



ANNO PRIMO

GEORGII IV. REGIS.

Cap. xlv.

An Act for more effectually repairing and improving the Road from the Town of *Pool*, in the County of *Montgomery*, through *Oswestry*, in the County of *Salop*, to *Wrexham*, in the County of *Denbigh*, and several other Roads therein mentioned in the said Counties, and in the County of *Merioneth*; and for making several new Branches of Roads to communicate with the said Roads in the Counties of *Salop*, *Montgomery*, and *Denbigh*.
[30th June 1820.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing the Roads leading from Pool, through Oswestry to Wrexham, from Knockin to Llanrhaiadr, from Whitehurst's House, in the Road between Oswestry and Wrexham, to Llangollen, and several other Roads therein mentioned, in the Counties of Montgomery, Salop, and Denbigh; and for discharging the Trustees for repairing the Bala and Dolgelly Roads from the Care of the Road between Llangollen and the Confines of the County of Denbigh, and for making Provision for the future Repair of the said Road: And whereas an Act* 28G.3. c.96.

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was passed in the Forty-seventh Year of His said late Majesty's Reign, intituled *An Act for the more effectually repairing certain Roads in the Counties of Salop, Denbigh, and Merioneth*: And whereas the Trustees for executing the said recited Acts have proceeded in the Execution thereof, and have made great Progress in amending, widening, and improving the several Roads directed by the said Acts to be so amended, widened, and improved, for which Purpose they have borrowed several considerable Sums of Money on the Credit of the respective Tolls by the said Acts granted, which Money cannot be paid off, nor can the said several and respective Roads be effectually amended, widened, improved, and kept in Repair, unless the Terms granted by the said Acts be further continued: And whereas the Powers and Provisions of the said Acts having been found, in many respects, very defective and insufficient for the Purposes thereby intended, it would be more convenient to the said Trustees, and the several and respective Roads comprised in the said recited Acts, might be more effectually amended, widened, improved, and kept in Repair, if the said Acts were repealed, and further, greater, and more effectual Powers and Provisions granted instead thereof, in one Act of Parliament, for the Purposes aforesaid; and also for the Purpose of making, maintaining, and keeping in Repair the new Branches of Roads next herein-after mentioned; (that is to say), a Road leading from the present Turnpike between *Wrexham* and *Rhuabon* aforesaid, by the *Gefelie*, crossing the Turnpike Road leading from *Wrexham* to *Shrewsbury*, near *Eyton* to *Bangor Bridge*, in the said County of *Denbigh*; a Road leading from the present Turnpike Road from *Berriew* towards *Castell Caereinion*, near the Village of *Berriew*, to the Village of *Manafon*, by the Village of *Llanwothylan* and the *Addfa*, to the Turnpike Road passing by *Cefn Coch*, over the *Berwydd* and *Rhosfawr* near *Rhyd y biswell* to near *Talerddig* Turnpike Gate, thence a Diversion of the present Line of Road from *Newtown* to *Machynlleth*, down the *Afon Tale Valley*, to join the Turnpike Road leading from *Pool* to *Machynlleth* near *Pentyr Dwymyn* in the said County of *Montgomery*: And whereas the Road leading from a Place called *Rhydycroesau*, by *Llangedwin*, to join the Turnpike Road leading from *Penybant* to *Llanrhaid'r* and *Llangedwin Bridge*, and from thence to the Top of the Hill, where it joins the Road leading from *Penybant* to *Llanfyllin*, from *Pentrechannel*, through *Llanrhaid'r*, to the Confines of the County of *Montgomery*, near a Place called *Milltirgerwig*, and also from the Road leading from *Oswestry*, through the Village of *Whittington*, to a certain Bridge called *Maesterfyn Bridge*, on the Confines of the Parishes of *Whittington* and *Ellesmere* in the said County of *Salop*, is in a ruinous Condition, narrow, and incommodious for Passengers, Cattle, and Carriages, and cannot be effectually amended, widened, improved, and kept in Repair by the ordinary Course of Law; and it would be a great Benefit to the Neighbourhood, and of great public Utility, if the same were included in the Powers and Provisions of this Act; but the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may 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 Twenty-ninth Day of *September* One thousand eight hundred and twenty, the said recited Acts shall be and the same are hereby declared to be repealed and null and void, to all Intents and Purposes whatsoever;

Former Acts repealed, and this Act to take place instead thereof.

whatsoever; and that on the same Day this Act shall commence and take Effect, in lieu and instead thereof, and shall be put in Execution for and during the Term herein-after mentioned, as well for the Purpose of more effectually amending, widening, improving, and keeping in Repair the several and respective Roads herein-after mentioned and described; (that is to say), the Road from the Town of *Pool*, through *Gullifield*, *Varebwell Lane*, over *Llandysilio Common*, and the new Bridge, in the County of *Montgomery*, through *Llanymynech*, *Llyngcllys*, and *Oswestry*, in the County of *Salop*, and through *Chirk* and *Rhuabon* to *Wrexham*, in the County of *Denbigh*; the Road and from the End of the Town of *Knockin*, in the County of *Salop*, through *Morton*, *Osbaston*, and *Llyngcllys* aforesaid, *Llanyblodwell* and *Llangedwyn* to *Llanrhaidr-in-Mochnant*, in the County of *Denbigh*; the Road branching out of the Turnpike Road leading from *Oswestry* to *Wrexham*, at the *Goe Bowen*, through *Whittington*, over *Baby's Wood*, to the Turnpike Road leading from *Oswestry* to *Shrewsbury*; the Road from the *Cross* in *Oswestry*, through the *Willow Street* there, over *Pont Faen*, to *Pont Cysylltau*; from the *Cross* in *Oswestry*, through the said *Willow Street*, over *Cyrn-y-Bwch*, otherwise *Cefn-y-Bwch*, to *Rhyd-y-Croesau*; the Roads branching out of the Road leading from *Oswestry* to *Pool*, near the Town of *Oswestry* towards *Llanfyllin*, and towards *Pentre Channel*, beyond the Coal Pits; the Road branching out of the Turnpike Road between *Oswestry* and *Wrexham*, at or near *Whiteburt's House*, through *Llangollen*, to the most proper and commodious Joining of the Turnpike Road leading from *Wrexham* to *Ruthin*, at or near *Tafarn Dywyrch*, and from *Llangollen* aforesaid, through *Acre Fair*, to the Finger Post at the Joining of the aforesaid Road leading from *Oswestry* to *Wrexham*; the Road leading from the Turnpike Road between *Oswestry* and *Knockin*, near the *Mile Oak*, in the County of *Salop*, by or near the *Drill*, to join the Road leading from *Oswestry* to *Porth y Wain*, near the Colliery of *Sir Watkin Williams Wynn* Baronet, with a Branch leading out of the same near *Coedygo* to *Llwyn y Maen Colliery*; the Road from the Turnpike Road near *Porth y Wain*, in the County of *Salop*, over *Sweeney Mountain*, to join the Turnpike Road leading from *Oswestry* to *Llanymynech*; the Road from the Turnpike Road near *Llyngcllys*, in the County of *Salop*, through or near *Measbury*, to join the Turnpike Road between *Whittington* and *Shrewsbury*, on *Baby's Wood*; the Road leading from *Cysyllty Bridge*, in the County of *Denbigh*, to join the *Llangollen* Turnpike Road near *Chwarlan* Turnpike Gate; the Road from the Turnpike Road between *Wrexham* and *Rhuabon*, at or near *Croesfoel*, in the County of *Denbigh*, through or near *Pentre Dibennu*, to join the Road from *Wrexham* to *Minera*; the Road from *Berriew* by *Castell Caereinion* over *Pont Sycharth* alias *Sychgoed*, to join the Turnpike Road from *Meifod* to *Llanfair*, at or near *Heniarth*; the Road from the *New Quay*, in the County of *Montgomery*, to join the Turnpike Road between *Buttington* and *Wattleborough Heath*; and the Road leading from the Turnpike Road near *Abermarchnad*, in the County of *Montgomery*, on the West Side of *Llydiarth Park*, to join the Turnpike Road near *Garthbeibio*; the Road leading out of the Turnpike Road from the *Cross*, in the said Town of *Oswestry*, through the *Willow Street* there, through the Villages of *Syllattyn* and *Llansaintfraed glyn Ceiriog*, to join the *London* and *Holyhead* Road at or near the *New Inn* between *Corwen* and *Llangollen*, with Branches not exceeding One Quarter of a Mile in Length, at the *Craignant* and *Llansaintfraed* Turnpike Gates; the Road leading from the *Willow Street*, in the

Roads included in 28 G. 3.

Roads included in 47 G. 3.

The new
Branches of
Road.

