered; and such Orders and Proceedings, so entered, shall be signed by the Chairman of the Meeting at which the same shall be made, or by the Trustees making the same; and the said Book or Books, and all Books of Proceedings of the Trustees in the Execution of the said former Act, kept according to the Directions or Provisions thereof, and made Evidence thereby, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

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

X. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary; and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and every such Appointment shall be entered in the Book of the Proceedings of the Trustees, and the Entry shall be signed by the Trustees making the Appointment, or by the major Part of the Trustees present at the Meeting where the Appointment is made, and Ten Days Notice shall be affixed on all the Turnpikes or Toll Gates standing or being across the said Roads, of every Meeting where any such Appointment shall be intended to be made, after the First Meeting of the said Trustees, specifying the Intention of appointing such Officer or Officers; and the said Trustees shall and may, and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the said Trustees shall think reasonable: Provided always, that no Person shall be

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

Penalty for Refusal of Inspection.

Appointment of Officers.

Persons selling Ale, &c.



not to hold  
Places of  
Profit.

capable of holding any Place of Profit under this Act, who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail.

Old Officers  
to continue  
until new  
Ones elected.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurer) appointed under and by virtue of the former Act, shall hold and enjoy such their several and respective Offices and Employments, until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he had been appointed by virtue of this Act.

Offices of  
Clerk and  
Treasurer not  
to be held by  
One Person.

XII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been, or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk 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, nor more than one Imparlance, shall be allowed.

Trustees may  
appoint tem-  
porary Col-  
lectors.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted shall neglect to perform or be incapable of performing his Duty, or shall abscond or absent himself, or otherwise misbehave or misconduct himself, any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees appointed by virtue of this Act, may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such case, and also in case any such Collector or Receiver of the Tolls shall die, the said Trustees, or any Three or more of them, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as the Person who shall so die or be discharged would have had, or would have been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged,



charged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or any of the Appurtenances thereof, for the Space of Four Days next after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees (although not assembled at any Meeting), or by their Clerk for the Time being, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County of *Monmouth*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into such House and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein, or who shall be in Possession of any such Toll Gate or Toll House, or Appurtenances, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any One of them, or such new appointed Collector or Receiver, into the Possession of such Toll Gate, Toll House, and Appurtenances.

XIV. And be it further enacted, That each and every Clerk, Treasurer, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the former Act, and who shall be appointed under or by virtue of this Act, shall from Time to Time, within Ten Days after being thereunto required, by Notice, signed by Three or more of the said Trustees, given to him or them, or left at his or their usual Place of Abode, deliver to the said Trustees, or to such Person or Persons as they for that Purpose shall appoint, a true and perfect Account in Writing, under his or their Hand or respective Hands, of all Monies which shall have been by him or them respectively had, collected, or received, by virtue of the former Act and this Act respectively, and how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with the proper Vouchers and Receipts for such Payments; and all such Officers or Persons shall and they are hereby respectively required, within Ten Days after so exhibiting their Accounts, or within such other further Time as the said Trustees shall order or appoint, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands, to the said Trustees, or to such Person or Persons as they the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands, within the Time or in manner aforesaid, if thereunto required by the said Trustees; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they or any Three or more of them shall appoint to take the same, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, in anywise relating to the Execution of this Act, or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County or Place where the Officer or Officers, or Person or Persons so neglecting or refusing, shall live or reside, by the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, or Person or Persons, to appear before him, and

Officers to  
account  
and pay over  
Balances.

[*Local.*]

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in case such Officer or Officers, or Person or Persons, shall not appear upon such Summons (the same having been served upon him or them personally, or, left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes, to the Satisfaction of the said Justice, being shown for such Non-appearance), to issue a Warrant or Warrants for the Apprehension of such Officer or Officers, or Person or Persons; and it shall be lawful for such Justice, upon the Appearance of such Officer or Officers, or Person or Persons, upon such Summons, or upon his or their being apprehended and brought before such Justice by virtue of such Warrant, or upon his or their having absconded, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, or Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so had, collected, and received shall be in the Hands of such Officer or Officers, or Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, or Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, or Person or Persons appearing, or being brought before the said Justice in manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or to the said Roads, then and in any of the Cases aforesaid such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall have been made by virtue of this Act in respect thereof, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or to such Justice; but no such Officer or other Person who shall be committed for Default of Distress only shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Treasurer,  
&c. to give  
Security.

XV. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security  
from



from the Treasurer or Treasurers, acting by virtue of this Act, for the due and faithful Execution of his or their Office, and also shall or may take such Security from any Collector or Receiver of the Tolls, or other Officer acting in Execution of this Act.

XVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee without the Consent of the said Trustees, but that the Clerk or the Trustee in whose Name such Action shall have been brought shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Defendant, Informant, Appellant, or Respondent.

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

XVII. And be it further enacted, That the said Trustees shall and may, as they think proper, continue or remove all or any of the Toll Gates, Bars, or Chains erected by virtue of the said former Act within the said District of *Caerleon*; and may erect or set up, and cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the Roads to be repaired, improved, and made by virtue of this Act, and upon the Sides thereof, and also across any Lane or Way leading into or out of the same; and may also erect a Toll House, with suitable Conveniences, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates, Bars, and Chains, and also may take in and inclose Garden Spots to such Toll Houses, not exceeding One-eighth of an Acre for each Toll House.

Power to continue and erect Toll Gates and to remove them afterwards.

XVIII. And be it further enacted, That the Right and Property of, in, and to all the Turnpikes, Toll Gates, Weighing Machines, Bars, Chains, Rails, Fences, Toll Houses, and other Houses and Buildings, and the several Conveniences and Appurtenances thereto erected, made, or provided for the Purposes of the said Roads, and now being upon or near the said Roads, or which shall be continued, erected, made, provided, or authorized by virtue of this Act, and all the Materials thereof, and all Materials for building, making, or repairing the same, or for making, improving, or repairing the said Roads, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees; and it shall be lawful for the said Trustees, and they are hereby empowered to sell and dispose of the Toll Houses and Conveniences attached to such Gates, Bars,

Toll Gates, Houses, &c. vested in Trustees.



