



ANNO QUINQUAGESIMO SEXTO

GEORGI III. REGIS.

Cap. xxxi.

An Act for continuing the Term and altering and enlarging the Powers of an Act of the Fortieth Year of His present Majesty, for improving the Roads leading from the Town of *Leominster*, in the County of *Hereford*. [21st May 1816.]

WHEREAS an Act was passed in the Fortieth Year of the Reign of His present Majesty King George the Third, intituled, *An Act for more effectually repairing, widening, altering, and improving the Roads therein mentioned, leading from the Town of Leominster in the County of Hereford*: And whereas great Progress hath been made in the Execution of the said Act, and considerable Sums of Money have been borrowed upon the Credit of the Tolls thereby granted, which Money still remains due and owing, together with a considerable Arrear of Interest, and cannot be paid off, and the said Roads be effectually amended, widened, altered, improved, and kept in Repair, unless the Term of the said Act be continued, and the Powers and Provisions thereof altered and enlarged, and the Tolls thereby granted 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 Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Powers, Provisions, Exemptions, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, (except such as are hereby varied, altered, or repealed,) shall be and continue in full force, and be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purposes, as if the same were expressly repeated and re-enacted in the Body of this present Act; but subject nevertheless to the Amendments, Alterations, and Additions herein contained, and which shall commence and take effect upon the First Day of *July* next after the passing of this Act; and this Act, and the Additional Term hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all the respective

[Local.] 8 C Sums

Recited Act further continued.

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Sums of Money now due and owing on the Credit or on account of the said recited Act, and also of such other Sum or Sums of Money as may be borrowed for the Purposes of the said recited Act and of this Act, and of all Interest now due and to grow due for the same respectively.

Additional
Trustees
appointed.

II. And be it further enacted, That the Honourable Thomas Harley Rodney, the Honourable James Rodney, the Honourable Henry Rodney Clerk, Richard Arkwright, Richard Arkwright the Younger, John Arkwright, Joseph Arkwright Clerk, Richard Stead Alban, William Yeats Alban, John Atherton, William Blount Doctor of Physic, Richard Baylis, John Bright, Joseph Bagnall, Francis Jenks Burlton, Richard Burlton, Sir John Geers Cotterell Baronet, James Carpenter, Thomas Dunne Doctor of Physic, Henry Davies, Charles Dunne Clerk, Thomas Deykin, Thomas Edwards, William Evans Clerk, Thomas Foley, Edmund Griffiths, Richard Godfrey, John Gethin, John Gethin the Younger, John Harcourt, John Harris, John Harris the Younger, Hunt Doctor in Divinity, William Hall, Robert Fitzwilliam Halifax Clerk, Richard Hill, Richard Heming, William Hanbury, Richard Hull, Francis Hull, Sir John Bempden Johnstone Baronet, Charles Johnstone, George Johnstone, William James, James Keville Clerk, Sir John William Lubbock Baronet, William Luggar, William Luggar the Younger, Thomas Elton Miller Clerk, John Miller Clerk, Thomas Mason, Michael Meredith, Samuel Nicholas, John Prichard, William Proctor, William Preece, John Perry, George Dansey Pardoe Clerk, Joseph Rose Clerk, Thomas Sirrell, Bright Smith, Richard Salwey, Theophilus Richard Salwey, Theophilus Salwey, William Smith, John Southall the Younger, John Thomas Clerk, William Taylor, John Trumper, William Walker, John Walker, Edward Robson Ward, James Thomas Woodhouse, Joseph Woodhouse, and William Wood, shall be and they are hereby added to and joined with the surviving Trustees appointed by or elected in pursuance of the said recited Act for putting the same and this present Act in Execution; and that the said Trustees hereby appointed, and their Successors, (being qualified according to the Directions of the said recited Act,) shall be and are hereby empowered to act in the Execution of the said recited Act and this Act, as fully and effectually to all Intents and Purposes as if they had been named in or appointed by virtue of the said Act.