Highways not
included in
either of the
said Acts, but
hereafter to
be repaired
under this
Act.

the said Town of *Oswestry*, over the *Race Course*, on *Cyrn y Bwch*, through the Village of *Llansillin* to *Llangedwyn* and *Llanrhaiadr*; also the Road from the aforesaid *Willow Street*, in the said Town of *Oswestry*, over the *Hengoed* to *Pont Faen* and *Pont Cysyllty*; as also for the Purpose of making, maintaining, and from Time to Time after the same shall have been made, improving and keeping in Repair the several and respective Roads herein-after mentioned and described; (that is to say), the Road leading from the present Turnpike between *Wrexham* and *Rhuabon* aforesaid, by the *Gefelie*, crossing the Turnpike Road leading from *Wrexham* to *Shrewsbury*, near *Eyton*, to *Bangor Bridge*, in the said County of *Denbigh*; a Road leading from the present Turnpike Road from *Berriew* towards *Castell Caereinion*, near the Village of *Berriew*, to the Village of *Manafon*, by the Village of *Llanwythlan* and the *Addfa*, to the Turnpike Road passing by *Cefn Coch*, over the *Berwydd* and *Rhosfawr*, near *Rhyd y Biswell*, to near *Talerddig* Turnpike Gate, thence a Diversion of the present Line of Road from *Newtown* to *Machynlleth*, down the *Afon Yale Valley*, to join the Turnpike Road leading from *Pool* to *Machynlleth*, near *Pentyr Dwymyn*, in the said County of *Montgomery*; and also for the Purpose of more effectually amending, widening, improving, and keeping in Repair the Road leading from a Place called *Rhyd y croesau*, by *Llangedwin*, to join the Turnpike Road leading from *Penybont* to *Llanrhaiadr*, and *Llangedwin Bridge*, and from thence to the Top of the Hill where it joins the Road leading from *Penybont* to *Llanfyllin*, from *Pentre Channel* through *Llanrhaiadr*, to the Confines of the County of *Montgomery*, near a Place called *Milltirgerrig*, and also from the Road leading from *Oswestry* through the Village of *Whittington* to a certain Bridge called *Maesterfyn Bridge*, on the Confines of the Parishes of *Whittington* and *Ellesmere*, in the said County of *Salop*; and the Tolls by this Act granted, shall be and are hereby declared to be charged with and made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit or on Account of the said recited Acts, and of the Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed, and become due and owing on the Credit or on Account of this Act.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said Counties of *Salop*, *Denbigh*, *Merioneth*, and *Montgomery*, together with the Right Honourable *Edward Clive* commonly called Viscount *Clive*, the Right Honourable *Arthur Trevor* commonly called Viscount *Dungannon*; Sir *Watkin Williams Wynn*, Sir *Robert Williams Vaughan*, Sir *Foster Cunliffe*, Sir *Thomas Tyrwhit Jones*, Sir *John Kynaston Powell*, Baronets; Sir *John Evans* Knight, the Honourable *Thomas Kenyon*, the Honourable *Frederick West*, *Henry Pinson Tozer Aubrey* of *Broomhall*, *Robert Myddleton Biddulph* of *Chirk Castle*, *John Bonner* of *Bryn y gwalia*, *Henry Bowman* of *Knockin Hall*, *Henry Ellis Boates* of *Rose Hill*, *William Boates* of the same, *Josiah Boydell* of *Kilbendre*, *Peter Bentley* of *Moreton*, *Richard Croxon*, *John Croxon*, *John Croxon* the younger, *Boydell Jones Croxon*, all of *Oswestry*, *Edward Croxon* of *Trefarclawdd*, *Robert Cartwright* of *Oswestry*, *Foster Cunliffe* of *Dinbren*, *John Freman Milward Dovaston* of *West Felton*, *John Dyer* of *Cefngw y fod*, *Edward Dymock* of *Ellesmere*, *Edward Edmunds* of *Oswestry*, *Edward Edmunds* the younger of the same, *William Edwards* of *Brookside*, *John Edwards* of *Machynlleth*.

Ueth, John Edgeworth of Bryn y gróg, Thomas Edgeworth of the same, Edward Edwards of the Fron, Kenrick Edward Eyton of Eyton, William Farr of Chirk, Thomas Lloyd Hanmer Fletcher, William Ormsby Gore of Porkington, Ralph Ormsby Gore of the same, Edward Gattacre of Gattacre, Edward Gattacre the younger of the same, Thomas Griffiths of Pen-y-nant, Thomas Griffiths the younger of the same, Rowland Gwynn of Gwastadgoed, John Humphreys of Berriew, William Humphreys of the same, Robert John Harrison of Gaer, John Jones of Pen-y-bryn, Thomas Longueville Jones of Oswestry, Major Jones of Eyton Cottage, William Jones of Llanerchrugog, John Jones of Belaw Place, Richard Jones, Thomas Jones, John Jones the younger, and Randle Jones, all of the same, Thomas Jones of Plasgrono, Edward Jobnes Doctor of Physic of Garthmill, Arthur David Jones of the Court, Humphrey Rowland Jones of Garthmill, Thelwall Jones of the same, Wytheu Jones of Rhiwport, Thomas Jones the younger of Pen-bryn, John Jones of Cwmb-y-ghanmawr, Evan Jones of Havershasep, Richard Jebb of Chirk, John Kenrick of Wynn Hall, Lloyd Kenyon of Prado, Thomas Kenyon the younger, John Robert Kenyon of the same, George Kenyon of Cefn, George Lloyd Kenyon and Edward Kenyon of the same, Edward Kynaston of Knolton, and Thomas Kynaston of the same Place, William Lloyd of Aston, William Fitzwarine Lloyd and Edward Lloyd of the same, John Arthur Lloyd of Leaton Knolls, Charles Spencer Lloyd of the same, Samuel Leach of Llanfordaissa, Godfrey Lloyd of Llangollen, Thomas Lloyd of Osbaston, Joseph Venables Lovett of Belmont, Thomas Heaton Lovett of the same, Joseph Hayes Lyon of Cefn Blewog, John Winder Lyon of Vaynor Park, Edward Lloyd Lloyd of Pen y lan, R. M. Lloyd of Wrexham, John Mytton of Halston, William Morrall of Plas y ollen, Abednego Mathew of Oatley Park, Devereux Jones Nicholls of Bryncanissir, William Owen of Woodhouse, William Owen the younger of the same, William Owen of Glansevern, Evan Oliver of Llanwth y law, Thomas Bulkeley Owen of Teddesmere Hall, Thomas Netherton Parker of Sweeney, Thomas Brown Parker and John Parker of the same, Richard Puleston of Mount Pleasant, Richard Phillips of Ty-n-rhos, William Pugh of Cae Howell, William Pugh of Mellington, Edward Powell of Berriew, Francis Richard Price of Bryn-y-pys, Rice Price of Manafon, Thomas Price of the same, David Pugh of Llanerch y dol, John Bill Pryce of Llansaintfraid, John Price the younger of Dolforwen, John Parry of Gradden, William Meredith Parry, Edward Robert Parry, Henry Kenrick Parry, and John Parry the younger, all of the same Place, Exuperius Pickering of Plask y naston; Edward Lloyd Rowland of Brynn, Thomas Sturkey of Highgate, Evan Stephens of Newton, Charles Hanbury Tracy of Greg-y-nog, Christopher Temple of Pen y nant, Valentine Tilsey of Newtown, Robert Williames Vaughan of Nannaw, Griffith Howell Vaughan of Rûg, Charles Watkin Williams Wynn of Llangedwyn, Henry Watkin Williams Wynn of Llanforda, Frederick Richard West of Pentrepant, John Bulkeley Williames of Pennant, Pryce Williames of the same, John Wollaston of Bishops Castle, Simon Yorke of Erthig, Yorke of the same, and Thomas Watkin Youde of Plas-madoc, Esquires, Isaac Bonsall of Cemmes, John William Bourke of Saint Martin's, James Donne of Oswestry, and James Donne the younger, John Davies of Newtown, Henry Crowe of Llanymynech, Walter Davies of Manafon, Richard Hilton of Sodylt, Whitehall Whitehall Davies of Broughton, George Arthur Evors of Newtown, Robert Eyton of Llangollen, Richard Mytton, George Foxton of Newtown, Lloyd Fletcher of Gwernbaled, Thomas Hunt of West Felton, David Jenkins of Kerry, John Jones of Berriew, Evan

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Jones of Aberhavesp, Charles Arthur Albany Lloyd of Whittington, George Newton Kynaston Lloyd of Selattyn, John Lewis of Llanbrynmair, Williams Wynn Owen of Oswestry, John Pryce of Dolforwen Hall, George Robson of Erbistock, Nathaniel Roberts of Oswestry, Lewis Rowlands of Castele Gaereinion, Robert Saunders of Ruabon, Richard Mytton of Garth, Rowland Wingfield of Ruabon, Daniel Williams of Frongoch, Joseph Venables of Oswestry, Clerks, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are appointed Trustees for amending, widening, improving, and also for making, maintaining, repairing, and keeping in Repair the said several and respective Roads herein-before particularly mentioned and described, and for otherwise carrying this Act into full and complete Execution.

Power to elect an additional Number of Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered at any Time or Times (after such Notice as herein-after mentioned), to nominate and appoint any Number of additional Trustees, not exceeding Fifteen in the whole, who shall have the same Powers and Authority for executing this Act, as if they had been hereby nominated and appointed.

For electing new Trustees.

IV. And be it further enacted, That when and as often as any Trustee hereby appointed or to be appointed in Manner herein-after mentioned shall become by Bankruptcy or Insolvency disqualified to act, or shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect one other Person to be a Trustee in the Room of such Trustee so disqualified or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in and upon the said Roads, and also by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days before every such Meeting shall be held; and all Persons so elected are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with.

