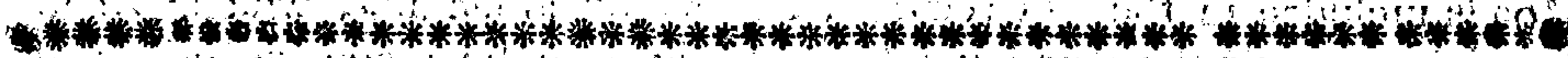




ANNO QUINQUAGESIMO

GEORGI III. REGIS.



Cap. 97.

An Act for enlarging the Term and Powers of Three Acts of His late and present Majesty, for repairing several Roads therein mentioned, leading to, through and from the Town of *Monmouth*, and for making a New Piece of Road to communicate therewith.

[18th May 1810.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George the Second*, intituled, *An Act for repairing and widening the several Roads therein mentioned, leading to, through and from the Town of Monmouth*: And whereas another Act was passed in the Seventeenth Year of His present Majesty, intituled, *An Act to enlarge the Term and Powers of an Act passed in the Twenty-eighth Year of the Reign of King George the Second, for repairing and widening the several Roads therein mentioned leading to, through, and from the Town of Monmouth*: And whereas another Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act to enlarge the Term and Powers of Two Acts of the Twenty-eighth Year of King George the Second and the Seventeenth of His present Majesty, for repairing and amending the several Roads therein mentioned, leading to, through and from the Town of Monmouth*: And whereas the Trustees acting in the Execution of the said Acts, have borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted, which still remain unpaid: And whereas the present Road leading from *Trothey Bridge* in the Parish of *Mitchel Troy* to *Ragland*, in the County of *Monmouth*, is very much out of

[Loc. & Per.]

of

Former Acts  
continued.

of Repair, incommodious and dangerous for Travellers, and it would be of public Utility, if Power were given to make a new Road from *Trotbey Bridge* aforesaid to *Ragland* aforesaid: And whereas the said New Road cannot be effectually made, nor can the same and the other Roads leading to, through and from the Town of *Monmouth* be effectually kept in Repair, nor can the Principal Monies already borrowed and which may hereafter be borrowed upon the Credit of the said Tolls and the Interest thereof be paid, unless the said Acts be continued for a further Term, and the Powers thereof altered and enlarged; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters and Things therein contained, and which are respectively now in Force (except such Parts thereof as relate to Exemptions from Stamp Duties) shall be and remain in full Force and Effect, and together with this present Act shall be put in Execution for and during the Term hereinafter mentioned, as well for the Purpose of amending, widening, improving and keeping in Repair the Roads included in the said recited Acts, as for amending, widening and keeping in repair the Road hereby authorized to be made, as fully and effectually in all respects, and to all Intents and Purposes as if the said Acts, and the Clauses, Powers and Provisions therein respectively contained and now in Force, were expressly repeated and re-enacted in the Body of this present Act, and as if the said New Road had been Part of the Roads included in the said recited Acts; but subject nevertheless to the Alterations, Variations, and Amendments herein contained, and which shall commence and take Effect upon the passing of this Act; and that this Act, and the Term and Powers hereby granted, shall be, and are hereby declared to be subject and liable to the Payment of all Monies now due and owing or which shall or may hereafter be borrowed and become due on the Credit of the said recited Acts and of this present Act, or any of them, and all Interest due and to become due for the same respectively.

Power to  
make New  
Road.

II. And be it further enacted, That it shall be lawful for the Trustees for the Time being, acting under or carrying into Execution the said recited Acts and this Act, or any Nine or more of them, at such Time or Times as they shall think proper, to make, complete and maintain or cause to be made, completed and maintained, a Road from *Trotbey Bridge* in the Parish of *Mitchell Troy* aforesaid to *Ragland* aforesaid, through, over and upon such Place or Places within the Distance hereinafter mentioned, as they the said Trustees or any or Nine more of them shall think proper or deem expedient, and shall for that Purpose order and direct, and for the Purpose of making such Road, to use, turn, divert, alter or widen any Part or Parts of the present Road, and also for the Purpose of making such Road as aforesaid, it shall be lawful for the said Trustees or any Nine or more of them, and their Workmen, Agents, Officers and Servants, and they are hereby empowered to go, enter into and pass in, upon, over, under or through the Lands, Grounds and other Places of or belonging to any Person or Persons, Bodies Politic, Corporate or Collegiate, and to set out and ascertain such Parts thereof as they the said Trustees or any Nine or more of them shall think

