Anno ſeptimo

Georgii III. Regis.

An Act for amending, repairing, and widening, ſeveral Roads in the Counties of *Radnor* and *Hereford*.

WHEREAS the ſeveral Roads herein after mentioned and deſcribed; that is to ſay, The High Road leading from a Place called Pen y bont, in the Pariſh of Llanbadarn Vawr, in the County of Radnor, through Llanvihangel Nantmellan, to the Town of New Radnor; and from the Town of New Radnor, to the Town of Preſteign, in the ſaid County of Radnor; and from the Town of Preſteign aforeſaid, through Gladeſtry and New Church, to Glaſbury Bridge, in the ſaid County; and from Glaſbury Bridge aforeſaid to the Hay Bridge, near the Town of The Hay, and from thence to Builth Bridge near the Town of Builth, the Confines of the County of Brecon; and from Glaſbury Bridge aforeſaid, through Clyrow by the Red Spence, to the Red Lea, in the County of Hereford, where the Hereford Turnpike ends; and from the Red Spence aforeſaid, to Brilley Mountain, in the ſaid County of Hereford, where the Kington Turnpike ends; and from Preſteign aforeſaid to the Town Preamble.

of Knighton, in the ſaid County of Radnor; and from Preſteign aforeſaid, by Llandewy Yſtradenny, to the Town of Rayader, in the ſaid County of Radnor; and from Pen y bont aforeſaid, by Trewern and Burchop, to Stanner Rock, in the County of Radnor; and from New Radnor aforeſaid, through Walton, to Stanner Rock aforeſaid; and from Llanvihangel Nantmellan aforeſaid, to Builth Bridge aforeſaid; and from Builth Bridge aforeſaid, to Gladeſtry aforeſaid; and from Llanvihangel Nantmellan aforeſaid, to Llandrindod Wells, in the ſaid County of Radnor; and from Pen y bont aforeſaid, by Llandrindod Wells and Pen Cirrig, to Builth Bridge aforeſaid; and from Pen y bont aforeſaid, through Rayader, to Elan River, the Confines of the County of Cardigan; and from Rayader aforeſaid, to Builth Bridge aforeſaid; and from Pen y bont aforeſaid, by Abby Cwmhyre, in the ſaid County of Radnor, to a Place called Nant y Eſcob, otherwiſe Nant y Trenant, the Confines of the County of Montgomery, and leading towards Llanidloes, in the ſaid County; and from Pen y bont aforeſaid, to the ſaid Town of Knighton, in the ſaid County of Radnor; and from thence to Evenjobb, in the ſaid County; and from Pen y bont aforeſaid, to Llandbadarn Vinydd in the ſaid County, and the Confines of the County of Montgomery, leading towards Newtown, in the ſaid County, are in many Places ſo narrow that Two Carriages cannot paſs each other, and ſcarcely One Carriage paſs in ſome Places without imminent Danger, and in many other Places ſo ruinous and bad that Carriages are in Danger of being overthrown, particularly in the Winter Seaſon; and the ſame cannot be effectually amended, widened, and kept in Repair, by the ordinary Courſe of Law, unleſs ſome Proviſion be made by Parliament for raiſing Money to be applied for that Purpoſe; For Remedy whereof, 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 William Archibald, Edward Allen, Joſeph Arnold, Gentlemen; the Right Honourable John Lord Viſcount Bateman of the Kingdom of Ireland, the Honourable William Bateman, Edward Burton, John Biſhop, James Broome, Samuel Beavan, John Harris Barrington, Eſquires; Herbert Bradford, James Bull, William Bach, Bowen of Blethvah, Samuel Beavan, Clerks; Thomas Beavan of Bettus, Thomas Beavan of Croſsfoot, Thomas Beavan

Truſtees Names.