Power to
appoint
additional
Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose, of which Meeting, and of the Purpose thereof, Ten Days Notice shall be given, as is directed by the said recited Act respecting the Appointment of Trustees on Vacancies, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of the said Act and this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so to be appointed shall have the same Powers as if they had been nominated, and appointed in and by this Act.

No more
than One
Toll shall be
taken for
passing
through all
the Gates,

IV. And whereas the Tolls now authorized to be taken on the said Roads are found insufficient for the Purposes of the said Act and this Act, be it therefore further enacted, That so much of the said recited Act as enacts that no more than One full Toll shall be demanded or taken of any Person or Persons for passing the same Day with the same Carriage or Cattle through all or any of the Turnpikes now erected or to be erected by virtue of this Act, shall be, and the same is hereby declared

clared to be repealed; and instead thereof it shall be lawful for the said Trustees, or any Five or more of them, at any Time, to demand and take, or cause to be demanded and taken Two full Tolls, and no more, in the same Day, from all Persons who shall travel along the said Roads with any Horse, Mare, Gelding, Mule, or other Beast, or any Ox, Cow, or Neat Cattle, or any Calves, Hogs, Sheep, or Lambs, or any Carriages, for or in respect of which Toll is to be paid by this Act.

repealed;
and Two
Tolls allowed
to be taken.

V. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Act and this Act, in the name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, nor by the Act of such Clerk or Treasurer, without the Consent of the Trustees, or any Five or more of them; but that the Clerk or Treasurer for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that every such Clerk or Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the First Money to arise by virtue of the said recited Act and this Act, after such Action or Suit shall be commenced or discontinued, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall bear, pay, expend, or be put unto or become chargeable with, by reason of his being made Plaintiff or Defendant as aforesaid.

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

Clerk or
Treasurer to
be paid his
Expences.

VI. And be it further enacted, That the said Trustees shall and may, as they shall think most proper, continue or remove the Turnpike Gates already erected or hereafter to be erected, and cause others to be erected in, upon, or across any Part or Parts of the said Roads, and upon the Side or Sides thereof, and also across any Lane or Way leading into or out of the same respectively; and the said Trustees shall and may erect or provide a Toll House or Toll Houses, with suitable Out-buildings and Conveniences at or near each Turnpike Gate, and also may inclose such convenient Garden Spots for the said Toll Houses as they may think fit, not exceeding One-eighth Part of an Acre of Land, Statute Measure, to each Toll House, and may from Time to Time afterwards remove, alter, or discontinue such Turnpike Gates or Toll Houses, or any of them, as they the said Trustees shall think expedient.

For erecting
Turnpikes,
and giving
Power to
take certain
Tolls.

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the house
being built

VII. And be it further enacted, That the respective Tolls following shall be demanded and taken at every Turnpike Gate now erected or hereafter to be erected upon the said Road, of the Person or Persons attending any Cattle or Carriage, by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any such Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say)

Tolls to be
taken.

For every Horse, Mare, or Gelding, Mule or other Beast, drawing any Coach, Berlin, Landau, Hearse, Chariot, Chaise, or Chair, the Sum of Sixpence; and on every Sunday the Sum of Nine-pence.

New Tolls.

For every Horse, Mare, or Gelding, Mule or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage, with Wheels of less Breadth than Six Inches, between the Twentieth Day of March and the

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the Twentieth Day of *October*, in every Year, the Sum of Sixpence ; and on every *Sunday* the Sum of Nine-pence :
 For every Horse, Mare, or Gelding, Mule or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage, with Wheels of less Breadth than Six Inches, between the Twentieth Day of *October* and the Twentieth Day of *March* in every Year, the Sum of Seven-pence Halfpenny ; and on every *Sunday* the Sum of One Shilling and Two-pence :

For every Horse, Mare, or Gelding, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage, with Wheels of the Breadth of Six Inches, and less than Nine Inches, the Sum of Four-pence Halfpenny ; and on every *Sunday* the Sum of Sixpence Halfpenny :