think necessary or proper for making and completing such Road, and to construct, do and perform all Matters and Things which shall be deemed necessary and convenient for the making and completing such Road, doing as little Damage as may be in the Execution of the Powers hereby granted, and making full Satisfaction in Manner hereinafter mentioned, to the Owners and Proprietors of and all Persons interested in any Lands or other Hereditaments which shall be taken or used by or on the Behalf of the said Trustees, or which shall be prejudiced or damaged in the surveying, planning, setting out, amending, repairing or using such Road or otherwise in the Execution of this Act: Provided always, that nothing in this Act contained shall authorize or empower the said Trustees or any Person or Persons acting by or under their Authority, to take, use, injure or damage for the Purposes of the said Road, any House, Bridge or other Building, or any Land or Ground set apart or used as or for a Yard, Park, Pleasure Ground or Garden, Paddock, Nursery for Trees, planted Walk or Avenue to a House without the Consent in Writing of the Owner or Owners thereof.

III. And whereas a Map or Plan describing the Line of the said new Piece of Road, and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Monmouth*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, 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 the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference, and that the said Trustees in making the said new Piece of Road shall not deviate more than One hundred Yards or Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politick, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

For restraining the Trustees from deviating beyond a certain Distance of the Line described in the Plan, &c.

IV. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees or any Nine or more of them, to make the said new Piece 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 out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Monmouth*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make Roads through Grounds although Owners' Names are omitted in the Book of Reference by mistake.

V. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Nine or more of them, or such Person or Persons as they or any Nine or more of them, shall appoint, when and so soon as the said intended Road from *Trothey Bridge*

Trustees may erect Turnpikes.

to

*Road* shall be made and completed, to erect and set up or cause to be erected and set up one or more Gate or Gates, Turnpike or Turnpikes upon or across the said Road, and also a Toll House or Toll Houses, with suitable Outbuildings thereto, and also to take in and inclose from the said Road a Garden Spot or Garden Spots (not exceeding in Quantity One Quarter of an Acre of Land) suitable and convenient for such Toll House or Toll Houses, and also may pull down and remove the same or any of them as they the said Trustees, or any Nine or more of them shall think proper.

For discontinuing the present Tolls and granting new ones.

VI. And whereas the Tolls granted by the said recited Acts have been found insufficient for amending and keeping the said Roads in good Repair, and for making the said new Piece of Road; Be it therefore further enacted, That upon *Tuesday* the Third day of *July* One thousand Eight hundred and Ten, the Tolls payable under and by virtue of the said recited Acts shall cease, determine, and be no longer paid; and that in lieu thereof the following Tolls shall or may be demanded and taken before any Horse, Mare, Gelding Mule, Ass, Beast or other Cattle, Coach, Waggon, Cart or other Carriage whatsoever be permitted to pass through any Turnpike or Toll Gate, Side Bar or Side Gate erected or to be erected by virtue of the said recited Acts or this Act, upon or across the said Roads or upon or across any Lane or Way leading into the same; (that is to say)

For every Waggon, Wain, Cart or other Carriage laden with or going for Lime for Manure, drawn by Four or more Horses or other Beasts, One Shilling and Three-pence; and drawn by Three Horses or other Beasts, Ten-pence Halfpenny; and drawn by Two Horses or other Beasts, Seven-pence; and drawn by One Horse or other Beast, Four-pence:

For every Bull, Ox or Bullock drawing any Waggon, Wain, or other Carriage of Burthen (except as aforesaid) not having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, Ass or other Beast of Draught (except Bulls, Oxen and Bullocks) drawing any Waggon, Wain, Cart, or any other Carriage of Burthen (except as aforesaid) not having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, the Sum of Six-pence:

For every Bull, Ox or Bullock drawing any Waggon, Wain, Cart or any other Carriage of Burthen (except as aforesaid) having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, the Sum of Two pence:

For every Horse, Mare, Gelding, Mule, Ass or other Beast of Draught (except Bulls, Oxen and Bullocks) drawing any Waggon, Wain, Cart, or other Carriage of Burthen (except as aforesaid) having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, the Sum of Four-pence:

For every Coach (except Stage Coaches) Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse or Litter drawn by One Horse or other Beast only, Four-pence Halfpenny, and by Two Horses or other Beasts only, One Shilling, and by more than Two Horses or other Beasts, Four-pence Halfpenny for each Horse or other Beast:

For

For every Stage Coach drawn by Two or more Horses or Beasts, the Sum of Sixpence for each Horse or Beast :

For every Drove of Oxen or Neat Cattle One Shilling and Three-pence per Score, and in that Proportion for any less Number :

For every Drove of Calves, Pigs, Sheep or Lambs Seven-pence Halfpenny per Score, and in that Proportion for any less Number :

For every Horse, Mare, Gelding, Mule or Ass, carrying Stone or Pit Coal, One Halfpenny :

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, and not drawing or not carrying Stone or Pit Coal, the Sum of One Penny Halfpenny :

Which said respective Tolls or Duties shall be and are hereby declared to be vested in the Trustees appointed or to be appointed for the Purposes of the said recited Acts and of this present Act ; and that it shall and may be lawful for the said Trustees to demand and take, or cause to be demanded and taken the said Tolls at the respective Gates erected, or to be erected upon or across or near the said Roads, and they the said Trustees or such Person or Persons as they shall authorize and appoint for that Purpose, shall have such and the same Powers, Authorities and Remedies for collecting, demanding, recovering, levying, leasing, assigning and compounding for the Tolls and Duties hereby granted or made payable, as are in and by the said recited Acts or either of them given and expressed with respect to the Tolls thereby granted or made payable ; and that the said Tolls and Duties hereby granted and made payable, shall be applied and disposed of to and for such Uses, Intents and Purposes as are in the said recited Acts and this Act directed and appointed in that behalf.

VII. And be it further enacted, That double the said Tolls shall be paid for all Kinds of Cattle and Carriages passing through any of the said Turnpikes upon a Sunday, and also for all Cattle drawing any Waggon, Wain, Cart, or other Carriage laden with any Kind or Sort of Timber exceeding in the whole Ten square Feet Measure ; or any Poles or Hoops which shall pass through any such Turnpike between the First Day of *November* and the First Day of *April* in every Year ; and that every Horse, Mare, Gelding, Mule, Ass, or other Beast preceding or following any Waggon, Wain, Cart, or other Carriage having, wearing or carrying Geers or Harness, or the Geers or Harness, of which shall be upon such Waggon, Wain, Cart or other Carriage, shall be deemed and taken, and shall pay the like and the same Tolls, as if such Horse, Mare, Gelding, Mule, Ass, or other Beast of Draught was actually drawing such Carriage.

Double Tolls  
on Sundays  
and on other  
Occasions.

VIII. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, Beast or Carriage 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, or any of the Roads in the Townships or Parishes in which any Part of the said Roads 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 Outhouses or on the Lands of the Owners for the Purpose of thrashing out such Corn, or of feeding out such Hay or Straw, or for

Exemptions  
from Tolls.

any Horse, Cattle or Beast employed in carrying or conveying or going empty to carry or convey or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, Corn for feeding the Ground, or any Dung, 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 (Lime for the Manure or Improvement of Lands only excepted); nor for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried, or from any Person going to or returning from his or her proper or Parochial Church, Chapel or other Place of Religious Worship authorized by Law on a Sunday, or upon 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 Townships or Parishes, or from any Clergyman going to or returning from visiting any sick Person, or going to or returning from 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 Horse, Cattle, 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 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 Horse, Cattle or Beast attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage, nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or for any Horse, Cart, Cattle or Beast employed in the Conveyance of Vagrants sent by legal Passes; or returning therefrom, or for any Horse, Cattle or Beast or Carriage carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Gloucester*, *Hereford* or *Monmouth*, or of a Member to serve in Parliament for the Borough of *Monmouth*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and that no Tolls shall be demanded or taken for any Horse, Mare or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; 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 for every such Offence any Sum not exceeding the Sum of Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Carriages  
conveying

IX. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided

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 of 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.