Qualification of Trustees.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate of the Value of Four thousand Pounds, nor (except in administering the Oath following), before he shall have taken and subscribed the Oath herein-after mentioned, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

Oath of Qualification.

‘ I do swear, That I truly and *bonâ fide* am seised of, in my own Right [or, in the Right of my Wife, as the Case may be], in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, of the clear yearly Value of One hundred

‘ hundred Pounds above Reprizes [*or, am Heir Apparent of A. B, who*
 ‘ to the best of my Knowledge is seised of a Real Estate in Lands, Tene-
 ‘ ments or Hereditaments of the clear yearly Value of One hundred and
 ‘ fifty Pounds], or am possessed of a Personal Estate of the Value of Four
 ‘ thousand Pounds, and that I will truly, faithfully, and impartially act
 ‘ in the Execution of the Trusts and Powers reposed in me by an Act
 ‘ passed, in the First Year of the Reign of King George the Fourth, inti-
 ‘ tuled *An Act, [here insert the Title of this Act].* So help me GOD.’

And if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, or being so qualified shall act as such Trustee before he hath taken and subscribed the said Oath, every Person so offending in all or any of the Premises shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit; in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act (although not duly qualified as aforesaid), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Penalty on acting before having taken the Oath, or not being qualified, &c.

VI. And be it further enacted, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act into Execution, who shall have or accept any Place or Office of Profit arising out of or by reason of any Tolls by this Act granted, or who shall be interested or concerned in any Contract or Contracts, or a Lessee or Lessees, Farmer or Farmers of the Tolls granted by this Act, shall be a Trustee or Trustees in the Execution of this Act during the Time of his or their Enjoyment of such Place of Profit as aforesaid, or whilst he or they shall be so interested or concerned, as such Lessee or Lessees, or Farmer or Farmers as aforesaid.

Persons holding any Place of Profit under this Act not to act as Trustee.

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

Victuallers, &c. incapable of acting.

VIII. And

Trustees may act as Justices, except where interested.

Mortgagees or Assignees may act as Trustees.

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

First Meeting of the Trustees.

General Meetings.

Five Trustees to be a Quorum.

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

IX. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, either in the Name of any One of the said Trustees, or in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in his or their Name or Names, or in the Name of their Clerk, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Trustee or Trustees or Clerk, or by the Act of such Clerk, without the Consent of the said Trustees or any Five or more of them; but that any One of the said Trustees, or the Clerk for the Time being to the said Trustees, shall be deemed to be Plaintiff or Defendant (as the Case may be), in every such Action: Provided always, that every such Trustee or Clerk in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action or Proceeding he or they shall pay, bear, expend or be put unto or become chargeable with, by reason of his or their being so made Plaintiff or Defendant, or Plaintiffs or Defendants as aforesaid.

X. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together on the said Twenty-ninth Day of *September* next after the passing of this Act, or as soon after as conveniently may be, at the House known by the Name or Sign of the *Cross Keys* in *Oswestry* aforesaid, if then open, and if not, then at some other convenient House or Place in the said Town, and proceed to the Execution of this Act, and shall adjourn themselves, and afterwards meet at the Place aforesaid, or at any other Place near the said Roads, as the said Trustees or any Five or more of them shall think proper or convenient for putting this Act in Execution, which Meetings shall be deemed General Meetings; and the said Trustees, or any Five or more of them, shall and may at any such Meetings adjourn themselves to some convenient Place or Places at or near the said Roads respectively, and may make such further Adjournments from Time to Time for putting this Act in Execution as they shall think proper; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences; and all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done or exercised by or before the said Trustees, shall and may be had, made, done, and exercised by or before any Five or more of them (except in such Cases where any other Number is herein mentioned); and all Acts, Orders, and Proceedings had, made, or done by or before such Five Trustees, shall have the same force and effect, and be

be as binding and conclusive on all Persons, to all Intents and Purposes, as if the same were had, made, done, or executed by or before all the said Trustees; and no Order or Determination shall be made, unless a Majority of the Trustees present at a Meeting shall concur therein, such Meeting not consisting of less than the Number of Trustees who were present when such Order or Determination was made, nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Double the Number of Trustees shall be present, and the Majority of them shall concur therein, nor unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk to the said Trustees, or for want of such Clerk, to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted, in Manner herein-before mentioned, at least Ten Days previous to any Meeting; and at every Meeting of the said Trustees a Chairman shall and may be appointed from and among the Trustees then present, and when and as often as it shall so happen, that there shall be an Equality of Votes at any such Meeting, upon any Question (including the Vote of the Chairman), then and in every such Case the Chairman shall have and he is hereby empowered to give the decisive or casting Vote.

Chairman to be appointed, and to have the casting Vote.

XI. And be it further enacted, That if after the Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by any Adjournment, or if, for want of proper Adjournment or otherwise, it shall be necessary to call a Meeting of the said Trustees, then it shall be lawful for the said Trustees, or any Two or more of them, or the Clerk to the said Trustees, upon an Order in Writing, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice in the Manner herein-before directed, of the Time and Place of holding a Meeting according to such Order of the said Trustees (the Time not being less than Ten Days after such Notice), and such Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at any such Meeting shall be as valid and effectual, to all Intents and Purposes, as they would have been in case such Meeting had been held in pursuance of Adjournment.

Meetings on Emergencies.

XII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Chairman then present, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings touching or concerning any Thing done in pursuance of this Act; and that such Book or Books shall at all seasonable Times be open and liable to the Inspection of all and every the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding Seventy-two Words, the Sum of Sixpence, and so in proportion for any greater Number of Words.

Proceedings to be entered in a Book.

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

XIII. 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 Monies 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 or Books shall at all reasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls thereby granted, 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, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Fifty Pounds, to be levied and recovered in Manner herein-after mentioned.

Trustees not to be concerned in Contracts.

XIV. And be it further enacted, That in case any Trustee shall directly or indirectly be concerned in any Contract for any Work or other Thing to be done by virtue of this Act, such Person shall not only be incapable of acting as a Trustee in the Execution of this Act, but shall also forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Trustees may appoint Officers.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, may appoint such Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and other Officers respectively, as they shall think proper; and that the said Trustees, or any Five or more of them, shall and may, at a Meeting to be held for that Purpose, whereof Ten Days Notice shall be given in Writing, to be affixed upon the said respective Turnpike Gates then erected on the said Roads, by any Writing or Writings under their respective Hands and Seals, from Time to Time remove such Clerk, Treasurers, Receivers, Collectors, Surveyors, and other Officers as they shall see Occasion, and appoint new ones in Cases of Death or such Removal; and the said Clerk, Treasurers, Receivers, Collectors, Surveyors, or other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall annually in the Month of *May* give unto such Trustees true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses or Purposes as they or any Five or more of them shall direct or appoint; and if any of the said Officers, or other Persons, shall not give such Account, then and in such Case it shall be lawful for any Two or more Justices of the Peace for the County or Place where such Officer

or other Person shall live and reside, and such Justices are hereby authorized and required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of one or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer without Fee or Reward); and if any such Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the County or Place where such Person shall reside, there to remain without Bail or Mainprize, until he shall make and give a true and perfect Account; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Place where such Person or Persons shall reside, to make Enquiry touching such Neglect or Refusal in a summary Way in Manner as aforesaid, and by Warrant under their Hands and Seals, to cause such Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) upon Demand to the Party or Parties, after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then the said Justices, or any other Two Justices of the Peace for the respective County or Place, shall commit such Person or Persons to the Common Gaol of the County or Place where such Person shall reside, there to remain without Bail or Mainprize, until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Trustees, or any Five or more of them, or to such Person as they or any Five or more of them shall appoint to receive the same, which Composition the said Trustees, or any Five or more of them, at any Meeting are hereby empowered to make: Provided always, that no Person who shall be committed for Want of sufficient Distress shall remain or be detained in Prison for any longer Space of Time than Three Calendar Months.

XVI. And be it further enacted, That upon the Death, Incapacity, Absconding, Misbehaving, or Absence of any Collector or Receiver of the Tolls, any Five or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls in the Stead of such Collector or Receiver so dying or being discharged, to continue until the next Meeting of the said Trustees; which 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 been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by the said Trustees, or any Five or more of them, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House or Building already erected and set up by virtue of the said recited Act, or to be erected and set up by virtue of this Act, for the Space of Six Days next after Demand made thereof, and Notice in Writing

Trustees may
appoint
temporary
Collectors.

ing given for that Purpose by any Five or more of the said Trustees, though not at a Meeting, or by their Clerk or Treasurer; then, or in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for the County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Five or more of them, or new appointed Officer, into the Possession thereof.

Trustees may
allow Salaries.

XVII. And be it further enacted, That out of the Tolls to be collected at each respective Turnpike now erected or hereafter to be erected upon the said Roads, such Allowances shall be made to the Collector or Collectors of the Tolls at such respective Turnpikes as the said Trustees or any Five or more of them shall think proper; and that out of the Monies to arise by the Tolls collected at all the said Turnpikes, such Allowances and Compensations shall be made to the said Clerk, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees or any Five or more of them shall seem reasonable.

Treasurer,
&c. to give
Security.

XVIII. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them shall and they are hereby required to take such Security from their Treasurers, Clerk, Collectors of the Tolls and other Officers, for the due Execution of their respective Offices as to such Trustees, or any Five or more of them, shall seem expedient.