For every Horse, Mare, or Gelding, Mule, or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage, with Wheels of the Breadth of Nine Inches and upwards, the Sum of Three-pence ; and on every *Sunday* the Sum of Four-pence Halfpenny :

For every Ox, Neat Cattle, or Afs, drawing any Waggon, Wain, Car, Cart, or Carriage, the Sum of Three-pence ; and on every *Sunday* the Sum of Four-pence Halfpenny :

For every Horse or Mule, laden or unladen, and not drawing, the Sum of One Penny Halfpenny ; and on every *Sunday* the Sum of Two-pence Half-penny :

For every Afs laden or unladen, and not drawing, the Sum of One Penny ; and on every *Sunday* the Sum of One Penny Halfpenny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling *per Score* ; and on every *Sunday* the Sum of One Shilling and Sixpence *per Score* ; and so in Proportion for any greater or less Number : And,

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

Which said respective Tolls shall be and the same are hereby vested in the Trustees for executing the said recited Act and this Act ; and the same and every Part thereof shall be demanded, taken, and received in such and the same Manner as the Tolls granted by the said recited Act are directed to be demanded, taken, and received.

Tolls may be lessened and raised again.

VIII. And be it further enacted, That the said Trustees, at any Meeting to be held for that Purpose, whereof Ten Days' Notice shall be affixed on all the Turnpike Gates within the respective Districts of Roads, in respect of which any Alteration shall be intended to be made, may and they are hereby empowered from Time to Time to reduce all or any of the Tolls hereby granted, and to order such Toll so reduced to be collected and received in such Manner, Parts, and Proportions as they shall think fit, so as such Reduction be made with the Consent of the Person or Persons entitled to Five-sixth Parts of the Money then due on the Credit of the said Tolls, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Tolls hereinbefore and in the said recited Act granted.

How often Coal, Lime, and Charcoal Waggon shall pay.

IX. Provided always, and be it further enacted, That no Horse or other Beast or Cattle drawing any Waggon, Wain, or Cart, and passing unladen through any Turnpike Gate continued or erected by virtue of this Act, at any time after Six of the Clock in the Evening, and for which Toll shall be paid as aforesaid, shall be liable to any Toll at any such Turnpike

Turnpike Gate in returning, if such Waggon, Wain, or Cart shall return laden with Lime, Coal, or Charcoal only, within Thirty-six Hours.

X. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act and this Act, or either of them, upon the said Road, shall and he is hereby required to place his Christian and Surname painted on a Board, in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty: And if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or any or either of them, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls, or any of them, or shall give a false Name or Names on such demand, or shall refuse or neglect to deliver a Ticket gratis, denoting the Payment of the Toll; and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon; then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, and applied, in such and the same Manner as other Penalties are by the said recited Act or this Act, or either of them, directed to be levied, recovered, and applied.

Toll Collectors to put up their Names.

XI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall happen to arise, touching or in anywise relating to the Tolls to be collected on the said District of the said Road, or the Recovery thereof, the Person or Persons now appointed or hereafter to be appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being so appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

Collectors of Tolls not incompetent Witnesses.

XII. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector, or Person so distraining, to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for such of the Counties wherein the Cause of Dispute shall arise, who upon Application made to him for that Purpose shall examine the Matter by Oath of the Parties, or other Witnesses

For settling Disputes concerning Tolls.

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or Witnesses, (which Oath such Justice is hereby authorized to administer,) and shall determine the Quantity of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

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

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

Exemptions from Tolls.