Bars, and Chains that shall be removed by virtue of this Act, and of any such Materials as aforesaid, for the best Price or Prices that can be obtained for the same, the Money arising therefrom to be applied by the said Trustees to the same Purposes as the Tolls hereby authorized to be received and taken are directed to be applied; and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Building, or the Appurtenances, or who shall break down or damage, steal or take away any such Turnpike or Toll Gate, Weighing Machine, Bar, Chain, Rail, Fence, Toll House, or other House or Building, Conveniences, and Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles, or Things, or who shall disturb the said Trustees or their Lessees, Collectors, Agents, or Servants in the Possession thereof; and in all Actions, Indictments, and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of 'The Trustees of the *Caerleon* District of Roads,' without naming or otherwise describing the said Trustees.

Power to  
take Tolls.

XIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors by virtue of this Act, to demand and take the Tolls herein-after mentioned at the Turnpike Gates or Toll Gates, Toll Houses, Side Gates, Bars, or Chains which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse, Mule, or other Beast of Burden, laden or unladen, and not drawing, any Sum not exceeding Two-pence:  
 For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, with Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, any Sum not exceeding Eight-pence, and with Wheels of Six Inches or upwards, any Sum not exceeding Six-pence, except only those going for or returning laden with Lime only:  
 For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, going for or returning laden with Lime only, with Wheels of less Breadth than Six Inches, any Sum not exceeding Sixpence, and with Wheels of Six Inches or upwards, any Sum not exceeding Four-pence Halfpenny:  
 For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, going for or returning loaded with Timber, between the First Day of *November* and the First Day of *March* in every Year, with Wheels of less Breadth than Six Inches, any Sum not exceeding One Shilling, and with Wheels of Six Inches in Breadth or upwards, any Sum not exceeding Nine-pence:  
 For every Horse, Mule, or other Beast drawing any Coach, Chariot, Chaise, Landau, Hearse, Phæton, Curricule, Gig, Car, Litter, or other such Carriage, any Sum not exceeding Eight-pence:  
 For every Bull, Cow, Ox, or other Neat Cattle, any Sum not exceeding One Penny:

For



For every Calf, Sheep, Lamb, or Swine, any Sum not exceeding One Halfpenny.

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any Turnpike Gate or Toll Gate, Side Gate, Bar, or Chain, already erected and continued, or to be erected and continued by virtue of this Act, upon or across the said Roads or any Part thereof, or upon or across any Lane or Way leading into the same; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, in manner herein-after directed.

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

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

XXI. And be it further enacted, That upon the Payment of any of the Tolls granted or made payable by or by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free.

Tickets to be printed.

XXII. Provided always, and be it further enacted, That if any Person shall have paid the Tolls by this Act granted for the passing of any Horse, Beast, or Cattle through any Gate or Turnpike erected or to be erected on the said Roads, such Person upon producing a Note or Ticket denoting the Payment of such Toll shall be permitted to pass through the same Gate or Turnpike, and (except such Toll shall have been paid at any Gate that shall be erected or placed on the said intended new Line of Road, from the Foot of the Hill at or near *Caerleon* Village, to the Bottom of *Fair Oak Hill*) through any other Gate or Turnpike situate within the Distance of Eight Miles from the Gate or Turnpike where he so paid, with the same Horses, Beasts, or Cattle, Toll-free (except as aforesaid), at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night; which Note or Ticket the Collector of the Toll is hereby required to deliver *gratis* on Receipt of such Toll: Provided also, that if any Gate or Turnpike shall be erected on the said intended new Piece of Road, from the Foot of the Hill at or near *Caerleon* Village, to the Bottom of *Fair Oak Hill*, and any Person or Persons shall pay thereat the Tolls granted by this Act, for the passing of any Horse, Beast, or Cattle through such Gate or Turnpike, and shall pass through any other Gate or Turnpike situated within the Distance of Eight Miles from such Gate or Turnpike, on the said Piece of new Road, he shall nevertheless pay at such other Gate or Turnpike the same Tolls as if he had not passed through the said Gate or Turnpike that shall be erected and placed on the said Piece of new Road; and that if any Person shall have paid the Tolls by this Act granted, at any Gate or Turnpike not on

Tolls to be taken but once a Day.



the said intended new Piece of Road, and shall afterwards pass through a Gate or Turnpike that may be erected and set up on the said intended new Piece of Road, and the Gate or Turnpike where such Person shall have paid shall be within the Distance of Eight Miles from the said Gate or Turnpike on the said intended Piece of new Road, such Person shall notwithstanding pay the Tolls granted by this Act at such Gate or Turnpike on the said intended new Piece of Road; but only One Toll shall be paid in the same Day, for passing and repassing through all the Gates that may be erected on the said intended new Piece of Road.

Post Horses  
to return  
Toll-free  
another Day.

XXIII. 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 Tolls shall have been paid at any Turnpike Gate or Toll Gate, Side Bar, Side Gate, or Chain, erected or to be erected on the said Roads, shall, on returning without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike Gate or Toll Gate, Side Bar or Side Gate, or Chain on the same Day.

Waggons;  
&c. allowed  
Privileges  
and Exemp-  
tions granted  
by 55 G. 3.  
c. 119.

XXIV. Provided also, and be it further enacted, That for or in respect of all Waggons, Wains, Carts, or other such Carriages having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for or in respect of the several Horses and other Beasts drawing the same, the Privileges and Exemptions granted by the said Act shall be had and enjoyed.

Tolls may be  
distrained  
for.