Clerk not to
act as Treas-
urer, and
vice versa.

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; 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 Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, where no Essoign, Protection, or Wager of Law, nor more than One Imparlançe, shall be allowed.

Officers un-
der former
Acts to ac-
count to the
Trustees for
executing
this Act.

XX. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts, or shall have in their Custody or Possession, any Books, Accounts, Papers, Writings, or Things relating to the Roads comprizèd in this Act, shall account for and pay and deliver over the same and every Part thereof to the said Trustees, in like Manner and under the like Penalties as are herein-before directed, in respect to the several Collectors and other Persons receiving any
Monies,

Monies, or having the Custody or Power of any Books, Writings; or other Things; by virtue of this Act.

XXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may continue the several Turnpike Gates which now stand across or on the Sides of the said Roads, or from Time to Time remove the same, or any of them, and set up in lieu thereof, One or more Turnpike Gate or Turnpike Gates, in, upon, across, or on the Side of any Part or Parts of the Roads directed by this Act to be made, amended, and repaired; and may erect or cause to be erected One or more Turnpike Gate or Gates upon the new Branches of Roads or any of them, intended to be made by virtue of this Act, across any Lane or Way leading into, from, or out of the same respectively, as they the said Trustees, or any Five or more of them, may judge expedient; and may also erect and set up a Toll House to each such Turnpike, with suitable Out-buildings thereto; and may also inclose from the said Roads, or the Lands immediately adjoining such Toll House, convenient Garden Plats to the said Toll Houses respectively, as they the said Trustees or any Five or more of them may judge proper, not exceeding in the whole One-eighth Part of an Acre to or for each Toll House; and the said Trustees may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings from Time to Time to be taken down, removed, and set up again or altered, in such Place or Places on the said Roads as the said Trustees or any Five or more of them shall judge proper.

Trustees may continue or alter present Turnpike Gates.

XXII. And be it further enacted, That the Right and Property of all and every the Turnpikes, Toll Houses, and Buildings erected by virtue of the said recited Acts, or to be erected by virtue of this Act, and of the Materials for building the same, and also of all Rails, Posts, and Fences which shall belong to the said Roads, and also all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten, or had, or to be purchased, gotten, or had, for amending and repairing the said Roads, shall be, and the same are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby empowered to bring or cause to be brought any Action or Actions in the Name or Names of any Five or more of them, or of their Clerk, Treasurer or Treasurers, or to prefer or order to be preferred, any Bill or Bills of Indictment or Indictments against any Person or Persons, who shall steal, take away, or injure the same, or shall disturb or interrupt them, the said Trustees, or any of their Agents or Servants in the Possession thereof; in which Action or Actions, Bill or Bills of Indictment or Indictments, it shall be sufficient to state generally such Turnpikes, Toll Houses, Conveniences, Articles, Matters and Things, to be the Property of the Clerk for the Time being to the said Trustees.

Toll Houses, &c. vested in the Trustees.

XXIII. And be it further enacted, That the respective Tolls following shall be demanded and taken, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Coach, Chaise, Waggon, Cart or other Carriage, shall be permitted to pass through any of the said Turnpikes, or any Turnpike to be erected in lieu of the same or any of them; (that is to say),

Power to take Tolls.

Tolls.

For every Horse or other Beast, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Gig, or other such like Carriage, Waggon, Wain, Wheel Car, Tumbril Car, Drag or Sledge, the Sum of Sixpence:

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

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

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

For Recovery of Tolls.

XXIV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons to be appointed as aforesaid to collect such Tolls, to seize and distrain any Horse, Beast, or other Cattle, upon which such Toll is by this Act imposed, together with their or any of their Bridles, Saddles, Geers, Harness, or Accoutrements (but not the Bridles or Reins separate from such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so distraining, shall and may sell the Horse, Cattle, Beast, Carriage or Things, Goods and Chattels so distrained, or a sufficient Part thereof, returning the Overplus (if any) on Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and that all the Tolls to be collected or levied by virtue of this Act, shall be and the same are hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as herein-after mentioned.

For preventing Toll Collectors from taking undue Tolls.

XXV. And be it further enacted, That all and every Toll Collector, being appointed either by the said Trustees, or by any Lessee or Lessees of the said Tolls, to collect the Tolls payable at any Turnpike or Toll Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed, during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Boards as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemptions, or shall refuse to permit or suffer, or shall in any ways 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 Ticket denoting the Payment of the Toll, and naming

and specifying the Gate or several Gates freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any 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 Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

XXVI. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for such of the Counties wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof, forthwith by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling
Disputes
concerning
Tolls.

XXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in any ways relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be and are hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of their being so appointed to collect the said Tolls.

Toll Bar
Keepers not
incompetent
Witnesses.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which Meeting Ten Days Notice shall be affixed on all and every the Turnpike Gates then standing on the said Roads, from Time to Time to lessen or reduce all or any of the said Tolls, and also any additional Tolls payable by any Act or Acts of Parliament now or hereafter to be in force for Overweight or otherwise, in such Manner as to them shall seem fit and convenient, and to cause such reduced Tolls to be continued and taken for and during such Time as they the said Trustees shall think proper; and afterwards, at any Meeting to be holden and appointed as aforesaid, from Time to Time, if they the said Trustees or any Five or more of them shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates

Trustees may
reduce the
Tolls;

and after-
wards ad-
vance them
again to any
Sum not ex-
granted

ceeding the Rates before granted.

No Reduction to be made without the Consent of Creditors.

Abatement of Tolls in certain Cases, under Act 55G.3. c. 119.

Tickets to be provided, denoting Payment of Tolls.

Exemptions from Toll.

granted by this Act, or made payable by any Act or Acts of Parliament now or hereafter to be in force with respect to Overweight or otherwise: Provided nevertheless, that until the whole Money borrowed on the Credit of the said Tolls shall have been paid and discharged, such Tolls shall not be lessened or reduced, without the Consent of the Person or Persons entitled to Five-sixth Parts of the Money remaining due upon the Credit of the said Tolls.

XXIX. And be it further enacted, That all Waggon, Carts, and other Carriages having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be allowed an Abatement of One-fourth Part of the Tolls by this Act granted.

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

XXXI. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle or Carriage, passing laden with or passing empty or unladen for, or returning the same Day empty or unladen, after having been laden with Stone, Brick, Lime, Gravel, or other Materials for making and repairing the said Roads, or for repairing the Highways or public Bridges in any Township, Parish, or Place through which any of the Roads directed by this Act to be repaired lead; nor for any Carriage laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with Marl, Muck, Dung, Mould, Soil, Compost, or Manure of any Nature or Kind whatsoever (Lime excepted) for the improving or manuring of Land, nor for any Horse, Cattle, or other Beast, drawing any Carriage laden with or passing empty or unladen for or returning the same Day empty or unladen, after having been laden with Grass, Hay, Straw, or Corn in the Straw only, not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owner thereof; nor for any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horse, or any other Cattle or Sheep going to or from Water, Pasture, or Plough, or Tillage, or Work in Husbandry, or going to or returning from any Smith's or Blacksmith's Shop to be shoed or farried; nor shall any Toll be demanded or taken from any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for any of the said Counties of *Salop, Denbigh, Merioneth, and Montgomery*, on the Day before the Day or Days of such Election, or the Day after the same shall be concluded; nor for any Horse or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses,

Expresses, or in returning back therefrom ; or for any Horse or Carriage attending the King's most Excellent Majesty or any of the Royal Family ; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty ; or for any Horse or Horses or other Beasts drawing any Cart, Carriage, or Waggon employed in carrying or conveying, or going empty to fetch, carry, and convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers, or for any Horse or Horses or other Cattle drawing any Waggon, Cart, or other Carriage, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed ; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, (provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulation of such Corps at the Time of claiming the Exemption); nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to Gaol or the House of Correction, or returning after being so employed ; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, or on his other Parochial or Ministerial Duty ; nor from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated ; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons claiming Exemption not entitled to same.

XXXII. And be it further enacted, That no Person or Persons owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight ; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or being drawn by any Number of Horses or Oxen ; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage ; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

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

XXXIII. And be it further enacted, That if any Person or Persons shall drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Gate, private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or

Penalty on Persons evading Payment of the Tolls.

[*Local.*]

15 X

Occupier

Occupier of such Land or other Premises, or any of his, her, or their Family, Servant or Servants); or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid (the same not being a public Highway or Road to or from some Parish Church, Mill, Market Town, or Village to Village), shall knowingly or wilfully permit or suffer any Person or Persons, not being of his or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls or any of them, or any Part thereof; or if any Person or Persons shall forge, counterfeit or alter, or shall deliver to or receive from any other Person or Persons (except a Collector of the Tolls) any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, for the Purpose of evading the said Tolls, or any of them, or shall forcibly or fraudulently pass through any Turnpike or Toll Gate with any Horse, Carriage, Cattle, or Beast, without Payment of Toll, or shall take off, or cause to be taken off any Horse, Beast or Cattle from any Carriage, or after having passed through any Turnpike or Gate, shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left upon or near to the said Roads any Horse, Cattle, Beast, or Carriage, or shall unload or cause to be unladen any Goods, Wares, Merchandize or other Thing from or out of any Carriage, with Intent to evade the Payment of any of the said Tolls; or if any Person claiming any Exemption from the Payment of any of the said Tolls, shall refuse or decline, on Demand, to give his or her Name and Place of Abode to the Collector or Collectors of the said Tolls, at any Gate or Gates at which such Exemption shall be claimed, or shall give a false Name or Place of Abode, all and every such Person or Persons so offending in any of the Cases aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages and Punishments as he, she, or they shall be otherwise liable to by Law.

