



ANNO QUADRAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 39.

An Act to continue the Term and alter and enlarge the Powers of Two Acts, passed for repairing the Roads from the Town of *Brecon* to the Parish of *Brobury*, and to *Whitney Passage*, in the County of *Hereford*, so far as relates to such of the Roads comprized in the said Acts, as lie in the County of *Hereford*. [16th May 1804.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Roads from the Town of Brecon to the Parish of Brobury, and to Whitney Passage, in the County of Hereford; and for building a Bridge over the River Wye, at Bredwardine Passage, in the same County:* And whereas an Act was passed in the Twenty-second Year of the Reign of His present Majesty King *George* the Third, to enlarge the Term and Powers of the said Act, so far as relates to such of the Roads comprized in the said Act, as lie in the County of *Hereford*: And whereas the Trustees for putting the said Acts in Execution, with respect to the said Roads in the said County of *Hereford*, and so much of the same Roads, distinguished and comprized in the said last mentioned Act, as lie in the Parish of *Hay*, in the County of *Brecon*, have from Time to Time
[Loc. & Per.] 7 I proceeded

Acts further
continued.

proceeded in the Execution of the said Acts, and have borrowed on the Credit of the Tolls thereby granted a very considerable Sum of Money, which still remains due and owing, and cannot be paid off, with the Interest thereon, nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts be further continued and the Powers and Provisions thereof in some Respects altered, amended, and enlarged; and it is necessary that the Tolls granted by the said last-mentioned Act should be increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lord-Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, Clauses, Matters, and Things, therein contained, so far as the same respectively relate to such of the Roads therein comprized as lie in the said County of *Hereford*, and so much of the same Roads distinguished and comprized in the said last mentioned Act, as lie in the said Parish of *Hay*, in the said County of *Brecon* (save and except such as relate to Exemption from Stamp Duties, and such as are hereby varied, altered, or repealed), shall be and continue in full Force and Effect, and be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein repeated and re-enacted, but subject nevertheless to the Amendments, Variations, Alterations, and Additions, herein contained, and which shall commence and take Effect immediately on the passing of this Act; and this Act, and the additional Term and Tolls hereby granted, shall be and are by this Act made subject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the said Acts, or hereafter to be borrowed on the Credit thereof, and of this Act, and of all Interest due and to grow due for the same.

Trustees.

II. And be it further enacted, That *Henry Allen* Doctor in Divinity, *Henry Allen*, *Edward Allen*, *William Allen* Clerk, *William Acton*, *James Beavan*, *Hugh Beavan*, *Joseph Brown*, *Thomas Beebee* Clerk, *John Beavan*, *Thomas Bracc* the younger, *Sir George Cornewall* Baronet, *George Cornewall*, *Charles Amyand* *Cornewall*, *John Geors Cotterell*, *Lewis Chambers*, *John Clutton* Clerk, the Honourable *Henry Devercux*, *Thomas Elliott*, *Simon Linton*, *John Freeman*, the Honourable *Andrew Foley*, *Thomas Foley*, *James Lloyd Harris*, *William Haywood*, *William Higgins* the younger, *Thomas Hall*, *William James*, *James Jones*, *Aythian Lewes*, *Edmund Thomas Lewis*, *Edmund Thomas Lewis* the younger, *John Lloyd* Clerk, *James Lyde*, *James Watkins Price Lyde*, *Joshua Maddy*, *Watkin Maddy*, *Thomas Powell*, *William Parry*, *Thomas Stallard Penoyre*, *Rees Price*, *Thomas Price*, *Thomas Purchas*, *John Stallard*, *Edmund Stallard*, *John Spencer*, *James Spencer*, *James Watkins*, *Walter Watkins*, *Richard Wellington*, *Henry Wellington*, *Walter Wilkins*, *Walter Wilkins* the younger, *John Wilkins* the younger, *James Williams*, and *Edward Williams*, being qualified according to the Directions of this Act, shall be and they are hereby added to and joined with the Trustees appointed by or in pursuance of the said Acts, for putting the same and this Act in Execution so far as relates to such of the said Roads as lie in the said County of *Hereford*, and so much of the same Roads, distinguished and comprized in the said last-mentioned Act, as lie in the said Parish of *Hay*, in the said County of *Brecon*; and the Trustees herebefore nominated and appointed are hereby empowered to act in the Execution

execution of the said Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been nominated and appointed Trustees by or in pursuance of the said Acts or either of them.