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

X. Provided always, and it is hereby further enacted, That it shall be lawful for the said Trustees or any Nine or more of them, and they are hereby empowered, if they shall think proper, to lessen the said Tolls or any of them to such Sums of Money, Duties and Payments as they shall think proper and sufficient to keep the said Roads in good Repair; and also, if they shall think proper, again to raise the said Tolls, or any of them to any Sum or Sums of Money, not exceeding the Tolls hereby granted; which they shall think proper, and so from Time to Time to lessen or raise the said Tolls when and as often as to the said Trustees, or any Nine or more of them, shall seem fit.

Tolls may be reduced.

XI. Provided always, and be it enacted, That nothing in the said recited Acts or in this Act contained shall authorize the said Trustees, or any Person or Persons to be appointed by them to receive or compel Payment of more than One Toll for or in respect of any Distance less than Six Miles upon the said Roads, or any of them, but that the Payment of the Toll by this Act granted at any of the Turnpike Gates erected or to be erected upon or across the said Roads, shall be an Exemption from the Payment of further Toll for the Distance of Six Miles at the least from the Turnpike Gate at which such Payment shall have been made.

Only one Toll to be taken for travelling Six Miles on the Road.

XII. And be it further enacted, That after any Grounds, Lands, or Hereditaments shall be set out and ascertained for making the said Road or Roads authorized to be made by virtue of this Act, or any Part or Parts thereof; it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and for all Tenants in Fee-simple, Fee-tail general or special, for Life or for Years determinable upon any Life or Lives, and for all Husbands, Guardians, Trustees and Feoffees in Trust for Charitable and other Purposes, Committees, Executors and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots or any other Person or Persons, and for all Femes Covert and other Persons who are or shall be seised or possessed of or interested in any Lands Grounds or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell and convey the same and every Part thereof to the said Trustees; and all such Contracts, Agreements, Conveyances and Assurances shall be made at the Expence of the said Trustees,

Empowering Bodies Politic, &c. to sell.

Trustees, and such Lands, Tenements or Hereditaments shall be conveyed or assured to the said Trustees according to the following Form:

‘ I *A. B.* of \_\_\_\_\_ in consideration of  
 ‘ the Sum of \_\_\_\_\_ Sterling Money of *Great*  
 ‘ *Britain*, by the Trustees acting under or by virtue of Four Acts of  
 ‘ Parliament of Parliament passed in the Twenty-eighth Year of the  
 ‘ Reign of King *George* the Second, and of the Seventeenth, Thirty-third  
 ‘ and Fiftieth Years of the Reign of His present Majesty, for repairing  
 ‘ the several Roads therein mentioned, and leading to, through and  
 ‘ from the Town of *Monmouth*, do hereby grant and release to the said  
 ‘ Trustees all [*describing the Premises to be conveyed*] and all my Right,  
 ‘ Title and Interest in and to the same and every Part thereof, to hold  
 ‘ the same unto and to the Use of the said Trustees, and their Successors  
 ‘ for ever: In witness whereof I have hereunto set my Hand and Seal  
 ‘ this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thou-  
 ‘ eight hundred and \_\_\_\_\_

Which said Conveyance shall have the Effect of vesting the Freehold and Inheritance in Fee-simple of and in the Lands or Hereditaments thereby conveyed in the said Trustees and their Successors free from Incumbrances, and which Conveyances shall be kept by the Clerk of the Trustees, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words.

Trustees may  
 sell Land not  
 wanted for  
 the Purposes  
 of the Act.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, to sell and dispose of, and by Indenture under their Hands and Seals absolutely to grant and convey such Part or Parts of the Land or Lands which shall be purchased by and conveyed to the said Trustees as shall not be wanted for the Purposes of this Act, and also the Lands or Grounds composing the present Road, the Line of which is hereby intended to be altered, or in lieu of which such Road is intended to be made as aforesaid; and that all such Conveyances from the said Trustees, or any Nine or more of them, shall be good, valid and effectual, any Law, Statute or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Premises, or any Part or Parcel thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Trustees to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Premises shall be sold, or for so much thereof as in such Receipts shall be respectively expressed to be received, and such Person or Persons shall not be answerable for the Loss, Misapplication or Non-application of such Purchase-Money or any Part thereof: Provided always, that the said Trustees, before they shall sell and dispose of any of such Lands and Hereditaments which shall be so purchased by and conveyed to them, shall first offer the same for Sale to the Person or Persons from whom the same shall have been purchased, or in case of diverting any Part of the Old Road, to the Person or Persons whose Lands shall adjoin thereunto, and