Tolls to be
paid but
once a Day.

XXXIV. Provided always, and be it further enacted, That no Person or Persons having paid the Tolls hereby directed to be paid at any Gate or Turnpike to be continued or erected by virtue of this Act, and producing a Note or Ticket denoting such Payment (which Note or Ticket the Collector or Collectors, Receiver or Receivers of the said Tolls is and are hereby required to deliver *gratis*, upon the Receipt of such Toll) shall be liable to pay any further or other Toll for returning through the same Gate or Turnpike with the same Coach, Berlin, Chariot, Landau, Calash, Caravan, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, Horse, Mule, Ass, or any other Cattle, for or in respect whereof Toll shall have been so paid at any Time during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night; but if any Person or Persons shall have occasion to pass at any Time during the same Day, to be computed as aforesaid, through any such Gate or Turnpike a third Time on Horseback, or with any other Cattle or Carriage whatsoever; then and in every such Case such Person or Persons shall be liable and subject to pay the Toll or Duty hereby imposed on such respective Cattle or Carriage, and shall receive another Note or Ticket (which Note or Ticket the Collector or Collectors, Re-

ceiver or Receivers, is and are hereby required to deliver as aforesaid); and such Note or Ticket being produced, shall entitle him or them to return Toll-free through the same Gate or Turnpike with the same Horse, or other Cattle or Carriage, upon the same Day (to be computed as aforesaid) and so *toties quoties* every Third Time any Person or Persons shall pass or repass the same Day through any Gate or Turnpike with the same Horse, Cattle, or Carriage.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees to demand, take, or receive more than Two full Tolls between the Town of *Pool* and the Town of *Oswestry*, and Two full Tolls between *Oswestry* and *Wrexham*, Two full Tolls between *Knockin* and *Llanrhaidr*, Two full Tolls between *Oswestry* and *Llanfyllin*, Two full Tolls between *Ruabon* and *Tafarn Dywyrch*, and Two full Tolls between the Village of *Berriew* and *Pont Sychcoed*, and One full Toll on every other Road comprized in this Act, for any of the Horses, Cattle, or Carriages aforesaid.

Limitation
of Tolls.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, or under the Hand and Seal of their Clerk or Treasurer for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts thereof, unto any Person or Persons for any Term not exceeding Three Years at any one Time, for the best Rent that can or may be gotten for the same, payable at such Times, and under such Covenants, and unto such Person or Persons as the said Trustees or any Five or more of them shall direct or appoint, of which Letting Twenty-eight Days Notice at the least shall be given by Advertisement to be inserted in some public Newspaper circulating in the Neighbourhood through which the said Roads pass, and the Monies arising thereby shall be applied in such and the same Manner as the Tolls so let or leased are directed to be applied.

Trustees may
lease Tolls.

XXXVII. 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.

An Action or
Ejectment
may be sup-
ported by
one Mort-
gagee.

XXXVIII. And be it further enacted, That the said Trustees or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof, Ten Days Notice in Writing shall be given by the Clerk,

Trustees may
borrow
Money on
Mortgage of
Tolls.

Clerk, Treasurer or Treasurers, to be affixed on all the Turnpike Gates then erected on the said Roads, and inserted in one or more public Newspaper or Newspapers circulating in the Neighbourhood through which the said Roads pass, may and they are hereby empowered, from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and raised by virtue of this Act, and also the Toll House and Appurtenances thereunto belonging (the Charges of assigning the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any Five or more of them, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with legal Interest, as the said Trustees or any Five or more of them shall think proper, which said Money so to be borrowed, shall be applied and disposed of in such Manner as the said Tolls to arise or be collected at the said Turnpike Gates are hereby intended to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever, and that such Mortgage or Mortgages, Assignment or Assignments, may be in the following Form, or such other Form as the said Trustees making the same shall think proper; (that is to say),

Form of
Mortgage.

‘ BY virtue of an Act passed in the First Year of the Reign of His
 ‘ Majesty King *George* the Fourth, intituled *An Act* [*here insert the*
 ‘ *Title of this Act*], in consideration of the Sum of to
 ‘ *A. B.* the Treasurer appointed by the said Trustees, for putting the
 ‘ said Act into Execution, having been this Day paid by *C. D.* of
 ‘ we whose Names are hereunto subscribed, and Seals affixed,
 ‘ being of the said Trustees, do grant and assign
 ‘ unto the said *C. D.* Executors, Administrators, and
 ‘ Assigns, such Proportion of the Tolls arising upon the Roads in the
 ‘ said Act mentioned, and of the Turnpikes and Toll Houses for collect-
 ‘ ing the said Toll, as the said Sum of doth or shall
 ‘ bear to the whole Sum due and owing on the Credit of the said Tolls,
 ‘ or charged thereupon, for the Term of the said Act, to have, hold, re-
 ‘ ceive, and take such Proportion of the said Tolls, Toll Houses, and
 ‘ Premises, with the Appurtenances, unto the said *C. D.*
 ‘ Executors, Administrators, and Assigns, for the Residue and Remain-
 ‘ der now to come of Years, for which the said Tolls
 ‘ are granted by the said Act, subject to the Proviso following (that is to
 ‘ say): Provided always, that if the said Sum of
 ‘ shall be repaid to the said *C. D.* Executors, Admi-
 ‘ nistrators, or Assigns, together with Interest for the same, after the Rate
 ‘ of *per Centum per Annum*, without any Deduction
 ‘ whatsoever, on or before the Day of now next
 ‘ ensuing, then this Assignment shall be void, or else shall remain in full
 ‘ force. In Witness whereof, we have hereunto set our Hands and Seals,
 ‘ this Day of

Copies of all which Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled

titled to the same or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignments under his, her, or their Hand and Seal, or Hands and Seals, to be indorsed on his or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, before One credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest thereby secured to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, before One credible Witness, in the following Words, or Words to the like Effect; that is to say,

‘ I *A. B.* do transfer this Assignment, with all my Right and Title to the Principal and Interest thereby secured, and to all the Interest now due thereon, unto *C. D.* Executors, Administrators, or Assigns. Dated this Day of Witness, *E. F.* *A. B.*’ Form of Transfer.

All which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees, within Ten Days after the Date thereof, who shall cause an Entry to be made of such Assignment, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Mortgage and Assignments, for which the Clerk or Treasurer shall be paid the Sum of Ten Shillings and no more, and which said Book or Books shall and may, at all reasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment, and the Monies thereby secured and so assigned or transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like Manner assign and transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, and discharge the same, or any Monies due thereon.

XXXIX. Provided always, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said former Acts, in respect to the Priority of advancing or having advanced any Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall have been or shall be made as aforesaid, shall be, in proportion to the Sum or Sums of Money, and on the Terms therein mentioned, Creditors on this Act in equal Degree one with the other. No Priority in Mortgages.

XL. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out, that were made by virtue of the said recited Acts, and give and execute another Mortgage or other Mortgages instead or in lieu thereof respectively, in Manner and transferrable as herein-before is mentioned. Power to cancel old Mortgages and give new ones.

Application
of the Money.

XLI. And be it further enacted, That all Monies which shall arise and be produced by or from the several Sums already subscribed or agreed to be advanced, towards the making and repairing the said Roads as aforesaid, and by and from the Tolls by this Act granted and made payable, together with the Monies which shall from Time to Time be borrowed upon the Credit of the Tolls to be collected thereon, and all other Monies which shall arise or be produced under or by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied in the Order and Manner following; (that is to say), in the first Place, in paying the Costs, Charges, and Expences attending the preparing, obtaining, and passing this Act, and of preparing Securities for the Sums so subscribed or to be subscribed and borrowed; in the second Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of erecting and making necessary and convenient Bridges, excepting such Bridges as are repaired by the County, upon the said Roads, and of repairing the said Roads, and otherwise in executing the several other Powers and Purposes of this Act; in the third Place, in paying the Interest accruing upon the several Sums of Money subscribed, or which shall from Time to Time be secured upon the Credit of the Tolls to arise on the said Roads; and lastly, in reducing, paying off, and discharging the same several Principal Sums; and it shall be lawful for the said Trustees, from Time to Time, if they think fit, to ascertain the Order and Priority in which the same several Principal Sums shall be reduced or paid off and discharged by Ballot.

The Money borrowed on the Credit of the Tolls granted by 47 G. 3. to be charged on the Roads mentioned in the said Act, and now included in this Act.