XIV. And be it enacted, That no Toll shall be demanded or taken for any Horse or Cattle drawing any Carriage laden only with Mould, Dung, Ashes, Compost, Manure, or Lime used in improving Lands, nor laden only with any Corn in the Straw, or Hay, or Straw not sold or disposed of, but passing to be laid up in the Outhouses, or upon the Land of the Owners thereof, in any Parish or Place into or through which any Part of the said Roads lead; nor for any Horse or Cattle drawing any Ploughs, Harrows, or Implements of Husbandry, Bushes, or Crops of Trees, Hurdles, or other Materials for Fencing, belonging to the Owners or Occupiers of Lands adjoining to the said Roads, and actually contributing as aforesaid in respect of such Lands to the Repair thereof; nor for any Horses, Cattle, or Carriages employed in carrying or conveying Apples or Fruit to the Mill to be ground, provided such Fruit be not sold or disposed of, but to be made into Cyder, and used in the Family of the Occupiers of such Farm respectively, nor the Cyder made of such Fruit when being carried from the Mill to the Dwelling-house or Outhouses of the Owners thereof; nor for any Cattle, Horses, or Farming Stock going to or from Lands or Grounds in the Occupation of any Person or Persons to other Lands or Grounds in the Occupation of the same Person or Persons, within the same Parish, and not exceeding the Distance of Two Miles from each other; nor for any Cattle or Horses going from or to the Curtillages, Outhouses, or Places where usually kept, to or from Pasture, in order to be shod, cured, or farried, to any Place within the same Parish, not exceeding the Distance of Two Miles from such Curtillages, Outhouses, or Places

Places where kept; and no Toll shall at any Time be taken for any Horses or Cattle going from or to the Curtillages, Outhouses, or Places where usually kept, to or from Water, not exceeding the Distance of Two Miles from such Curtillages, Outhouses, or Places where kept; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners, or from any Person or Persons residing in any of the Parishes or Places through which the said Roads pass, for passing through any of the said Toll Gates or Turnpikes on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, to or from his, her, or their respective Parish Churches, or other usual Place of Religious Worship, licensed according to Law, for the Purpose of attending, or after having attended Divine Service thereat; or for any Cattle or Carriage conveying the Corpse, or attending the Funeral of any Person who shall have died in, and is to be interred in any of the said Parishes or Places; nor for any Horses or Carriages employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back from conveying or guarding the same, or for the Horses of Soldiers upon their March, or upon Duty, or for Horses, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any sick, wounded, or disabled Officers or Soldiers, or 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 Horses or Carriages travelling with Vagrants sent by legal Passes, or for any Carriages or Passengers on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Hereford* during such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding, furnished by or for any Person or 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 the Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim or 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 Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act, and shall be recoverable in the Manner directed by the said recited Act.

XV. And be it further enacted, That no Person owning or driving, or Carriages causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by

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

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 or the said recited Act contained to the contrary notwithstanding.

In case of not making out Titles, or Persons cannot be found, Money to be paid into the Bank, subject to the Order of the Court of Chancery.

XVI. 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 or Hereditaments to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises, to the Satisfaction of the said Trustees, or any Three or more of them; 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 or Hereditaments be not known or discovered; then and in every such Case it shall and may be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums of 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, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments, [describing them,] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall, and he is hereby empowered, in a summary Way of proceeding or otherwise, as 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 meet, just, and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to whom Money to be paid, &c.

XVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments or of any Estate, Right, or Interest in any Lands 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 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 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

Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

XVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of any other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XIX. And be it further enacted, That if any Person shall ride upon any Causeway, Foot or raised Path, made for the Convenience of Foot Passengers, along the Side of the said Roads, or shall wilfully drive, suffer, or cause any Horse, or other Cattle or Beast, or any Cart, or any other Carriage, to be on such Causeway, Foot or raised Path, or shall in any Manner injure such Causeway, Foot or raised Path, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered on the Oath of One credible Witness, or the Confession of the Party offending, before any Justice of the Peace for the County, Town, or Place, where the Offence shall have been committed; and in case of Nonpayment of such Penalty, at such Time as such Justice shall order, it shall be lawful for such Justice to commit the Offender to the Common Gaol or House of Correction for the County, Town, or Place where the Offence shall have been committed, there to remain for any Time not exceeding the Space of Fourteen Days.