III. Provided always, and be it further enacted, That no Person shall be qualified to act as a Trustee in the Execution of any of the Powers of the said Acts or of this Act (except in administering the Oath to any other of the Trustees at their First Meeting) unless he shall take the Oath following; (that is to say),

Qualification
of the Trust-
tees.

‘ I *A. B.* do swear, That I truly and *bonâ fide* am, in my own Right [*or*, in the Right of my Wife] in the actual Possession or Enjoyment [*or*, in the Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, above Reprizes, *or*, possessed of or entitled to Personal Estate alone, *or*, Real and Personal Estate together, to the Amount or Value of Two thousand Pounds, over and above Payment of all my just Debts.

Oath.

‘ So help me GOD ‘

And if any Person shall presume to act as a Trustee in the Execution of this and the said Acts without having first taken the said Oath, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this and the said Acts.

Penalties on
acting if not
qualified.

IV. And whereas the Quorum of Seven Trustees appointed by the said recited Acts, in certain Cases, is found to be too large, it frequently happening that so great a Number cannot be assembled; be it therefore further enacted, That all Acts, Matters, and Things (except the Power given to the said Trustees, of letting, raising, and lessening the Tolls, and the Power of erecting or taking down Turnpikes and Toll Houses, and the Power of purchasing and exchanging of Lands, and electing and choosing new Trustees and appointing or removing Officers under the said recited Acts), which by the said recited Acts are authorized, directed, and required to be done, executed, performed, and determined by Seven or more Trustees, shall and may from Time to Time hereafter be done, executed, performed, and determined by the said Trustees, or any Five or more of them; and the same when so done shall be as valid and effectual, as if such Acts, Matters, and Things (except as aforesaid), had been done, executed, performed, and determined by the said Trustees or any Seven or more of them; the said recited Acts, or any Thing therein contained to the contrary thereof in anywise notwithstanding.

For lessening
the Quorum of
Trustees in
certain Cases.

V. And be it further enacted, That, from and after the Third Day of *March* One thousand eight hundred and five, the several Tolls and Duties granted by the said last recited Act shall cease, determine, and be no longer paid or payable, and that instead thereof the following Tolls shall or may be demanded and taken, before any Horse, Beast, or other Cattle,

Former Tolls
repealed.

or

or Carriage, shall be permitted to pass through any Gate or Turnpike erected or to be erected by virtue of this or the said recited Acts, upon and across any of the Roads included in the said last-recited Act or upon and across any Lane or Way leading into the same ; (that is to say),

Tolls.

For every Horse, Mare, Gelding, and Mule, laden or unladen, and not drawing, a Sum not exceeding Two-pence at every Gate and Bar throughout the Whole of the said Roads :

For every Ass, laden or unladen, and not drawing, a Sum not exceeding One Penny at every Gate and Bar throughout the Whole of the said Roads :

For every Horse, Mare, Gelding, Mule, or other Beast of Burthen, drawing any Waggon, Cart, or other such Carriage, with Wheels of less Breadth than Six Inches, a Sum not exceeding Nine-pence; and for every Carriage with Six-Inch Wheels, a Sum not exceeding Sixpence for every Horse or Beast of Burthen at every Gate and Bar throughout the Whole of the said Roads; but Two Oxen are to be in all the above Cases deemed liable to be paid for only as One Horse :

For every Horse, Mare, Gelding, Mule, or other Beast drawing any Coach, Chariot, Chaise, or any such Carriage, a Sum not exceeding Six-pence at every Gate and Bar throughout the Whole of the said Roads :

For every Score of Oxen or other Neat Cattle, a Sum not exceeding One Shilling and Eight-pence at each Gate and Bar throughout the Whole of the said Roads :

For every Score of Calves, Swine, Goats, Sheep, or Lambs, the Sum of Ten-pence at each Gate and Bar throughout the Whole of the said Roads, and so in Proportion for any greater or less Number of Cattle, Calves, Swine, Goats, Sheep, or Lambs.