XXV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls by this Act granted or made payable, shall, after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Collector or Collectors of such Tolls, by himself, herself, or themselves, or taking such Assistance of any other Person or Persons as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Bridles, Reins (except the Bridle or Reins apart from the Horse or Horses), Saddles, Harness, Gears, or Accoutrements of such Horse, Beast, or Cattle, or the Loading of such Horse, Beast, Cattle, or Carriage, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to, or in the Possession of the Person or Persons so then and there neglecting or refusing to pay the Toll as aforesaid; and if such Toll or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand to the Owner or Owners thereof, after such Toll,  
and



and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted, to be ascertained and determined as herein-after mentioned in case of any Dispute concerning the same.

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

Disputes concerning Tolls to be settled by a Justice.

XXVII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, Cart, or Carriage, through or by any private Land, Ground, Road, Lane, Passage, Way, Gate, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants) for the Purpose of evading the said Tolls or any of them, or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway) near to the said Roads, or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage through or by such private Land, Ground, Road, Lane, Passage, Way, Gate, or Place, with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forge or counterfeit, or shall give or deliver to or receive from any Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of Toll shall be thereby evaded; or if any Person, not having paid the said Toll, shall offer or produce and use any such Ticket, with Intent to evade or avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads, or unload wholly or in part any Carriage, with Intent to evade the Payment of any of the said Tolls; or if any Person or Persons shall forcibly or wilfully pass through any Turnpike Gate or Toll

Penalty on Persons evading the Tolls.



Toll Gate, with any Horse, Beast, Cattle, or Carriage, without Payment of the Toll, or of any Part thereof, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Collectors of  
Tolls and  
others not  
incompetent  
Witnesses.

XXVIII. And be it further enacted, That in all Cases of Dispute, Suit, or Litigation, touching or in anywise relating to the Tolls by this Act granted, or to the Execution of this Act, no Person being a Trustee or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of, or other Person employed by the said Trustees, or any of their Officers, nor any Inhabitant of any Parish, Hamlet, or Place through or into which the said Roads or any Part thereof doth or shall pass, shall be incompetent to give Testimony or Evidence therein by reason of his or her being such Trustee, Collector, Clerk, Treasurer, Surveyor, Officer, or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid.

General  
Exemptions  
from Toll.

XXIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning therefrom; nor for any Horses, Cattle, or Carriages, of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for any Horses, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, (provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption); nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *Monmouth*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes, or for carrying or conveying any Person or Persons in Custody under a legal Warrant; nor from any Rector, Vicar, or Curate going to officiate or returning from officiating at his proper Parish Church, Chapel of Ease, or other Place of Divine Worship, or on other his Parochial or Ministerial Duty, or visiting his sick Parishioners; nor from



from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Person who shall be buried in any Parish, Hamlet, or Place in which any Part of the said Roads lies; nor for any Horses, Beasts, Cattle or Carriages, used or employed for the Purpose of carrying or conveying Hay, Fodder, Straw, or Corn in the Straw, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns or Yards, or on the Lands, and for the Use of the Grower thereof, and not for Sale; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry, belonging to any Inhabitants or Occupiers of Lands in any such Parish, Hamlet or Place, or any Dung, Mould, Manure, or Compost (other than Lime) for manuring or improving any Lands; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing, or going to or from Water or Pasture, or going to be or returning from being shod or farried; nor for any Horse, Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage, used or employed for the Purpose only of carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Materials for making or repairing the said Roads, or any other Highway or public Road, within any such Parish, Hamlet or Place, or for building or rebuilding, enlarging or repairing any present or future public Bridge or Bridges on the said Roads; nor for any Horse, Beast, Cattle or Carriage, which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and in all cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

XXX. Provided always, and be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses, or other Cattle drawing the same, whilst so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, for drawing the

Carriages for His Majesty's Service not to be weighed.

[Local.]

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same,



same, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Tolls may be lessened, &c.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby empowered, from Time to Time as they shall think proper, to lessen or reduce, and again to raise and advance, all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken; and so that Notice, specifying the Intention of reducing or altering the Tolls, and the Time and Place of holding the Meeting or Meetings for the Purpose, shall have been given in Writing, to be affixed on all the Toll Gates which shall be erected on the said Roads, and in some public Newspaper circulated in the County of *Monmouth*, Twenty-one Days at least before the Time of holding any Meeting for the Purpose; and provided that no such Reduction be made without the Consent of the Persons who shall then be entitled to Five-sixth Parts of the Money which shall then be due upon the Credit of the Tolls; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be leased.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them (at any Meeting whereof One Calendar Month's Notice shall have been given in Writing, to be affixed upon all the Toll Gates then erected on the said Roads, and inserted in some Newspaper circulated in the County of *Monmouth*), from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the best Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable quarterly in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions, Provisoes and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk, or by their Treasurer or other Person by them authorized; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in manner directed by this Act.



XXXIII. And be it further enacted, That in case all or any of the Tolls arising on the said Roads shall be demised or let to farm to any Person or Persons in any manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case such Lease, Agreement, or Contract shall in any other manner become void; then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said County of *Monmouth*, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar or Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Agreement, or Contract for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part), as if such Lease, Agreement, or Contract had never been made; and it shall and may be lawful for the said Trustees, in every such case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same manner, as if no former Lease, Agreement, or Contract had been made relative thereto.

Enabling Trustees to take Possession of Toll Houses when let to farm.

XXXIV. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not authorized to be taken, or a greater or less Toll than is authorized to be taken under the Authority of this Act, such Lessee, Farmer or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and his Contract for renting the Tolls shall be vacated, if the said Trustees shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand or Taking, it shall be lawful for such Justice either to mitigate the said Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on Collector, &c. taking greater or less Toll than allowed.

XXXV. And



For prevent-  
ing Toll Col-  
lectors from  
misbehav-  
ing, &c.

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

Penalty for  
obstructing  
the Execu-  
tion of this  
Act.