of Court Evan Gwynne, Thomas Beavan of Skyllafs, Thomas Beavan of Clyrow Court, William Beavan, Eyhon Baynam, John Bodenham, John Brown, Thomas Butts, John Blaſhfield the younger, Jonathan Bowen, Edward Baxter, William Bryan, James Bromage, John Bayley, Gentlemen; the moſt honourable James Brydges Marquis of Carnarvon, the Right honourable Robert Lord Clive of the Kingdom of Ireland, Sir John Cotterell, Richard Clive, Velters Cornewall, Richard Owen Cambridge, Bryan Crowther, Richard Crowther, Thomas Cooke, Edward Cox, Eſquires; Joſeph Carleſle, Richard Cooke, Robert Clive of Clunn, Clerks; John Carwardine, Joſeph Carter, Gentlemen; Richard Davies, John Dakins, David Davies, Somerſet Davies, Daniel Davies, Eſquires; Chamberlain Davies, Llewellin Davies, Clerks; William Davies, Thomas Dale, James Davies, John Davies, Rees Davies, Thomas Duppa, Thomas Duppa the younger, Gentlemen; John Evans of Llwynbarried, John Evans of Llanelan, Eſquires; Hugh Edwards, Edward Edwards, Clerks; Evan Evans, Samuel Evans, Edward Edwards, John Eſtop, Thomas Evans, Gentlemen; Thomas Foley, Thomas Foley the younger, Eſquires; Sir Hans Fowler Baronet, Edward Foley, Jonathan Field, Freeman of Letton, Eſquires; Howell Gwynne, Marmaduke Gwynne, Roderick Gwynne of Garth, Roderick Gwynne of Glanbrain, Marmaduke Gwynne of the Park, Charles Gore, Edward Greenly, William Greenly, Richard Gorges, Henry Gough, William Goſſe, Eſquires; John Griffith of Kington, John Griffith of Knighton, Stanſil Griffith, James Griffith, George Griffith, Edward Griffith, John Griffith of Llangunllo, John Gwynne, Gentlemen; the honourable Thomas Harley, Robert Harley, Eſquires; Sir Henry Hartſtonge Baronet, Godhard Hagen, Edward Manwaring Howorth, Henry Howorth, Thomas Hughes, Joſeph Hughes, Richard Cope Hopton, Eſquires; Joſeph Holl, Thomas Holl, John Hughlings, James Hamer the younger, Richard Hebb, John Hughes, John Harris, Gentlemen; the honourable and Reverend John Harley, Henry Probert Howorth, Clerks; Thomas Johnes, Thomas Johnes the younger, John Johnes, Thomas Jones, Thomas Jones the younger, John Jones, Rice James, Harford Jones, Eſquires; Middleton Jones, Jones of Pant Punton, Clerks; Walter Jefferyes, Gwynne James, John Jones of Knighton, John Jones of Rayader, David Jenkins, James Jenkins, Robert Ingoll, John James, William James, Richard Jones, William Jones, John Jones of Hay, John Jones of Dole, Edward Jones of Cwmithig, Edward Jones