**Double Tolls
on Sundays.**

VI. And be it further enacted, That on every *Sunday* during the Continuance of this Act, there shall or may be demanded and taken at each of the Gates or Turnpikes already erected or to be erected under and by virtue of the said last recited Act and this Act, by such Person or Persons as the said Trustees shall appoint to collect and receive the same, before any Horse, Cattle, or other Beast shall be permitted to pass through the same, Double the Tolls herein-before directed to be taken on any other Day of the Week, which said respective Tolls shall be vested in the said Trustees, and shall be collected and recovered in the same Manner, and with such Remedies for Non-payment or Evasion thereof, as are contained in the said recited Acts or either of them; and the said Trustees shall and may proportion, divide, or allot the same to be received or taken, according to their Discretion, in Manner before mentioned and limited; but no Tolls shall be taken at any Gate or Bar more than Once in the same Day within Twenty-four Hours, computing the Time from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

**Trustees may
proportion
and divide
the Tolls.**

**Exemptions
from Toll.**

VII. And be it further enacted, That none of the Tolls hereby granted shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads,

Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof; or for any Waggon, Wain, Cart, Carriage, or Horses employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Soilage, Compost, or Manure, employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod; or from any Person going or returning from his proper Parochial Church, Chapel, or other 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, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggon attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horses, Carts, or Waggon employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Brecon*, *Hereford*, and *Radnor*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act; any Thing contained in the said recited Acts, or either of them, to the contrary notwithstanding.

VIII. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose, whereof Ten Days Notice shall be given in Writing to be affixed upon all the Turnpikes then erected, and on the Market Houses of *Hereford* and *Hay* respectively, and also inserted in some one Newspaper circulating within the said County of *Hereford*, 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 the Tolls by this Act granted, or any Part thereof respectively, and also the said respective Toll Houses and Appurtenances (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this

Trustees enabled to borrow Money on the Credit of the Tolls.

[Loc. & Per.]

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Act

Act, as a Security or Securities for any Sum or Sums of Money to be borrowed by the said Trustees, or any Seven or more of them, upon the Credit of the said Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such legal or less Interest as the said Trustees, or any Seven 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 Tolls hereby granted are herein directed to be applied and disposed of; and that such Mortgage or Mortgages, or Assignments, may be in the Form following, or in such other Form as the Trustees making the same shall think proper; (*videlicet*),

Form of the
Mortgage.

‘BY virtue of an Act, passed in the Forty-fourth Year of the Reign
‘ of His Majesty King *George* the Third, intituled, [*here insert the Title*
‘ of this Act] We, Seven of the Trustees appointed under the said Act
‘ and the Acts therein mentioned, in Consideration of the Sum of
‘ to the Treasurer of the said Roads in
‘ Hand paid, do grant, bargain, sell, and demise unto *A. B.* his Exe-
‘ cutors, Administrators, and Assigns, such Proportion of the Tolls
‘ arising from the said Roads, and of the Turnpikes and Toll Houses
‘ for collecting the same, as the said Sum of
‘ doth or shall bear to the whole Sum due and owing on the Credit
‘ thereof, to be had and holden from this Day of
‘ in the Year of our Lord for
‘ and during the Continuance of the said Acts, unless the said Sum of
‘ with Interest, at the Rate of
‘ *per Centum per Annum*, shall be sooner paid and satisfied.’

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected by the said Trustees, or Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward; and every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his or her Right, Title, Interest, or Benefit in the said Mortgage, and the Principal and Interest, to any other Person or Persons whomsoever, by Indorsement on the Back of such Security, or by any other Writing under his or her Hand, before One credible Witness, in the following Words, or Words to the following Effect; (*videlicet*),

Form of
Transfer.

‘ I DO transfer this Mortgage [*or, a certain Mortgage, as the Case may*
‘ *be*] with all my Right and Title to the Principal thereby secured,
‘ and to all Interest now due upon the same, unto
‘ Executors, Administrators, and Assigns. Dated this
‘ Day of *A. B.*’

Which Transfer shall be produced and notified to the said Clerk or Treasurer, within Twenty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred; for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Five Shillings, and such Transfer

fer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except such to whom the same shall be last transferred), to make void, release, or discharge the original Security or Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made by virtue of this Act, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the Priority of the Time of advancing any Sum or Sums of Money on such Mortgages or Mortgage, or of the Dates thereof respectively.

IX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands and Hereditaments purchased, taken, or used, by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first-recited Act particularly mentioned, 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 Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands and Hereditaments, or affecting other Lands and Hereditaments standing settled therewith, to the same or the like Uses, Intents, or 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 Messuages, Lands, and 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 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 mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time 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 said Lands and Hereditaments

Application
of Compens-
ation if
amounting to
200*l*.

ditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compen-
sation if less
than 200%.
and exceeding
20%.

X. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands and Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (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 any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application
of Compen-
sation, if less
than 20%

XI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used, for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five 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,
Purchase Mo-
ney to be
paid into the
Bank, subject
to the Order
of the Court
of Chancery.