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

Power  
to borrow  
Money, and  
to assign the  
Tolls.

XXXVII. And be it further enacted, That the said Trustees, or any Three or more of them, duly assembled at any Meeting to be holden by virtue of this Act, may and they are hereby authorized and empowered, from Time to Time, to borrow and take up at Interest, on the Credit of the Tolls hereby granted, any Sum and Sums of Money as they shall think necessary, beyond the Amount of the Debts due on the Credit or on Account of the Tolls of the said District of *Caerleon* at the Commencement of this Act; and they are hereby also authorized and empowered, either at every such Meeting, or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as

a Se-



a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same, subject and without prejudice to all prior Mortgages made under the said Act hereby repealed, so far as relates to the said District of *Caerleon*, on the Credit or on the Account of the Tolls arising within the said District of *Caerleon*; which Mortgages shall be made in the following Form of Words, or in some other Form to the like Effect; (that is to say),

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

Form of Mortgage.

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

Copies of Mortgages to be entered in Books.

I \_\_\_\_\_ being entitled to the Sum of \_\_\_\_\_ secured to \_\_\_\_\_ Executors, Administrators and Assigns, by virtue of a Mortgage or Assignment, dated the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ under the Hands and Seals of \_\_\_\_\_ of the Trustees acting in the Execution of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, [*or, of an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, as the Case may be*] [*here insert the Title of the Act*] do hereby transfer, assign, and set over all my Right and Title in and to the same, and all the Principal and Interest Money now due and owing thereon, unto \_\_\_\_\_ Executors, Administrators, and Assigns. Dated this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

Form of Transfer;

Witness *C. D.*

*A. B.*

[*Local.*]

35 E

And



which must be entered with the Clerk.

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

No Preference amongst Creditors.

XXXVIII. Provided always, and be it further enacted, That no Preference shall be given to any Person or Persons who shall advance any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of advancing or having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the same Tolls in equal Degree one with another; and all such Mortgages or Assignments that shall be made under or by virtue of this Act shall be subject and without prejudice to all Mortgages and Assignments made under the said former Act hereby repealed.

An Action of Ejectment may be supported by One Mortgagee.

XXXIX. And be it further enacted, That if any Mortgagee or Mortgagees 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 the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application of Tolls and Monies to be borrowed.

XL. And be it further enacted, That out of the Monies already received by virtue of the said recited Act, and now in the Treasurer's Hands, or out of the Tolls and other Monies which shall be raised and received by virtue of this Act, the said Trustees shall, in the first Place, pay and discharge all the Costs, Expences, and Charges relating to the procuring and passing this Act; and the Remainder of all such Monies shall from Time to Time be applied in paying and keeping down the Interest of the Principal Monies borrowed and now due by virtue of the said recited Act



on Security of the Tolls in the said District of *Caerleon*; and after Payment of such Interest, in paying and keeping down the Interest of the Principal Monies which shall be borrowed by virtue of and under the Powers of this Act; and after Payment of such last-mentioned Interest, in repairing, making, widening, improving, diverting, and rendering commodious the said Roads by this Act directed or authorized to be repaired, made, widened, and improved, and in otherwise putting this Act in Execution; and if after the Applications severally above mentioned, there shall be any Residue of the said Tolls and Monies in the Hands of the Treasurer of the said Trustees unappropriated, the same shall be applied in Repayment of the several principal Sums borrowed on the Credit of the Tolls in the said District of *Caerleon* by virtue of the said recited Act, to the Person or Persons entitled to the same, *pari passu*, and in proportion to the several Sums which may be due to them; and after full Payment and Discharge of all those principal Sums, in Repayment in like manner of the several principal Sums that shall be borrowed by virtue of this Act.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make the aforesaid Pieces of new Road, and for that Purpose to take and use the Lands delineated and described in the Plan and Book of Reference herein-after mentioned, and also to amend, repair, widen, turn, divert, alter, and make the Course or Path of any Part or Parts of the Roads by this Act directed or authorized to be repaired or amended and made, within the Limits herein-after mentioned, upon, over, or through any private Lands or Grounds, and lay into the said Roads any Lands or Grounds of any Person or Persons (not being a House, Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees), not exceeding Thirty-six Feet in Width, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and also upon or over any Commons or Waste Grounds, and by, over, and along any other Road or Roads, without making any Satisfaction for such Commons or Waste Grounds or Road; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands or Grounds through which or whereupon every or any such Road or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out every or any such Road or Alterations in such manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Grounds respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

XXII. And whereas a Map or Plan describing the Lines of the said new Pieces of Road, and the Lands or Grounds through which the same are intended

Alterations may be made.

Plan, &c. deposited with Clerk of



Peace to be open to Inspection.

intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands or Grounds, have been deposited at the Office of the Clerk of the Peace of the County of *Monmouth*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of each of such Copies or Extracts of the said Map or Plan and Book of Reference.

Deviation not to exceed One hundred Yards without Consent.

XLIII. Provided always, and be it further enacted, That the said Trustees in turning, diverting, altering, or making any Part of the Roads to be repaired or amended and made under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line thereof, nor more than One hundred Yards of Three Feet each from the Lines of the said new Pieces of Road described in the said Plan and Book of Reference, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference, &c.

XLIV. Provided also, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said new Pieces of Road into, through, across, and over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Lands or Grounds over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Monmouth*, and be certified by Writing under their respective Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owners.