of Beguildy, Gentlemen; Edward Kynaſton, Anthony Kerby, Eſquires; Sir Herbert Lloyd Baronet, Edward Lewis, Thomas Lewis of Harpton, Henry Lewis, John Lewis of Harpton, John Lewis of Preſteign, Thomas Lewis Lloyd, Thomas Lewis of Glaſcomb, Thomas Legge, Theophilus Lane, Bell Lloyd, Eſquires; Thomas Lewis, Phillip Lewis, Francis Lloyd, Clerks; Edward Lyde, Sherburn Lyde, George Lewis, James Lewis, John Lewis, James Lloyd, Thomas Lloyd, James Lloyd Harris, Gentlemen; Sir John Morgan Baronet, Thomas Morgan, Thomas Morgan the younger, Charles Morgan, Blundon Moore, Hugh Morgan, Eſquires; Sir John Meredith Knight, Charles Morgan Clerk, Evan Meredith, David Morgan, Richard Meredith, John Meredith, George Macfarland, Philip Morris, Harley Mills, Ezekiel Mills, John Moore, Thomas Morris, Gentlemen; Jeremiah Oliver Gentleman, John Pugh Price, Chaſe Price, Thomas Phillips, John Price, William Price of Broad Street, Preſteign; William Price of Saint David's Street, Preſteign; Hugh Powell, John Price of Lanyre, William Powell, John Painter, Nathaniel Powell, Edward Price, Eſquires; Hugh Price, John Powell, Edward Phillips, William Powell D. D. James Phillips, David Phillips, Clerks; John Price of London, Henry Price, Richard Price, John Price of Talgarth, John Price of Pen y bont, Eraſmus Price, James Price, Thomas Penoyre, William Pugh, John Pugh, James Pugh, Jacob Pugh, Arthur Partridge, Thomas Partridge, John Powell, Thomas Prickard, William Powell of Brecon, Thomas Phillips, Richard Pugh, John Piggott, Henry Patteſhall Pyefinch, Evan Powell, Gentlemen; Peter Rickards Eſquire, Moſes Ruſbatch Gentleman, John Scudamore, Hugh Stephens, David Stephens, Eſquires; Richard Smith Clerk, John Stephens of Evenjobb, Thomas Stephens, Andrew Stephens, Michael Clarke Stephens, John Stephens of Preſteign, Evan Stephens, John Stallard, Gentlemen; John Trumper, Evan Thomas, Henry Thomas, Thomas Thomas, Eſquires; Thomas Tonman, John Thomas, Clerks; Thomas Thomas of Blethvah, Benjamin Turford, William Toldervey, William Taylor, John Taylor, William Trumper, John Turner, Philip Turner, Philip Taylor, Gentlemen; Evan Vaughan, Hugh Vaughan, Eſquires; John Vaughan, Edward Vaughan, Gentlemen; John Williams, William Whitaker, Eſquires; Sir Edward Williams Baronet, Francis Walker, Henry Williams, Thomas Williams, John Watkins, James Williams, James Williams the younger, Eſquires; John Williams of Glaſbury, David Williams, Jacob Wood, John Williams of Llanbadern y

Garreg, Clerks; Thomas Weyman, Adam Ward, James Williams, Ezekiel Williams, Daniel Wheeler, Henry Williams, Thomas Williams, Robert Whitcombe, James Watkins of Colvah, James Watkins of Clifford, William Whitcombe, Walter Watkins, Penoyre Watkins, John Wilkins, John Williams, John Williams the younger, William Williams, John Williams, Hugh Williams, Thomas Weal, Wellington, Gentlemen; ſhall be, and are hereby appointed Truſtees, for ſurveying, amending, and keeping in Repair, the ſaid Roads, and putting in Execution all other Powers in and by this Act given and granted; and that they, and the Survivors of them, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall authorize and appoint, ſhall and may build and erect, or cauſe to be built and erected, a Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, in, upon, or acroſs any Part or Parts of the ſaid Roads, or within Five hundred Yards of the ſame; and ſhall demand and take at each ſuch Gate or Turnpike, before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Sheep, Swine, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriages whatſoever ſhall be permitted to paſs through the ſame, or any or either of them, the Tolls and Duties following (that is to ſay)

The Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, or Beaſt of Burthen, laden or unladen, and not drawing, One Penny.

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Draught (except Oxen and Horned Beaſts in Pairs) drawing any Waggon, Wain, Cart, or other Carriage, Three Pence.

For every Horſe, Mare, or Gelding, drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Caravan, Chair, Hearſe, Litter, or other Vehicle, Three Pence.

And for every Score of Cattle, Ten Pence; and for every Score of Swine, Sheep, or Lambs, Five Pence; and ſo in Proportion for any greater or leſſer Number.

For every Pair of Oxen or Horned Beaſts drawing Abreaſt or in Pairs, Three Pence.

Which ſaid Sums of Money ſhall be taken as a Toll and Duty; and the Money to be raiſed, ſhall be, and is hereby

Tolls veſted in Truſtees.

hereby veſted in the ſaid Truſtees; and the ſame ſhall be diſpoſed of and applied for the amending and keeping in Repair the ſeveral Roads aforeſaid, and to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner, as herein after directed.