Penalty for riding on Footpaths.

XX. And be it further enacted, That all the Occupiers of Lands adjoining to the said Roads, on receiving Twenty-one Days' Notice in Writing from any Surveyor of such Roads for opening, scouring, cleansing, widening, or for making any new Drains, Watercourses, or Ditches into or across their respective Lands, in order to carry off the Water from the said Roads where it shall be necessary, or for cutting down, lopping, or topping any Trees, Shrubs, or Bushes growing in their Hedges, or upon or in the Banks adjoining to any Part of the said Roads, or upon any Part of their Lands within Twenty-five Feet of the Centre of any Part of the said Roads, or for cutting down or reducing the said Hedges to the Height of Three Feet, or for hauling, removing, or carrying away from off the said Roads the Dirt and Soil arising from the Paring of the Banks, or Cleansing of their Ditches, and also the Soil and Dirt to be from Time to Time gathered, collected, scraped, raked, heaped, and taken from off the said Roads, and laid upon the Sides thereof towards their respective Lands, and all other Filth, Dung, and Rubbish lying on the Sides of the said Roads adjoining to their respective Lands, shall, and are hereby required to do and perform all and every of the several Works and Duties aforesaid, upon pain of forfeiting, for every Neglect of any or either of such Works or Duties, any Sum not exceeding Five Pounds, and the same shall be exclusive of Statute Duty.

Ditches, &c. to be scoured and cleansed, and Soil removed from Sides of Roads.

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XXI. And

XXI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful to and for any Two or more Justices of the Peace for the said County of *Hereford*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, 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 District or Division of 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 or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring 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 are or may be directed by any Law or Statute in Force or Effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order, such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times, (not being Haytime or Harvest,) and in such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons, who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for the 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 Acts, or either of them, authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute now in Force or 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

on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as 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 of the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XXII. And be it further enacted, That all Penalties and Forfeitures by the said recited Act or this Act imposed and incurred, (the Manner of levying and recovering whereof is not thereby or hereby otherwise particularly directed,) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal of any One of His Majesty's Justices of the Peace for the County, Town, or Place where the Offence shall have been committed, which Warrant or Warrants such Justice is hereby empowered and required to grant upon the Confession of the Party or Parties, or upon the Information of any credible Witness upon Oath, (which Oath such Justice is hereby required and empowered to administer,) and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress, and such Penalties and Forfeitures when recovered, (if not by the said recited Act or this Act directed to be otherwise applied,) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes thereof respectively; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County, Town, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and discharged.

Penalties
how to be
recovered
and applied.

XXIII. Provided always, and be it further enacted and declared, That this Act, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Clauses, Matters, and Things herein contained, shall extend and relate only to the District of Roads mentioned in the said recited Act, called "The First District of the *Leominster* Roads;" and that the same, or any Part thereof, shall not extend or be construed to extend to the District of Roads mentioned in the said recited Act called "The Second District of the *Leominster* Roads."

Provisions of
this Act not
to extend to
the Second
District of
Roads.

XXIV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of the said recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads out of or from any inclosed

Notice to be
given to Oc-
cupiers of
Inclosed
Lands before
inclosed

Materials are
taken there-
from.

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

Penalty on
taking away
Materials got
by the Sur-
veyors.

XXV. Provided always, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials,) every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied, and applied in Manner by the said recited Act mentioned.

For paying
Expences of
this Act.

XXVI. And be it further enacted, That all the Charges and Expences of obtaining and passing this Act shall be paid out of any Money already raised by virtue of the said recited Act, or out of the First Monies to arise by virtue of the said recited Act and this Act, in preference to all other Payments whatsoever.

Public Act.

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

Commence-
ment and
Term of the
Act.

XXVIII. And be it further enacted, That the Term granted by the said recited Act shall, upon the said First Day of *July* next after the passing of this Act, cease and determine; and that the said recited Act (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.

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