XLV. Provided also, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees shall not extend to the pulling down any Dwelling Houses or other Buildings, or to the taking of any Orchard, Garden, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Trustees may contract for the Purchase of Land.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Owners of and Persons interested in any private Lands or Grounds, Hereditaments or Premises, to be taken or made use of by virtue of this Act, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by amending, repairing, widening, turning, diverting, altering, or making the Roads by this Act directed or authorized to be repaired or amended and made, or any Part thereof, or the Course or Path thereof or of any Part thereof, through or over such Lands, Hereditaments or Premises; and it shall be lawful for all Bodies Politic or Corporate or Collegiate,



Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, 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, Persons of unsound Memory and Understanding, and to and for all Females 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, Hereditaments, or Premises, to treat, contract, and agree with the said Trustees for the Sale thereof, and for the Satisfaction to be made for such Damages as aforesaid; and sell and convey unto the said Trustees any such Lands, Hereditaments, or Premises, 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 or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons shall be and are hereby indemnified for what they shall do by virtue of this Act.

Corporations and incapacitated Persons empowered to sell, &c.

**XLVII.** And be it further enacted, That if such Bodies Politic, Corporate, Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons interested in any such Lands or Grounds, 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, Corporate or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Grounds intended to be taken for the Purposes of this Act, and through which any Part of such Roads is intended to be made, varied, diverted, turned, or altered, shall for the Space of Ten Days next after such Notice given or left neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence 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 *Monmouth*; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall be or require, to summon and call before such Jury; and examine upon Oath any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of, 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 Grounds, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be binding and conclusive, to all Intents and Purposes, against all Parties

When Persons neglect or refuse to treat.

Damages to be settled by a Jury.



Trustees to  
issue their  
Warrant to  
the Sheriff to  
summon the  
Jury.

and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all other Persons whomsoever; and for the summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants, under the Hands of any Five or more of them the said Trustees, to the Sheriff of the said County of *Monmouth*, 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 or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, without showing any reasonable and sufficient Excuse, or appearing, shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, without any reasonable and sufficient Excuse, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be sworn or examined, or to give Evidence, so that no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for One Offence.

How Ex-  
pences of the  
Jury shall be  
paid.

XLVIII. 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 or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands or Grounds, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by or on behalf of the said Trustees before the impanelling of the Jury, as a Recompence or 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 said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise or be received by them under or by virtue of this Act, and such



Costs and Expences shall be settled and determined by some Justice of the Peace for the said County of *Monmouth*, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Monmouth* (which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences); but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by or on behalf of the said Trustees before the impannelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County of *Monmouth* not interested in the Matter in question (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

XLIX. And be it further enacted, That all and every Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons or their Agents, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to widen, turn, divert, alter, and make such Roads, or any or either of them, or any Part thereof, through or over such Lands or Grounds, and to do all

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



Old Roads to  
be stopped  
up or sold.

all and every such Acts, Matters, and Things with relation to such Lands or Grounds as the said Trustees shall think fit, according to the Directions of this Act; and all the Lands or Grounds which shall by virtue of this Act be made a Part or Parts of the Roads by this Act directed or authorized to be repaired or amended and made, shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes be deemed a common Highway, and shall be repaired and kept in Repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in Repair, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Grounds; and the Land constituting Part or Parts of any former Road in lieu whereof any new Road has been or shall be made by virtue of this Act, or of the said Act hereby repealed, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place to which the new Road does not lead, shall be vested in the said Trustees, and sold as herein-after mentioned, or shall and may be shut up and discontinued, or left unrepaired; and where left open, the same shall not be used by any Cattle, Carts, or other Carriages, except for going to and returning from such Places as any such new Road does not lead to, nor to avoid Payment of the Tolls hereby granted, or any of them.

Fences to  
Roads by  
whom to be  
kept in Re-  
pair.

L. And be it further enacted, That the said Trustees shall and they are hereby required to make, erect, or place sufficient Fences on the Sides of the said new Pieces of Road, where the same shall pass through or over any private Lands, Fields, or Grounds, and after such Fences shall be made, the same shall for ever thereafter be the Property of the Persons or Parties on whose Lands, Fields, or Grounds the same shall have been made, erected, or placed; and the same Fences, and also the Fences on the Sides of the Roads by this Act directed or authorized to be repaired or amended, shall be supported and maintained by or at the Expence of the Owners or Proprietors of the Lands, Fields, or Grounds whereon such Fences are or shall have been made, erected, or placed: Provided always, nevertheless, that such of the Fences on the Sides of the said several Roads as shall support any raised Part or Parts of the said Roads, shall be repaired and kept in Repair by the Trustees for executing this Act, and the Owners or Proprietors of the Lands, Fields, or Grounds whereon any such last-mentioned Fences stand, or whereto the same adjoin, shall not be subjected to any Expence, Costs, or Charges for or towards repairing or maintaining the same.

Trustees em-  
powered to  
sell overplus  
Grounds or  
old Road,

LI. And whereas by reason of the Purchases which have been made by virtue of or under the Act herein-before recited, and hereby repealed, or which the said Trustees are by this Act empowered and authorized to make, or by reason of the diverting of some Part or Parts of the said Roads, the said Trustees are or may be seised of some Piece or Pieces of Ground, over and above what are or shall be necessary for effecting the Purposes of this Act, or of some Piece or Pieces of old Road; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of overplus Ground, or of such Piece or Pieces of old Road (not being Common or Waste Ground) as aforesaid, either together or in Parcels, and either by public Sale or private Contract as they shall think fit, and to convey the same for the best Price that



that can or may be reasonably had or gotten for the same, to such Person or Persons as shall be willing to contract for and purchase the same : Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of overplus Ground or old Road as aforesaid, shall first offer such overplus Ground for Sale to the Person or Persons whose Lands shall adjoin thereto ; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Monmouth* (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by and on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be) ; and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of overplus Ground or old Road, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in manner by this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act ; and the Expence of hearing and determining such Difference shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis* ; and the Money to arise by the Sale or Sales of such Piece or Pieces of overplus Ground or old Road shall be applied by the said Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money ; and every Conveyance of such Piece or Pieces of overplus Ground, being executed by any Five or more of the said Trustees, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof, and all Conveyances of such Pieces of old Road, being executed by any Five or more of the said Trustees, shall be good and effectual in Law to all Intents and Purposes.