XII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Con-
troul,

troul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XIII. 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 Privy of the Accountant General of the High Court of Chancery, in pursuance of the said recited Acts or 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 shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

XIV. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said Acts or 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 or the said Acts, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

Expences of
this Act to be
paid out of
the Tolls.

XV. And be it further enacted, That out of the Monies raised by virtue of the said last recited Act which shall be in the Treasurer's Hands, and out of the first Monies which shall be raised by virtue of the said Act and this Act, the said Trustees shall in the First Place pay and discharge all the Costs, Charges, and Expences incident to and attending the procuring and passing of this Act; and the Remainder of such Money so raised shall from Time to Time be applied by the said Trustees in paying the Principal Monies and Interest due and to grow due on the Credit of the said Tolls, and in the Repair of the said Roads, and otherwise in putting the said Acts and this Act in Execution.

Gatekeepers,
etc. to be
competent
Witnesses.

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

Trustees may
make Fences,
etc. to prevent
Tolls being
evaded.

XVII. And be it further enacted, That the said Trustees may, and they are hereby authorized and empowered, if they shall see Occasion, to make or cause to be made such Hedges, Ditches, Walls, and Fences by the Side or Sides of the said Roads, or upon or across any Waste Grounds, Commons, or uncultivated Lands adjoining the same, in such Manner as they shall judge necessary, so that the Payment of the Tolls granted by this Act may not be evaded; and if any Person or Persons shall pull down, or in any wise damage, displace, or carry away any such Hedge, Wall, or Fence, or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings, which Penalties shall be levied and recovered in the same Manner as Penalties by the said Acts are directed to be levied and recovered.

Power to
Collectors to
detain un-
known Per-
sons guilty of
Offences.

XVIII. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore further enacted, That it shall be lawful for any of the Collectors, Surveyors, or other Officers respectively acting under this Act, to seize and detain any such unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty or Special Sessions to be holden for the County or Place where such Offence or Offences shall be committed, and on such Conviction, or for Want of sufficient Security, to commit the Person or Persons so offending to the Common Gaol or House of Correction for the County, District, or Place where the Offence shall be committed, there to remain until he, she, or they shall pay the respective Penalty by him, her, or them

them incurred for such Offence or Offences, or shall give such Security as aforesaid; and that it shall be lawful for the said Trustees, from Time to Time, if they shall see Cause, to pay and apply any Part of the Penalties and Forfeitures, or any of them, arising and payable under and by virtue of the said Acts and this Act, not exceeding One Moiety thereof, to and for the Use of the Informer or Informers, or any Person or Persons taking or seizing any Offender or Offenders, or assisting therein.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required to continue to amend, and from Time to Time keep in Repair the Road made from the Foot of the present Bridge over the River *Wye*, to communicate with the said Turnpike Road; and in case it shall happen that One or more new Bridge or Bridges, at or near the Site of the said present Bridge over the said River, shall at any Time be built instead thereof, that then it shall be lawful for the said Trustees, and they are hereby authorized and required, after a new Road shall be made from the same by the Proprietors for the Time being of the present Bridge, or any future Bridge or Bridges, to amend, and from Time to Time keep in Repair, the Road or Roads which shall be made from such new Bridge or Bridges to communicate with the said Turnpike Road.

Trustees to amend the Road leading to a certain Bridge over the *Wye*, &c.

XX. And whereas by reason of the Purchases which the said Trustees are by the said Acts or this Act empowered to make, or by reason of diverting of some Part or Parts of the said Roads, they may happen to be seized of some Piece or Pieces of Ground, and of some Piece or Parcel of the said old Roads, over and above what shall be necessary for effecting the Purposes of the said Acts or this Act; be it therefore further enacted, That it shall be lawful for the said Trustees 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; and 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 that the said Trustees, before they shall sell or dispose of the said Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, any Affidavit, to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Piece or Pieces of old Road or Ground shall lie, 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, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be; and in case such Per-

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 shall be desirous of purchasing or repurchasing 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 the Price or Prices thereon shall be ascertained by a Jury in Manner in the said first recited Act directed, with respect to disputed Value of Premises to be purchased by the Trustees for executing the said Acts or this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner in the said last mentioned Act directed, *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 the said Acts and this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Publick Act.

XXI. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and as such be judicially taken Notice of, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Term of the Act.

XXII. And be it further enacted, That the Term granted and continued by the said recited Acts, shall, upon the passing of this Act, cease and determine; and that the said Acts (subject to the Variations, Alterations, and Additions herein-before contained), and this Act, shall from thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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