Directing to  
 whom the  
 First Offer  
 shall be  
 made.



and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof), or shall refuse (except as lastly mentioned) to re-purchase the same, then and in every such Case and Affidavit sworn before One of His Majesty's Justices of the Peace for the County where such Lands or Hereditaments shall lie, by some Person or Persons no way interested in the said Lands or Hereditaments, stating that such Offer was made by or on the Behalf of the said Trustees, and was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so made, 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 Person or Persons shall be desirous of 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 such Price or Prices shall be ascertained by a Jury in Manner hereinafter directed with respect to the disputed Value of Lands to be purchased by the said Trustees for the Purposes of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as is hereinafter directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*.

XIV. And be it further enacted, That in all Grants and Conveyances to be made by the said Trustees or any Nine or more of them under or by virtue of the said recited Acts or this Act, the Words "grant, bargain and sell" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or Grantees or other Purchaser or Purchasers, his, her and their Heirs and Assigns, from the said Trustees for themselves and their Successors, that they the said Trustees, notwithstanding any Act done by them, were at the Time of the Execution of every such Grant or Conveyance seized of the Hereditaments there by granted, conveyed and sold, of an indefeasible Estate of Inheritance in Fee Simple free from Incumbrances, by and for quiet Enjoyment against the said Trustees and all Persons claiming under them, unless the same shall be restrained, qualified or extended by express Words contained in such Conveyances or any of them.

XV. And be it further enacted, That if any Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants in Fee Simple, Fee Tail General or Special, Tenants for Life or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Peoffees, Committees, Executors or any other Person or Persons interested in any such Lands or Hereditaments to be taken or used for such Road as aforesaid, shall, upon Notice for that Purpose to him, her or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the publick Officer or Officers of any such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of Lands or Hereditaments through which any Part of the said Road is intended so to be made neglect or refuse, for the Space of Thirty Days next after such Notice given or left as aforesaid, to treat with the said Trustees for the Sale of such Lands or Hereditaments, or for any Loss or Damage to be by them sustained in consequence of the Execution of this Act, or shall not agree with the said Trustees for the Price of such Lands or Hereditaments, or by reason of Absence or distant Residence shall

That the Words "grant, bargain and sell" shall operate as Covenants for Title.

If Parties cannot agree a Jury to determine.

be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County in which such Lands or Hereditaments shall lie, from the Neighbourhood of the Place where such Lands or Hereditaments do lie; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested in the said Lands or Hereditaments according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, Order and Determination therein shall be final, binding and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion or Remainder, in Fee or in Fee Tail, General or Special, or for Life or Lives, or for Years determinable on any Life or Lives or otherwise, their Heirs and Successors as well absent as present, Infants, Females Covert, Lunatics, Idiots and Persons under any other Disability whatsoever; Bodies Politick, Corporate and Collegiate, Corporations Aggregate or Sole, or otherwise, and all and every other Person or Persons whomsoever, and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County in which such Lands or Hereditaments shall lie, requiring him to impanel, summon and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands and Hereditaments lie, 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 or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned and returned, or out of such of them as shall first appear upon such Summons, the said Trustees shall and hereby are empowered and required to swear or cause to be sworn Twelve Men who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn, and the said Trustees acting in the Premises shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act; and on any of the Persons who being requested to give Evidence

dence before the said Jury shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence, or shall otherwise wilfully misconduct themselves in giving their Evidence, so that no One Fine be more than Five Pounds on any One Person for One Offence.

XVI. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions or Authority of this Act, 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 such Lands or Hereditaments, or for any Loss or Damage to be by him; her or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Rights, Interests or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Treasurer of the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of the said recited Acts or of this Act; but if any Jury or Juries summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest or Property in any such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County wherein the Cause of Dispute shall arise, 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 in such Manner, and by such Ways and Means as in and by the said Act of the Twenty-eighth Year of the Reign of King George the Second are mentioned or provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases when 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.