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

In case the Persons cannot agree, the Value to be determined by a Jury.

LII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, Hereditaments, or Premises, to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, Hereditaments, or Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be

Application of Compensation if amounting to 200*l.*

[Local.]

35 G

applied,



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, Hereditaments, or Premises, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, Hereditaments, or Premises, or affecting other Lands, Tenements, Hereditaments or Premises standing settled therewith, to the same or the like Uses, Trusts, Intents or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, Hereditaments, or Premises, which shall be conveyed, limited, and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, Hereditaments or Premises, 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 or capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said High 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 or Interest 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 said Lands, Tenements, Hereditaments, or Premises so to be purchased, in case such Purchase or Settlement was made.

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

LIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, Hereditaments, or Premises, to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or 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, Hereditaments, or Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees in case of Infancy, Idiocy, Lunacy, or other Incapacity, 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 Three 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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

LIV. 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, Hereditaments, or Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto. Where under 20l.

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

LVI. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, Hereditaments, or Premises, In case of disputed Titles.



Premises, or of any Estate, Right, Title, or Interest in any Lands, Tenements, Hereditaments, or Premises to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, Hereditaments, or Premises 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, Hereditaments, or Premises according to such Possession, until the contrary shall be shown to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, Hereditaments, or Premises, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

LVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, Hereditaments, or Premises, to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, or to be applied in the Purchase of other Lands, Tenements, Hereditaments, or Premises, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the 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.

For getting Materials to repair the Roads.

LVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, get, and take away any Stones, Gravel, Sand, or other Materials for making, amending, altering, improving, or repairing the said Roads, or any Part thereof, and any Footways and Paths on the Sides thereof, out of any Waste or Common, or out of any common River or Brook, 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 within the said County of *Monmouth*, convenient for the Purpose, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or raising or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle, and paying for the Damages done by going through or over any inclosed Lands or Grounds for or with such Materials (which they are hereby authorized and empowered to do, not being an Orchard, Garden, Yard, Park, Paddock, Plantation, or Nursery for Trees), such Damage to be ascertained  
as



as herein-after mentioned ; and also that it shall be lawful for the said Surveyor or Surveyors, having first obtained the Order of some Justice or Justices of the Peace, as herein-after mentioned, and such Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any such Materials in or out of the Land of any Person in any Parish, Hamlet, Township, or Place in which any Part of the said Roads shall lie and be situate (not being an Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted or set apart as a Nursery for Trees), making or tendering such Satisfaction to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable ; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid, and the Owners or Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any One or more Justice or Justices of the Peace for the said County of *Monmouth*, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages.

LIX. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor of the said Trustees, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Justice or Justices of the Peace acting in and for the said County of *Monmouth*, to show cause why such Materials shall not be had from such Land or Ground ; 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, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person or Persons to dig, gather, get, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper ; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath he, they, or any of them is and are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended.

Notice to be given before Materials taken.

LX. And be it further enacted, That if any Person whosoever shall take away any Materials which shall be dug, gotten, or gathered in any Land, Field, Ground, Waste or Common, River or Brook, for the Repair or Use of the said Roads, or any of the Purposes aforesaid, or shall get, raise, take, or carry away any Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Roads, or any of the Purposes aforesaid, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occu-

Penalty on taking away Materials raised by Surveyors.



pier of the Land in which such Pit or Quarry shall be made, as to Materials for his or her 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, to be levied, recovered, apportioned, applied, and disposed of in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

For removing Annoyances and Nuisances.

LXI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances made on any Part of the said Roads, by Timber, Wood, Stone, Carriages, Sawpits or other Pits, Hovels, Trees, Ashes, Dung, Filth, Rubbish, Straw, or other Matter or Thing, and to turn or divert any Watercourses, Gutters, Sinks, Conduits, or Drains, running into, along or out of the said Roads to the Prejudice thereof, into the adjoining Ground, the same not being a Garden, Orchard, planted Walk, Avenue to a House, or Nursery for Trees; and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads, or any Part thereof, and to make the same as deep and large as such Surveyor or Surveyors shall think necessary; and also to prune, cut down, or lop, at proper Seasons of the Year, any Branches, Shrubs, or Bushes growing on the said Roads, or in the Hedges, Fences, or Banks adjacent thereto, so as the same be not planted for Ornament or Shelter to any House or other Building, or in any Garden, Orchard, planted Walk, Avenue to a House, or Nursery for Trees, and to take and carry away the Prunings or Loppings thereof, and to cut and reduce all such Hedges to the Height of Six Feet above the Level of the Ground on which the same may grow or stand, in case the Persons occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Five Days after Notice from the Surveyor or Surveyors; or if the Owners or Occupiers of the Lands shall neglect to turn, divert, open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to lop or top or remove such Boughs, Bushes, or Lops, or reduce such Hedges in such Manner as the Surveyor or Surveyors shall require, for the Space of Five Days next after Notice in Writing given for those respective Purposes, under the Hand or Hands of such Surveyor or Surveyors, or so near thereto as the proper Season will allow for such reducing of Hedges, or cutting or lopping of Branches, the Charges whereof (to be settled by any Justice of the Peace of the County or Place where the same shall occur, by Writing under his Hand) shall from Time to Time be reimbursed to the said Surveyor or Surveyors, by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune, cut down, or lop such Branches, Shrubs, or Bushes, or to cut or reduce such Hedges, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be recovered, levied, apportioned, applied, and disposed of in such Manner as the Penalties, Forfeitures, and Fines are by this Act directed to be recovered, levied, applied, and apportioned.

Waggons and Carts to have Rollers, &c.