Tolls may be levied by Diſtreſs.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and the Survivors of them, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, under their Hands and Seals, ſhall, from time to time, nominate and appoint, to demand and take the Tolls or Duties hereby granted; and to levy the ſame upon any Perſon or Perſons who ſhall, after Demand made thereof, neglect or refuſe to pay the ſame, by Diſtreſs of any Horſe or Horſes, Cattle, or Goods, upon which ſuch Tolls and Duties are by this Act impoſed, or by Diſtreſs of any other of the Goods and Chattles of the Perſon or Perſons who ought to pay the ſame, and to detain and keep ſuch Horſe or Horſes, Cattle, or other Goods, ſo diſtrained, until ſuch Tolls and Duties, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and ſuch Perſon or Perſons ſo diſtraining ſhall and may, after Five Days next after ſuch Diſtreſs made, take and ſell the Goods and Chattles ſo diſtrained, returning the Overplus to the Owner (if any be) upon Demand thereof, after ſuch Tolls, Duties, and reaſonable Charges, for diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Diſtreſs may be ſold after 5 Days.

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in the actual Poſſeſſion or Enjoyment, in his own Right, or in the Right of his Wife, and Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, being Freehold, Leaſehold, or Copyhold, of the clear yearly Value of Fifty Pounds a Year, above Reprizes; or poſſeſſed of a Perſonal Eſtate to the Amount of Two thouſand Pounds more than ſufficient to pay all his Debts; or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate of One hundred Pounds per Annum above Reprizes: And if any Perſon or Perſons who ſhall be unqualified ſhall nevertheleſs preſume to act contrary to the true Meaning of this Act, every ſuch Perſon or Perſons ſhall, for every ſuch Offence or Offences, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall inform and ſue for the ſame, to be recovered in any of His Majeſty's

Penalty on acting if not qualified.

Courts

Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every ſuch Perſon ſo proſecuted ſhall prove that he is qualified, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act.

Time and Place of Truſtee Meetings.

And be it further enacted by the Authority aforeſaid, That a General Meeting ſhall be held by the Truſtees hereby nominated and appointed for putting this Act in Execution, or by any Seven or more of them, at the Town Hall of Preſteign, in the County of Radnor, upon the Firſt Tueſday in Auguſt next after the Paſſing of this Act; and the Truſtees ſo aſſembled at ſuch General Meeting, ſhall and may then and there, or at any other General Meeting or Meetings to be afterwards held by them, or any Five or more of them (the ſaid General Meeting or Meetings always to be held and kept in the ſaid Town of Preſteign) adjourn themſelves to, and appoint, any other Time or Times for any ſubſequent General Meeting; and the ſaid Truſtees, at all ſuch their Meetings, ſhall defray their own Charges and Expences: And if it ſhall happen that there ſhall not appear at any General Meeting or Meetings, as ſhall be appointed to be held by the ſaid Truſtees, a ſufficient Number of Truſtees to act at ſuch Meeting, and to adjourn to another Day; then, and in ſuch Caſe, the Clerk or Clerks to the ſaid Truſtees, by Notice in Writing under his or their Hand or Hands, to be affixed on all the Turnpike Gates to be erected by virtue of this Act, at leaſt Ten Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Town of Preſteign aforeſaid, for the Purpoſe aforeſaid.

Truſtees to defray their own Expences.

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

Truſtees may appoint Officers;

And be it enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, at their Firſt or any other ſubſequent Meeting or Meetings, by any Writing or Writings under their Hands and Seals, ſhall and may appoint One or more Clerk or Clerks, Surveyor or Surveyors, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Duties aforeſaid, and ſuch other Officers as the ſaid Truſtees, or any Seven or more of them, ſhall think neceſſary; and from time to time may remove ſuch Clerk or Clerks, Treaſurer or Treaſurers, Receivers, Collectors, Surveyors, and other Officers, and appoint new Ones in caſe of Death or ſuch Removal; and the Perſon or Perſons ſo appointed to collect and

and remove them, and appoint others.