Directing by whom the Expences of Juries and Witnesses shall be paid.

XVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid for any Lands or Hereditaments shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed upon the Credit thereof, to the Party or Parties respectively entitled thereto, or to their Agents, or deposited in the Bank of *England* in Manner by this Act directed, as the Case may be;

Upon Payment of Purchase-Money Lands may be used and shall vest in the Trustees and

and upon Payment thereof, or depositing the same in the Bank of *England* as aforesaid, then such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees or any Nine or more of them shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced and cut out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Road for ever thereafter.

Directing  
how the  
Money re-  
ceived shall  
be applied.

XVIII. And be it further enacted, That all and every Sum and Sums of Money which shall be had, received and taken by the said Trustees as the Consideration of any such Sale as aforesaid, shall be paid, applied and disposed of in such and the like Manner as the Sums of Money arising by or to arise from the said Tolls are hereby directed to be applied and disposed of.

Application  
of Compen-  
sation Mo-  
ney where  
exceeding  
200l.

XIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments to be 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 Privity 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, Tenements and Hereditaments, in the Purchase 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 same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, 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 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 or 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 or 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 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 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

who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

XX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability, or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall amount to 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, Tenements or 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 Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in Manner 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 Nine or more of the said Trustees for executing the said recited Acts and 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 hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when Compensation Money is less than 200l. and amounts to 20l.

XXI. 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, Tenements or 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 Nine or more of them shall think fit; and 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.

Application where Money is less than 20l.

XXII. 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 the said recited Acts or 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 Nine 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 Privity of the Accountant General of the said Court of Chancery, to be placed to his

In case of not making out Titles.

Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying 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.

Respecting  
disputed  
Titles.

XXIII. 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 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 of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements and 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.

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

XXIV. Provided also, and be it further enacted, That when 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 recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements and Hereditaments to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or 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

laid Trustees, or any Nine or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall and may be lawful to and for any Two or more Justices of the Peace for the respective Counties of *Gloucester, Hereford, and Monmouth* in which such Roads lie, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes 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 him, her or them paid to the said Trustees or to their Treasurer; 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 Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices 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 said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof in like Manner as any Penalty is by the said first recited 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 and usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such

Persons  
chargeable  
to Statute  
Work to con-  
tinue so.

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 idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in Case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending, shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to compound and agree with any Person or Persons, Bodies Politick or Corporate for the Statute Work to be by him or them done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments of and in all or any of the Parishes or Places in which the said Roads are situate, for a certain Sum of Money, by the Year or otherwise; as the said Trustees shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Power to borrow Money on Mortgage.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees or any Nine or more of them, from Time to Time or at any Time or Times hereafter, to borrow and take up at Interest such Sum or Sums of Money not exceeding the Sum of Four thousand Pounds, as they shall think fit, upon the Credit of the Tolls arising by virtue of this Act, or any Part or Parts thereof, over and above, and in addition to the Sum and Sums of Money already borrowed, and by Writing under their Hands and Seals to assign over the said Tolls or any Part or Parts thereof, and the Turnpike Gates and Toll Houses for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls) to any Person or Persons during the Continuance of the Term granted by this Act, as a Security or Securities for the Repayment of the several Sums which shall be borrowed with the Interest thereof, which Assignment shall be in the Words or to the Effect following:

BY virtue of an Act of Parliament made in the Fiftieth Year of the Reign of King *George* the Third, intituled, 'An Act [*set forth the title of this Act*] We of the Trustees acting in the Execution of the said Act, in consideration of the Sum of



of \_\_\_\_\_ to the Treasurer of the said Trustees in  
 Hand paid by \_\_\_\_\_ Do hereby grant, bargain, sell,  
 and assign unto the said \_\_\_\_\_ Executors, Administra-  
 tors and Assigns, such Proportion of the Tolls arising by virtue of the  
 said Act, as the said Sum of \_\_\_\_\_ doth or  
 shall bear to the whole Sum already advanced or to be advanced on the  
 Credit of the said Tolls, to be had and holden from the  
 Day of \_\_\_\_\_ for and during the Continuance of the said  
 Act, unless the said Sum of \_\_\_\_\_ with Interest  
 at the Rate of \_\_\_\_\_ per Centum per Annum for the  
 same shall be sooner repaid and satisfied. Given under our Hands  
 and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our  
 Lord One thousand eight hundred and \_\_\_\_\_