LXII. And be it further enacted, That from and after the passing of this Act, every Waggon, Cart, and Wain travelling on the said Roads, belonging to any Person being an Owner or Occupier of any Land or House



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

LXIII. And be it further enacted, That from and after the passing of this Act, no Gate of any Park, Paddock, Field, or Inclosure whatsoever, now standing or hereafter to be made, shall remain placed or be placed so as to open or swing into or towards any Part of the said Roads, except the respective Hanging Posts shall be so far removed from the Centre of the said Roads, that no Part of such Gate when opened shall swing or hang over any Part of the said Roads, or any Footpath belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards, contrary to the Meaning of this Act, shall, within Ten Days after Notice to him, her, or them given, either personally or in Writing, by or from any Surveyor of the said Roads, cause such Gate to be hung in such a Manner as that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in case of the Neglect or Default of any such Occupier or Occupiers, then the Surveyor of the said Roads shall and may and he is hereby authorized to cause the Gate and Hanging Posts to be removed, and to be placed and hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default, shall, upon Complaint made to any Justice or Justices of the Peace

Gates not to open towards the Roads.



Peace acting in and for the County or Place where the Gate shall be situate, and upon Conviction upon the Oath of One credible Witness of the giving of such Notice, and of such Neglect or Default, pay to such Surveyor such Sum as the said Justice or Justices shall direct to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Five Pounds, for his, her, or their Neglect or Default therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made; and such Penalty shall be recovered, levied, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties.

Power to  
make Cause-  
ways and  
Drains and  
temporary  
Roads.

LXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order in Writing for that Purpose, signed by the major Part of the Trustees present at the Meeting at which the Order is made), to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways along any Part of the said Roads in such Manner as they shall think proper, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto (such Ground not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages as a public Highway, whilst such narrow or ruinous Part of the said Roads be repairing or widening, and until such Time as it shall be made convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of *Monmouth*, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Roads to be  
measured,  
and Mile-  
stones and  
Direction  
Posts, &c.  
to be set up.

LXV. And be it further enacted, That it shall be lawful for the said Trustees to cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place; and the said Trustees shall and they are hereby required also to cause to be set up and maintained Direction Posts and Boards  
on



on the principal Side Openings of the said Roads, with proper Inscriptions thereon, denoting to what Place or Places such Side Roads respectively lead, and the Distances to such Places respectively; and the said Trustees may, if they shall see fit, also order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected and maintained by the Side or Sides of the said Roads, in order to promote the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act, and shall from Time to Time cause all such Inscriptions as aforesaid to be cleansed and kept legible, and shall also cause proper Tables of the Tolls by this Act granted and made payable, to be affixed and put up in the Front or on some other conspicuous Part of the several Toll Houses to be erected by virtue of this Act, and to be kept clean and legible; and the said Trustees shall and they are hereby required to cause the Name of the Gate to be painted in legible Characters, (each of the Letters of every such Name to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground,) at the Top or Head of such Tables of Tolls.

LXVI. And be it further enacted, That all and every Person and Persons, Counties, Districts, Parishes, Townships, Hamlets, Villages, and Places, and the Inhabitants thereof respectively, and Bodies Politic, Corporate, and Collegiate, and the Members thereof, who heretofore have or hath used or of right ought to repair any Part of the said Roads, or any Bridge, Drain, or Watercourse in or upon the same, shall notwithstanding this Act be subject and liable to such Repairs, in the same Manner as they and every of them have or hath heretofore usually been, or would have been in case, this Act had not been passed; and that as soon as the said new Pieces of Road shall be made, completed, and thrown open to the Public, the Parishes, Townships, Hamlets, Villages, and Places respectively through which the said new Pieces of Road shall go, and the Inhabitants of such Parishes, Townships, Hamlets, Villages, and Places, shall from thenceforth be liable and subject to the Repairs of the said new Pieces of Road, in the same Manner as they and every of them have or hath been, and are or is with regard to such Parts of the other Roads in the said District of *Caerleon*, lying within such Parishes, Townships, Hamlets, Villages, and Places.

Persons, &c.  
before liable  
to Repairs, to  
continue so.

LXVII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the County or Place in which the said Roads or any Part thereof lies, within their respective Jurisdictions, and they are hereby empowered and required upon Application made to them for that Purpose by the said Trustees, or by their Clerk 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 Parishes, Townships, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or

Statute  
Labour.

Justices to  
determine  
Differences  
touching  
Statute  
Work.

[*Local.*]



to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Haytime or Harvest), and on such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors by their Order 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 every such Parish, Township, or Place for the Time being, to be by him or them paid over to the said Trustees or to their Treasurer at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, 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, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships,



or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, 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, to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures imposed by this Act may be recovered, and are herein-after directed to be apportioned and applied.

LXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or their Surveyor or Surveyors by their Order, to compound and agree with any Person or Persons, Bodies Politic, Corporate, or Collegiate, for the Repairs or Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes, Townships, or Places in which the said Roads lie, or with the Surveyor or Surveyors of such Parishes, Townships, or Places, for a certain Sum of Money by the Year or otherwise, as the said Trustees, or their Surveyor or Surveyors by their Order shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants or Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in advance, on or before the First Day of *November* in each and every Year, or otherwise the Inhabitants, Occupiers, or Surveyors of such Parish, Township, or Place shall not be permitted to compound for that Year.

Trustees may compound for Statute Work.

LXIX. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize 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, and for erecting Mile or Direction Posts thereon, or for doing any other Works 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 and Agreements in Writing entered into pursuant to any Order of the said Trustees, by their Clerk, 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 on the said Trustees and their Successors, and upon all other Parties who shall sign the same, and the Executors and Administrators of such other Parties; and that Actions and Suits shall and may be maintained thereon by the said Trustees, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts and Agreements respectively; and such Sum or Sums of Money as shall be requisite for making or repairing the said Roads, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties or Person or Persons so as aforesaid

Trustees may contract for making and repairing the Roads, &c.

making



making default in fulfilling his, her, or their Contract or Agreement ; any Law or Usage to the contrary in anywise notwithstanding.