XLII. And whereas considerable Sums of Money have from Time to Time been borrowed on the Credit of the Tolls granted by the said recited Act of the Forty-seventh Year of the Reign of His said late Majesty King *George* the Third, and no Part of such Money hath been laid out or expended in the Repair or Improvement of the several Roads authorized to be repaired under the Authority of the said Act of the Twenty-eighth Year of His said late Majesty's Reign: And whereas it is expedient that the Tolls by this Act authorized to be taken on so much of the said Roads as leads out of the Turnpike Road from the *Cross* in the said Town of *Oswestry* through the *Willow Street*, then through the Villages of *Sylattyn* and *Llansaintfraed glyn Ceiriog*, to join the *London* and *Holyhead* Road at or near the *New Inn* between *Corwen* and *Llangollen* aforesaid, with Branches not exceeding one Quarter of a Mile in Length at the *Craignant* and *Llansaintfraed* Turnpike Gates, and also the Road from the aforesaid *Willow Street* in the said Town of *Oswestry*, over the *Hengoed* to *Pont Faen* and *Pont Cysyllty*, should still remain liable and be charged with the Payment of the said Money; be it therefore enacted, That the Tolls authorized to be taken on the said last-mentioned Roads shall continue liable and remain charged with the Amount of the Money so borrowed on the Credit of the said recited Act of the Forty-seventh Year of the Reign of His said late Majesty, and not on the whole of the Roads included in this Act, in such and the same Manner to all Intents and Purposes as before the passing of this Act.

XLIII. And

XLIII. And in order to prevent the Payment of the Tolls being evaded, ^{Power to stop up private Roads.} be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby required to stop up or cause to be stopped up the Lanes and Ways following; the Lane or Way leading from the Turnpike Road between *Oswestry* and *Llwynymaen*, by or near *Penylan*, to the Highway leading from *Oswestry* to *Coedygo*; One hundred Yards of the Lane leading from *Llanrhaidr* Bridge, through *Cae-decritue*, towards *Cefn-coch*; also One hundred Yards of the Lane leading from *Llanfillin* towards *Tany-coed-y-gaer*; the Bridle Road leading from the Turnpike Road near *Llanrhaidr*, through *Caer-ychen*, to the Turnpike Road between *Llanrhaidr* and *Castell-moch*; the Lane or Way leading from the Mile Oak under *Buckley* and *Hisland* Farms, through the small Meadow and Milehouse Farm to the Turnpike Road between the *Queen's Head* and *Oswestry*; the Road called *Wettra-ddu*, branching out of a public Highway leading from *Berriew* to *Castell Caerinion*, and leading to a certain Common called *Coed-y-Cwm*; the Lane leading from *Ruabon* by *Wynnstay* Park Wall and *Rhyddallt* Farm House, through a Ford across the River *Dee*, to the Turnpike Road from *Oswestry* to *Wrexham*, at or near *Tymaen*, in the Parish of *Chirk*; the Lane branching out of the last-mentioned Lane, near a House in the Township of *Rhyddallt*, lately in the Occupation of *Robert Roberts*, and by *Plas-y-Ryddallt* and *Kil-y-Pottia*, to the said Turnpike Road near *Bodylltyn* Farm House; the Lane from *Kil-y-Pottia* aforesaid, to the said Turnpike Road where it crosses *Offa's Dyke*, near a House called *The Green*, and the Bridleway or Horsepath leading out of the last-mentioned Lane, near a House late in the Occupation of *Catherine Richards*, in the Township aforesaid, and thence by the *Nant* to the said Turnpike Road, near the new Bridge over the River *Dee*; and it shall not be lawful for any Person or Persons whomsoever, with any Horse, Cattle, or Carriage whatsoever, to use or claim the Use of any of the Lanes or Ways aforesaid, or either of them, as a public Highway during the Continuance of this Act; but nothing herein contained shall extend to prejudice, interrupt, or hinder the Owners or Occupiers of any Lands, Grounds, or Hereditaments, adjoining or lying contiguous to any Lane or Way which shall be stopped up or discontinued as aforesaid, or of any Waste or Common Right thereto belonging, or their Servants, Horses, Cattle or Carriages, from passing or repassing to or from such Lands, Grounds, Commons, or Hereditaments, or to interrupt or hinder the Occupiers of *Buckley*, *Hisland*, *Pen-trecoed*, and *Milehouse* Farms, in the Parish of *Oswestry*, or their Servants, Horses, Cattle or Carriages, from passing or repassing to or from such Farms respectively, through the said Lane, from the Mile Oak aforesaid to the said Turnpike Road, between the *Queen's Head* and *Oswestry* aforesaid, or to interrupt or hinder *Sir Watkins Williams Wynn* Baronet, his Heirs or Assigns, or the Occupiers of any Lands, Grounds, or Hereditaments, adjoining or lying contiguous to any Lane or Way which shall be stopped up and discontinued in the Township of *Rhyddallt* as aforesaid, his or their Servants, Horses, Cattle, and Carriages, from using the same as Occupation Roads, or as a Communication with the said Turnpike Road near the new Bridge, or such other Place as shall be thought most convenient, or to interrupt or hinder *John Jones*, of *Belan Place*, or his or their Servants, Horses, Cattle, or Carriages, from passing or repassing to and from *Park Side* aforesaid, over *Pont-y-Cyfflog*, to and from the said Turnpike

None of the said Roads, &c. to be stopped up without the Concurrence of Two Justices, and their Determination in the Premises to be subject to Appeal, in Manner directed by 55 G. 3. c. 68.

Power to make the new Branches.

Turnpike Road near *Bodyllton* Farm House: Provided always, that none of the said Lanes or Ways shall be stopped up, unless the Concurrence and Approbation in Writing of any Two or more of His Majesty's Justices of the Peace for the County or Place in which the same shall be situate, shall be first had and obtained; and their Determination in the Premises shall be subject to Appeal in the Manner and Form directed and prescribed by an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

XLIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Time during the Continuance of this Act, and they are hereby authorized and empowered to make and maintain the said new Branches of Road herein-before mentioned and described, and from Time to Time to keep the same in Repair; and the said Trustees, or any Five or more of them, are hereby authorized and empowered from Time to Time to turn or alter the Course or Path of any Highway or Road through which the said new Branches of Roads are intended to pass, and to make the same of such Width as they shall think proper, not exceeding Sixty Feet, and without making any Satisfaction for any Commons or Waste Grounds through which such new Branches of Roads or Alteration of any Highway shall be made, and also that it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any private Lands, Grounds, and Hereditaments, through which or whereupon the said new Branches of Roads hereby authorized to be made are intended to pass, and to stake out and make the same of such Width and in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Punishment, or Penalty, for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds, or Hereditaments respectively, for any of the Purposes of this Act, first making or tendering Satisfaction to the Owners thereof and Persons interested therein, for the Land taken, or any Damages they may thereby sustain; and also, that the said new Branches of Roads shall be and be deemed to be to all Intents and Purposes, Part of the Roads included in this Act and hereby intended to be repaired, and from and after the making thereof, the same shall be deemed and taken to be and shall be Public Highways for ever, to all Intents and Purposes.

Trustees, in altering the old Road, not to deviate more than 100 Yards, without Consent.

XLV. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Roads already made, under or by virtue of the said recited Acts, and now repealed, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration first had and obtained for that Purpose.

XLVI. And whereas a Map or Plan, describing the Lines of the said new Branches of Road, and the Lands through which the same are to be carried, together with a Book of Reference, containing Lists of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the several Offices of the respective Clerks of the Peace for the several Counties of *Denbigh* and *Montgomery*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the respective Clerks of the Peace for the said several Counties of *Denbigh* and *Montgomery*, to the End that all Persons may, at any reasonable Times, have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to such of the said respective Clerks of the Peace in whose Custody the said Maps or Plans and Books of Reference shall be, the Sum of Three Shillings and Four-pence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Maps or Plans or Books of Reference; and that the said Trustees, in making, widening, or repairing the said new Branches of Roads, shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent in Writing first had and obtained of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

New Branches to be made, according to Plan and Book of Reference.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make the said new Branches of Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land, over which the same is set up and described in the said Maps or Plans, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County in which the same shall be situate, and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

Omissions or erroneous Descriptions not to prevent the Trustees from executing this Act.

XLVIII. And be it further enacted, That the said Trustees or any Five or more of them, shall be and are hereby fully authorized and empowered from Time to Time as they shall think proper, within the Limits in this Act mentioned, to widen, divert, or alter the Course or Path of any Part or Parts of the said Roads, and that any such Widening or Variation of Road may be made through or over any Common or Waste Ground, without making any Satisfaction for the same, and through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase or Exchange thereof, or for any Loss or Damage aforesaid, and for that Purpose it shall be lawful for all Corporations Aggregate or Sole, Guardians, Feoffees, Tenants for Life or in Tail, and all Trustees and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of any Infants, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Mind, and to and for all Femmes Covert, who are or shall

Trustees may purchase Lands, to widen Roads already made.

[Local.]