And Copies of all such Mortgages and Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees, but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said County of *Monmouth*, and also upon the Turnpikes or Toll Gates which shall be then standing upon the said Roads, at least Fourteen Days before the borrowing thereof, and all Mortgages and Assignment which shall be made in the Manner and Form aforesaid, shall be good, valid and effectual to all Intents and Purposes, and all Persons to whom any such Mortgage or Assignment shall be made as aforesaid, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest or Benefit in and to the said Security, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Security, in the Presence of one credible Witness, which Transfer shall be in the words or to the Effect following:

I Do transfer the within Mortgage and all the Principal and Interest  
 now due hereon, unto \_\_\_\_\_  
 Executors, Administrators and Assigns. Witness my Hand and Seal  
 this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight  
 hundred and \_\_\_\_\_

All which Transfers shall be produced and notified to the said Clerk to the said Trustees, who shall cause an Entry or Memorial to be made thereof, containing the Dates and Names of the Parties and Sums of Money in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more, and after such Entry made every such Transfer shall entitle the Assignee or Person to whom the same shall be made, his or her Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee shall and may in like Manner assign and Transfer again, and so *toties quoties*, and it shall not be in the Power of any Person making such Assignment or Transfer afterwards to make void, release or discharge the same Security, or any Monies due thereon, or any Part thereof, and all Persons to whom Mortgages, Assignments or Transfers shall be made by virtue of this Act, and to whom Mortgages, Assignments or Transfers have been already or shall be made by virtue of the said Act of the Twenty-eight Year of the Reign of King *George* the Second, shall be in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes and

Toll Houses, but the Monies already borrowed by virtue of the said Act of the Twenty-eighth Year of the Reign of King *George* the Second, and the Interest thereof, shall be the primary Charge upon the said Tolls, Turnpikes and Toll Houses, and such Tolls, Turnpikes and Toll Houses shall in the first Place be applicable to the Payment thereof, and subject and without Prejudice to the Payment of the said Monies so already borrowed, and the Interest thereof, and the Persons to whom Mortgages, Assignments or Transfers shall be made by virtue of this Act, shall be Creditors on such Tolls, Turnpikes and Toll Houses in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or the Dates of any such Mortgages, Assignments or Transfers.

Directing the Application of Tolls and Money borrowed to be paid out on the Roads;

XXVIII. And be it further enacted, That the Tolls and Money arising by virtue of this Act shall be applied and disposed of by the Trustees in Manner following; (that is to say) in Payment of the Costs, Charges and Expences of obtaining and passing this Act, and in making and constructing the said Road hereby authorized to be made, and in repairing and amending such Road and other the Road or Roads mentioned in the said recited Acts and in defraying the Expences from Time to Time attending the Execution of the said recited Acts and this Act, and in paying and keeping down the Interest of the Monies already borrowed and hereafter to be borrowed on the Credit of the said Tolls, and afterwards in paying off and discharging such Principal Monies.

or on any other Road.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees or any Nine or more of them, from Time to Time as they shall think proper, to order and direct the net Income or any Part of the net Income of the Tolls arising at any Turnpike or Turnpikes, after paying the Expences of collecting or recovering the same, to be laid out in amending any other of the Roads under their Care, any Thing in the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Collectors of Tolls not to be incompetent Witnesses.

XXX. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise touching or in anywise relating to the said Tolls, or any additional Tolls or Penalties arising from excessive Weight, 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 not be deemed to be incompetent to give Evidence in any such Dispute, Suit or Litigation by reason of his, her, or their being appointed to collect such Tolls, or of his, her or their having acted under the Authority of the said Trustees.

Penalties on Farmers or Collectors of Tolls for demanding or taking a greater or less Toll than authorized.