Penalty for  
damaging  
Milestones,  
&c. or injur-  
ing Cause-  
ways, &c.

LXX. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any Turnpike Gate or Turnpike Gates, or any of the Posts, Boards, Milestones, or Tables of Tolls put up or placed by the said Trustees, or by their Order, or by virtue of this Act, upon the said Roads or any Part thereof, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron set up or affixed by Order of the said Trustees, at or near to any of the said Turnpike Gates, or on any other Part of such Roads, or shall cause or procure the same to be done ; or if any Person or Persons shall wilfully pull up, injure, or damage any other Posts, Rails, or Fences, now or at any Time hereafter to be placed or put up by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of such Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said Trustees by virtue of this Act are authorized to plant and keep in good Order ; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall haul or draw, or cause to be hauled or drawn upon any Part of such Roads, any Tree or Piece of Timber, or any Stone otherwise than upon a Wheel Carriage, or shall suffer any Tree or Piece of Timber which shall be conveyed upon a Wheel Carriage to drag upon any Part of such Roads to the Prejudice thereof ; or shall wilfully drive any loaded Waggon, Cart, or Carriage along or against any Causeway being Part of or adjoining to such Roads ; or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift, or Soil from off any such Causeway, or any other Part of such Roads ; or if any Person or Persons shall drive any Cart or other Carriage upon any Footway or Causeway made upon such Roads, or shall wilfully or carelessly cause any Damage to be done to the said Footway or Causeway ; or if any Person shall turn loose any Horse, Ass, Beast, or Swine upon such Roads, or suffer any Horse, Ass, Beast, or Swine to be turned loose, or to wander or stray, or to be or remain upon such Roads, to graze or depasture on the Sides thereof ; or if any Person or Persons driving any Swine upon such Roads, shall suffer the same to root up and damage the said Roads, or any Part thereof, or the Fences, Hedgings, Backings, or Copse on either Side thereof ; or if any Person or Persons shall wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining to such Roads ; or shall in or upon any Part of such Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, Building, Butcher's Shop or Shambles into such Roads ; or burn, dress, or sweep any Piece or Pieces of Cork, or hoop, fire, cleanse, wash, or scald any Cask or Casks in any Part or Parts of the said Roads, or in any exposed Situation near thereto ; or shall



shall hew, saw, or cut, or cause to be hewn, sawn, or cut any Stone, Wood, or Timber; or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the Case of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon any Part of such Roads; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on his Left or Near Side of such Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; 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 other Firework whatsoever upon such Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game, on any Part or Parts of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of such Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such loading or unloading be placed as near to the Side of such Roads as conveniently may be; or if any Person shall erect or place any Tent, Camp, Awning, or Hut on the Sides of the said Roads, or any Part thereof, or make any Fire or Fires on the Sides of the said Roads or any Part thereof; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage in going up a Hill or rising Ground, leave or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Wain, Cart, or other such Carriage shall wilfully or carelessly pull up, break, or damage any Posts or Stones to be erected for the Security of the said Causeway, or wilfully or carelessly drive the Wheel of any Carriage against the same; or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever on any Part of such Roads, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Roads, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or shall lay or place on the Walls or Fences of such Roads, or on the Sides of such Roads, for any Purpose whatever, any Wool, Woollen or Cotton Cloth, Warp or Linen; or if any Person driving any Horse or other Beast on the said Roads conveying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, or other Matter or Thing, so that the same or any of them shall project more than Twenty-four Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight,

[Local.]

35 K

and



and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Roads, every such Person shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence, to be levied, recovered, apportioned, and applied in manner herein-after provided for the Recovery, Apportionment, and Application of Penalties and Forfeitures; and such Offenders shall also pay to the said Trustees, or their Treasurer or Treasurers, or One of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Cattle  
straying.

LXXI. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying upon the said Roads, or any Part thereof, or by the Sides thereof (except on such Parts of the said Roads as lead or pass through or over any Commons or uninclosed Lands), it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such Impounding, it shall and may be lawful to and for such Surveyor or Person or Persons impounding the same, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Punishment  
of Persons  
guilty of  
Pound  
Breach.

LXXII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Sheep, Swine, or other Beast 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 Horse, Ass, Sheep, Swine, or other Beast 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 for 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.

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

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

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

For securing transient Offenders.

LXXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Justice of the Peace

Recovery of Penalties and Forfeitures.



Peace for the said County of *Monmouth*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any), after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Roads; and in case such Penalties, Forfeitures, and Fines respectively, shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County of *Monmouth*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Form of  
Conviction.

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

County of *Monmouth* } BE it remembered, That on the \_\_\_\_\_ Day  
to wit. } of \_\_\_\_\_ in the Year of our Lord  
A. B. is convicted before \_\_\_\_\_ of His  
Majesty's Justices of the Peace for the said County, by virtue of an Act  
of the Third Year of the Reign of King *George* the Fourth, intituled  
*An Act, &c.* [here set forth the Title of this Act, and specify the Of-  
fence, Time and Place when and where the same was committed, as the Case  
may be]. Given under our Hands and Seals [or my Hand and Seal,]  
the Day and Year first above written.'

Persons  
aggrieved  
may appeal  
to Sessions.

LXXVII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursu-  
ance



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

LXXVIII. And be it further enacted, That no Order made touching or concerning any Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on behalf of the Party distraining, before such Action brought.

Proceedings  
not to be  
quashed for  
Want of  
Form.

LXXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until after Fifteen Days Notice thereof shall be given

Limitation  
of Actions.

[Local.]

35 L

to



General  
Issue.

Treble Costs.

Public Act.

Commence-  
ment and  
Continuance  
of this Act.

to the Clerk of the said Trustees, nor after a sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Four Calendar Months next after the Fact committed; and every such Action 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 in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Fifteen Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same, as any Defendant or Defendants hath or have in any Case by Law.

LXXX. 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.

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

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