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If Parties
refuse to
treat, &c. the
Recompence
to be ascer-
tained by a
Jury.

be seised or interested in their own Right, and to and for all and every other Person or Persons who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract with the said Trustees or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them, or any Five or more of them, all or any such Lands or Hereditaments, for the Purposes aforesaid; and all Contracts, Exchanges, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter or Thing to the contrary notwithstanding; and all such Corporations, Guardians, Feoffees, Trustees, Committees, and other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act; and if any such Corporations, Guardians, Feoffees, Trustees, Committees, or other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Corporation, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads are to be diverted, turned, or altered, shall for the Space of Ten Days next after 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 such Case, the said Trustees or any Five or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County; and in order thereto the said Trustees, or any Five or more of them, 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 (which Oath any One or more of the said Trustees is and are hereby authorized and empowered to administer); and the said Trustees or any Five or more of them, shall by ordering a View or otherwise, use all such Ways and Means as they shall think proper, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, the said Trustees or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict and Inquisition of such Jury, which said Verdict or Inquisition and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Corporations, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, as well as all other Persons; and for summoning and returning such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant to the Sheriff of the County where the said Roads shall be situate, requiring him to impanel, summon and return Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy is hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned and returned, or out of such of them as shall appear upon such

Summons, the said Trustees, or any Five or more of them, shall and they are hereby 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 any Five or more of the said Trustees, shall return such other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, as will make up the Number Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees or any Five or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy, Bailiff, or Agents making default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or appearing shall refuse to be sworn, or being sworn, shall refuse to give or not give his Verdict, or in any other Manner wilfully neglect his or 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, or appearing shall refuse to be sworn, or being sworn, shall refuse to be examined or to give Evidence, so that no such Fine be more than Ten Pounds on any one Person for one Offence.

XLIX. 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 Hereditaments, or for any Loss or Damage to be by them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and maintaining the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, or any Five or more of them, out of any Money arising by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the Costs and Expences of summoning the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some one Justice of the Peace for the County or Place in which such Lands shall lie; not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or 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, may be recovered by the said Trustees, by the Ways and Means herein-after mentioned

Payment of
the Expence
of the Jury.

tioned or provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Trustees not to take down Houses, &c. without Consent.

L. Provided always, and be it further enacted, That the Power and Authority by this Act given to the said Trustees, shall not extend to the taking down of any Dwelling House or other Buildings, or to the taking in any Garden, Orchard, Yard, Park, Paddock, inclosed Shrubbery, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners or Proprietors thereof respectively first had and obtained.

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

LI. And be it further enacted, That all and every such Sum or Sums of Money, for the Purchase, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls or other Money arising as aforesaid, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment or Tender thereof to such Persons or their Agents, or paying the same into the Bank of *England*, in Manner herein-after mentioned (as the Case may be), for the Use of such Parties or Persons, and after Ten Days Notice thereof given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their usual Place or Places of Abode, or with the Tenant in Possession of such Lands or Hereditaments, to receive such Money, or that the same is paid into the Bank, as the Case may require, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, or any of them, to enter into and upon such Lands or Hereditaments, and to make, widen, divert, turn, or alter such Roads through or over the same, in such Manner as the said Trustees shall think proper, and to do all and every such Act, Matter, and Thing, in relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think proper; and after the Purchase of the said Lands or Hereditaments, or Adjudication of the Value of such Lands and Hereditaments made, and Tender of Payment or Payments into the Bank, and Notice given as aforesaid, the said Trustees shall cause such Parts of the said Road as shall be made, widened, diverted, turned, or altered, through and over any private or inclosed Ground, to be well and sufficiently ditched, or otherwise fenced from the adjoining Lands, which said Fences shall be made immediately upon the Land or Ground being taken for the Use of the said Road, at the Expence of the said Trustees, and shall for ever afterwards be supported and kept in Repair by the Occupiers of the respective Lands from whence taken; and all Lands and Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act, shall for ever thereafter, to all Intents and Purposes, become and be deemed a public Highway, and as such shall be amended and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Interest to or in such Lands and Hereditaments; and after such new Road shall be made and completed, the Lands and Grounds constituting the former Road shall be vested in, and shall and may be sold and conveyed by the said Trustees for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to and for the Purposes of this Act.

LI. And

LII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Lunatic, Tenant for Life or in Tail, or Person or Persons under any Disability or Incapacity, 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, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt, or Debts or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement had been made.

Application of Compensation Money when amounting to or exceeding 200l.

LIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, or shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Tenements so purchased, taken, or used, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General

When less than 200l. and amounting to or exceeding 20l.

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

When less than 20l.

LIV. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees or any Seven or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

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.

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

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

Persons in Possession to be deemed presumptively entitled, &c.

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, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may direct the Payment of Expences.

LVIII. And whereas by reason of the Purchases which the said Trustees or any Five or more of them are hereby empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seised of some Piece or Pieces of Ground or old Roads, over and above what shall be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, or Piece or Pieces of the said old Roads, either together or in Parcels, as they shall find most advantageous and convenient, 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 the said old Roads shall first offer the same to the Person or Persons whose Lands shall adjoin thereto; and the said Trustees, before they shall sell or dispose of the said Piece or Pieces of overplus Ground, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person

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

Persons whose Lands adjoin to have the Preference.

son

son or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-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 County where such Pieces or Parcels of old Roads or Grounds shall be, by some Person or Persons no ways interested in the said Piece or Pieces of old Road or Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case or Cases the Price or Prices thereof shall be assessed by a Jury in Manner herein-before directed, with respect to disputed Value of Premises, to be purchased by the said Trustees or any Five or more of them in pursuance of this Act; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of old Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Surveyors
may make
Causeways,
&c.

LIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed under or by virtue of this Act, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to make Causeways, and also Ditches and Drains, in and upon the said Roads, and also through any Grounds lying contiguous thereto, in order to conduct the Water from off the said Roads, and also to widen any Part of the said Roads, by opening, clearing, and laying unto the said Roads any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads, not exceeding Thirty Feet in width, and also to make a Road through the Grounds adjoining or lying near to any hollow Way or narrow or ruinous Part of the said Roads, not being the Ground whereon any House or Outbuilding stands, or a Garden, Yard, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds, planted or set apart as a Nursery for Trees, whilst the High Road is repairing or widening; and also by Order of any Five or more of the said Trustees, to build, erect, and repair, or keep in repair any Bridge or Bridges, Arch or Arches, upon any Part of the said Roads, and across any Stream, Brook, Water, Ditch, or Drains thereon, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the Damages, the said Justices of the Peace for the County or Place where such Difference shall arise, at the General Quarter Sessions of the Peace, to be held in and for the same
County

County or Place next after such Difference shall arise, and Fourteen Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode, shall hear, settle, and determine the Matter of such Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

LX. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Ashler Stone, Coping Stone, Wall Stone, or other Stone, and also any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing the said Roads, and the Bridges, Culverts, Walls, and Fences in or upon the same, in, upon, out of, or from any Commons or Waste Grounds, common Rivers or Brooks, in any Parish, Township, or Place in which any Part of the said Roads lie, or in any adjoining Parish, Township, or Place, to be used in the making and repairing the said Roads, without paying any thing for the same, and to cut and carry away the same over the Lands or Grounds of any Person or Persons, making Satisfaction as after-mentioned, such Surveyor or other Person filling up the Pit or Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Ashler Stone, Coping Stone, Wall Stone, or other Stone, or Furze, Heath, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons, Rivers or Brooks, contiguous to that Part of the said Roads therewith to be made and repaired, then and in such case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, or any Two Justices of the Peace for the County or Place where such Materials shall or may lie, cut, dig, and make any Pit or Pits, and get, gather, take, and carry away such Stone and Materials as aforesaid, in, upon, or out of, from and over the Lands or Grounds of any Person or Persons, 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, (not 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), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Ashler Stone, Coping Stone, Wall Stone or other Stone, Furze, Heath, Gravel, Sand, and Materials, and for carrying the same, or the Materials gotten in any Commons or Waste Ground, common Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees or any Five or more of them, or such Justices, shall think reasonable; and in case of any Difference between the said Trustees or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or

Surveyors to
get Gravel,
&c.

[Local.]

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employed

employed as aforesaid, and the said Owners or Occupiers or any or either of them, concerning the said Damages or the Value of such Materials, then and in every such case any Two Justices of the Peace of the County or Place wherein such Lands or Grounds shall lie, within Ten Days next after such Difference shall arise, and on Five Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Value of such Materials; and the Costs attending the hearing and determining the same.

Surveyors not to carry away Materials out of private Grounds, without giving Notice to the Occupier.

LXI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person under the Authority of this Act, or any other Law now in being, to take and carry away Stone or other Materials for repairing the said Roads, Bridges, Culverts, Walls and Fences, out of or from any inclosed Lands or Grounds where no Gravel Pit or Quarry has been previously opened, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier, at his usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County or Place where such Lands shall lie, to shew Cause why such Materials shall not be had or taken out of or from such Lands and Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Justices shall, if they think meet, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take and carry away such Stone and Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended:

Penalty on taking away Materials got by the Surveyor.

LXII. And be it further enacted, That if any Person whomsoever shall take or carry away any Stone or other Materials, which shall have been dug or gathered, or prepared for the Purpose of making, completing, or amending the said Roads, or if any Person shall get or take away any unprepared Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Person authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale), every Person so offending shall forfeit for every such Offence, any Sum not exceeding Five Pounds.

Surveyors may remove Annoyances.

LXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Compost, Rubbish, Straw, or otherwise, and convert the same to his or their own Use and Uses, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper
any

any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary, and at the proper Season of the Year, to lop any Branches, Shrubs or Bushes, growing or to grow on the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House), and to take and carry away the same in case the Owners or Occupiers of the Premises shall, for the Space of Ten Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof to be settled by the said Trustees or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and to be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if, after removing any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

LXIV. Provided also, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorise or empower the said Trustees, or any of them, to repair or amend the Pavements or Causeways of any of the Streets of the Town of *Oswestry*, but that such Pavements and Causeways shall continue to be repaired and kept in Repair by such Ways and Means and in such Manner as they have heretofore been repaired; any thing in this Act to the contrary notwithstanding.

This Act not to extend to the Pavement of *Oswestry*.

LXV. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Roads, shall be made to open and swing inward towards such Field or Ground, and not towards the said Roads; and that it shall be lawful for the said Trustees to order all such Gates as are now erected, and open and swing outward towards the said Roads, to be altered and made to open and swing inward, as they the said Trustees or any Five or more of them shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed, so as to open and swing outward towards the said Roads, shall (after Ten Days Notice from the Surveyor of the said Roads, requiring him or them to alter any such Gate or Gates, and make the same to open and swing inward), refuse or neglect to make such Alterations, and after such Alterations shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Gates to open inwards.

LXVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may 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 such Stone or Post from any Town or Place, and also so much and so many Direction or Guide Posts as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person shall wilfully pull up,

Mile Stones to be set up, and Penalty on Persons damaging them, and to prevent Nuisances.

damage, or destroy any of the said Stones or Posts, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon; or if any Person or Persons shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall do or cause any Damage to be done to such Footway; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon Wheeled Carriages, to drag upon any Part of the said Roads to the Prejudice or Injury thereof respectively; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the said Roads, or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them, 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 Fireworks whatsoever on the said Roads, or within Eighty Feet of the Centre of the said Roads; or play at Foot Ball, or any other Game or Games, on any Part or Parts of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, longer than may be necessary for unloading or loading the same, in, upon, or on the Side of any Part of the said Roads (except in case of Accident), either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall not place the same during the loading or unloading thereof, as near to the Side of the said Roads as conveniently may be, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish or other Matter or Thing whatsoever on any Part of the said Roads, or on the Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon, or shall do any other wilful Act, Damage, or Injury to the said Roads, or any Part thereof; or if any Person, after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads, or on any Part thereof, the Stone or other Matter or Thing used in such blocking; or shall turn or permit, or suffer his, her, or their Horse or Horses, Ass or Asses, or other Beast or Beasts, Cattle, Pigs, or Swine, to feed, graze, or run loose upon any Part of the said Roads, or on the Side or Sides thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing the Execution of this Act.

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

LXVIII. And

LXVIII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees and Committees, of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable to the amending, maintaining, or repairing any Part or Parts of the said Road, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act.

Persons liable to the Repair of the Roads, &c. to continue so.

LXIX. And be it further enacted, That all the Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads shall pass, shall be liable to the Repair of such Parts of the said Roads as are within their respective Parishes, Townships, Hamlets, Districts, or Places, in such and the same Manner as they are liable to the Repair of any other Highways within the same; and it shall and may be lawful to and for any Two or more Justices of the Peace for the County in which the said Roads shall lie (as the Case may be), and they are hereby empowered and required, upon Application made to them by the said Trustees, or any Five or more of them, 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 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 or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto, it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Seven 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 Manner, and under such Regulations and Restrictions, as is or may be directed by any Law or Statute in force and effect, for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such Parishes, Townships, and Places respectively, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof, the same shall and may be re-

Parishes to continue liable to repair; and regulating the Statute Labour.

covered 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, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found negligent or idle by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if 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 the amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

LXX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all and every of the Parishes, Townships, or Places duly authorized for that Purpose at a public Vestry, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work, to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in advance, on or before the Twenty-sixth Day of *June* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place, shall not be permitted to compound for that Year.

Trustees may contract for Repairs.

LXXI. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose delegate or appoint, are hereby empowered to contract with any Person or Persons, for the altering, widening, repairing, or making the said Roads, or any Part thereof, and for erecting and setting up Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in

the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk, Treasurer, Surveyor, or other Officer; with any Workman, or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Persons who shall sign the same, his, her, or their Executors or Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Roads or any Part thereof, or any 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 which such Party or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

LXXII. And be it further enacted, That where any Distress shall be made for any Penalty, or Sum or Sums to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall hereafter be done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding before such Action brought; and the Defendant or Defendants in any such Action, by leave of the Court where such Action shall depend, may at any Time before Issue joined, pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, or Judgments shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Distress not
unlawful for
want of
Form.

LXXIII. And whereas Offences may be committed against this Act, by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed, to be dealt with according to Law.

For securing
transient
Offenders.

LXXIV. And be it further enacted, That if any Person or Persons after having been summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, shall refuse

Penalty on
Witnesses
not attending
when sum-
moned.

refuse or neglect to appear at the Time and Place for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or their Costs, Charges, and Expences, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing, shall refuse to be examined upon Oath and give Evidence before such Justice of the Peace, then and in either of the said Cases, every such Person shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

**Recovery and
Application
of Penalties.**

LXXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, upon Proof of the Offences respectively, before any one Justice of the Peace of the County or Place wherein the Offence shall be committed, either by Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid, Half to the Informer, and Half to any Five or more of the said Trustees, or to their Treasurer or Clerk, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted, to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

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 or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn

drawn up in the following Form of Words, or in any other Form of Words to the like Effect (as the Case may happen), and shall not be obliged to set forth the Evidence at full Length; (that is to say),

to wit. { **B**E it remembered, That on the _____ Day of _____
 in the _____ Year of the Reign of _____
 and in the Year of our Lord _____
 A. B. is convicted before _____ One of His
 Majesty's Justices of the Peace for the County of _____
 [here specify the Offence, and when and where committed], contrary to the
 Form of the Statute made in the First Year of the Reign of His Ma-
 jesty King George the Fourth, intituled *An Act, &c.* [here set forth the
Title of this Act], and I do hereby declare and adjudge the said A. B.
 hath forfeited for the said Offence, the Sum of _____
 or shall be committed to _____ for the Space of _____
 Given under my Hand and Seal, the Day and
 Year first above written.'

LXXVII. And be it further enacted, That if any Person or Persons shall Appeal.
 think himself, herself, or themselves aggrieved by any thing done in pur-
 suance of this Act, for which no particular Method of Relief hath been
 herein-before appointed, such Person and Persons shall and may appeal
 to the Justices of the Peace at any General Quarter Sessions of the Peace
 to be holden in and for the County or Place where the Offence shall be
 committed, within Six Calendar Months next after any Order or Deter-
 mination of the said Trustees, or any Five or more of them; such Appel-
 lants first giving or causing to be given Thirty Days Notice at the least,
 in Writing, of their, or his, or her Intention to bring such Appeal, and of
 the Matter thereof, to the Clerk to the said Trustees, and within Three
 Days next after such Notice given, entering into Recognizance before
 some Justice of the Peace for the County, with Two sufficient Sureties
 conditioned to try such Appeal, and to abide the Order of the said Justices
 at such Quarter Sessions, and to pay such Costs as shall be awarded by
 the said Justices at such Quarter Sessions; and the Justices at such Ses-
 sions, or at some Adjournment thereof, upon due Proof of the Notice
 having been given, and of the entering into Recognizance in the Manner
 herein-before mentioned, shall hear and finally determine the Causes and
 Matters of every such Appeal in a summary Way, and shall award such
 Costs to the Parties appealing or appealed against, as they the said Justices
 shall think proper; and the Determination of the said Justices at such
 Sessions or Adjournment shall be final, binding, and conclusive to all
 Intents and Purposes.

LXXVIII. And be it further enacted, That no Judgment, Order, or Proceedings
 Determination of any Justice or Justices of the Peace, touching or con- not to be
 cerning, or in Execution of any Power or Authority vested in such Justice quashed for
 or Justices by this Act, shall be quashed or vacated for Want of Form, or Want of
 be removed by Certiorari or any other Writ or Process whatsoever, into Form.
 any of His Majesty's Courts of Record at *Westminster* or elsewhere; any
 Law or Statute to the contrary notwithstanding.

LXXIX. And be it further enacted, That no Action or Suit shall be Limitation
 commenced against any Person or Persons for any thing done in pur- of Actions.
 [Local.] _____ 16 D _____ suance

General
Issue.

suance of this Act, until Thirty Days Notice thereof in Writing be given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, and every such Action shall be laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall and may plead, at his Election, specially or the General Issue, and give this Act or the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall be brought before Thirty Days Notice thereof shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in each County as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or 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 Double Costs, and have such Remedy for the same as any Defendant or Defendants have or hath in other Causes by Law.

Double
Costs.

For com-
pelling Pay-
ment of Sub-
scription
Money.

LXXX. And be it further enacted, That all Persons who have subscribed or agreed to subscribe, or to pay any Money towards making, maintaining, and repairing the said new Branches of Roads, shall and they are hereby respectively required to pay their Subscription Money to the Treasurer to the said Trustees, at such Time or Times as shall be appointed by the said Trustees; and if any such Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same by Action at Law, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than one Impar lance shall be granted or allowed.

Public Act.

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

Commence-
ment and
Continuance
of this Act.

LXXXII. And be it further enacted, That this Act shall commence upon the said Twenty-ninth Day of *September* One thousand eight hundred and twenty; and from thence shall have Continuance and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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