XXXI. And be it further enacted, That if any Farmer, Renter or Collector of the said Tolls shall demand and take, or cause to be demanded and taken, from any Person or Persons any Toll not hereby authorized to be taken or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit and pay the Sum of Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees or any Five or more of them shall think fit to vacate the same; and every such Collector, not being the Farmer or Renter, shall for every such Offence forfeit the Sum of Forty Shillings, such

such Forfeitures respectively to be recovered in Manner directed by the said recited Act of the Twenty-eighth Year of King *George* the Second, for the levying of the Penalties and Forfeitures thereby imposed (the Manner of levying and securing whereof was not thereby otherwise prescribed or directed): Provided always, that if the said Trustees or the Justices by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand and Taking, it shall be lawful for such Trustees or Justices either to mitigate the said respective Penalties or wholly to exonerate the Offender therefrom as such Trustees or Justices shall think fit, any Law or Statute to the contrary notwithstanding.

XXXII. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug, gotten or gathered for the Repairs or Use of the said Roads, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the Working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Three Calendar Months (except the Owners and Occupiers of the Land in which such Pit or Quarry shall be made as to Materials for his or their own private Use only, and not for Sale) every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, to be levied in Manner and with such Power of mitigating or dispensing with such Penalty as aforesaid.

Penalty on taking away Materials.

XXXIII. And be it further enacted, That all and every the Occupier and Occupiers of Lands or Grounds adjoining to the several Roads to be made and repaired under this Act shall, on Six Days' Notice to be given to him, her or them respectively by the Surveyor or Surveyors of the said Roads or any Person or Persons whom he or they shall appoint, from Time to Time to haul, remove and carry away all such Soil, Earth or other Matter as shall have been gathered, collected or scraped from off the said Roads or any of them as far as the said Lands or Grounds of such Occupier and Occupiers shall respectively extend, but not further; and in Case any such Occupier or Occupiers shall neglect or refuse to haul, carry off or remove such Soil, Earth or other Matter as aforesaid after such Notice aforesaid, each and every Person so neglecting or refusing shall for each and every such Offence forfeit and pay the Sum of Twenty Shillings, to be levied and recovered in Manner and with such Power of mitigating or dispensing with such Penalty as aforesaid: Provided always, that no Person shall be liable to any such Penalty for neglecting or refusing to carry away any such Soil, Earth or other Matter during the Time of Hay or Corn Harvest.

Occupiers to remove Soil scraped off the Roads in certain Cases.

XXXIV. And be it further enacted, That no Order or Determination made by the Trustees acting under and by virtue of the said recited Acts and of this Act, shall be revoked or altered at any subsequent Meeting, unless Notice in Writing of such proposed Revocation or Alteration shall have been fixed upon the Town Hall in the said Town of *Monmouth*, and on all the Turnpike Gates which have been erected or shall be erected by virtue of the said Acts and this Act, at least One Calendar Month before such Meeting, and unless Notice in Writing be given to the Commissioners

Orders of Trustees not to be revoked without Notice, &c.

who

who signed the Order or Determination intended or proposed to be revoked, or such of them as shall be then living, at least One Calendar Month before such Meeting, and also unless at such Meeting Nine Trustees at least shall concur in revoking or altering any such Order or Determination.

For prevent-  
ing Nui-  
sances.

XXXV. And be it further enacted, That if any Person or Persons whomsoever shall lay or place any Dung, Soil or Manure, Timber, Hoops or Waggon or Carts (loaded or unloaded) or any Annoyance within the Distance of Thirty Feet from the Centre of any of the Roads mentioned in the said recited Acts or to be made in pursuance of this Act as aforesaid, 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 Side of the said Roads, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Roads, or the Coach, Chaise, Waggon, Cart or other Carriage under his Care, or if any Person shall make, or assist in making any Fire or Fires commonly called Bonefires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent or other Fire-works whatsoever on any Part or Parts of the said Roads, or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart or other Carriage in or upon any Part of the said Roads or upon the Side or Sides thereof longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall bring, lay, leave or spread any Tree when fallen, or Piece of Timber, or any Bricks, Stone, Hay, Straw, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads or on the Side or Sides thereof, to the Prejudice thereof or to the Prejudice or Annoyance of Persons travelling thereon, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Commence-  
ment and  
Continuance  
of the Act.

XXXVI. And be it further enacted, That the Term granted by the said recited Acts shall on the passing of this Act cease and determine, and the said recited Acts (subject to the Alterations, Variations and Additions hereinbefore contained) and this Act shall from thenceforth commence, 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.

Publick Act.

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