Officers to account upon Oath.

receive the ſaid Tolls or Duties, and all or every other Perſon or Perſons employed by the ſaid Truſtees, ſhall, (upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them, which Oath the ſaid Truſtees, or any Five or more of them, or any One or more Juſtice or Juſtices of the Peace for the County of Radnor, is and are hereby impowered and required to adminiſter) on the Firſt Monday in every Month, or oftener, if required, give in a true and perfect Account in Writing under their reſpective Hands to the ſaid Truſtees, or any Five or more of them, of all Monies which he, ſhe, or they, ſhall have received and diſburſed by virtue of this Act, for which Oath no Fee or Reward ſhall be taken, and the ſame may be taken in Writing without any Stamp thereon: And in caſe any Money ſo received ſhall remain in his, her, or their Hands, the ſame ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands, authorize and impower to receive the ſame, and ſhall be diſburſed and laid out for the Purpoſes aforeſaid, according to the true Intent and Meaning of this Act: And in caſe the ſaid Receiver or Receivers, Collector or Collectors, of the aforeſaid Tolls or Duties, Surveyor or Surveyors, or any of them, ſhall not make and give ſuch Account and Payment as aforeſaid, that then any Two or more Juſtices of the Peace for the ſaid County, at any Special Seſſions or Monthly Meeting of them to be holden within their reſpective Juriſdictions, ſhall and may make Inquiries of and concerning ſuch Default as aforeſaid in a ſummary Way, as well by Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtices are hereby impowered and required to adminiſter without Fee or Reward) and if any Perſon or Perſons ſhall be thereof convicted by ſuch Juſtices, they ſhall, upon ſuch Conviction, commit the Party or Parties to the common Gaol of the ſaid County, there to remain without Bail or Mainprize, until he, ſhe, or they, ſhall have made a true Account and Payment as aforeſaid.

Officers refuſing to account,

Juſtices may enquire into the Default;

and commit the Offender.

Truſtees to allow Officers Salaries.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Money ariſing by and from the ſaid Tolls or Duties, make ſuch Allowance or Allowances to the ſaid Receiver or Receivers, Collector or Collectors, Surveyor and Surveyors, Clerk or Clerks, or other Officers (Treaſurers excepted) by the ſaid Truſtees, or any Five or more of them,

Exception.

them, ſo appointed as aforeſaid, for or in Conſideration of his Care and Pains reſpectively taken in the Execution of his and their reſpective Office or Offices, and to ſuch other Perſon and Perſons as have been or ſhall be aſſiſting in and about procuring the ſaid Roads to be amended and repaired, by advancing or laying out any Money, or otherwiſe relating thereto, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet.

Treaſurers to give Security.

And be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers to be appointed in the Execution of this Act, ſhall, before he or they enter upon the ſaid Office, give ſuch Security for the due Execution thereof, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet.

No Toll on Election Days.

Provided always, and it is hereby further enacted and declared, That all Coaches, Berlins, Landaus, Chariots, Chaiſes, Calaſhes, Chairs, or Litters, or Paſſengers on Horſeback, ſhall paſs and repaſs Toll-free on the Day or Days on which there ſhall be an Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of Radnor, or for a Burgeſs to ſerve in Parliament for the Town of Radnor, and on the Day before and the Day after ſuch Election ſhall reſpectively begin and be concluded; ſuch Coaches, Berlins, Landaus, Chariots, Chaiſes, Chairs, Calaſhes, Litters, or Paſſengers, going to or returning from ſuch reſpective Elections; any thing herein contained to the contrary notwithſtanding.

Application of Monies.

And be it further enacted by the Authority aforeſaid, That out of the firſt Monies ariſing by the Tolls and Duties which ſhall be collected by virtue of this Act, or out of ſuch Money as ſhall be borrowed on the Credit thereof, the ſaid Truſtees, or any Seven or more of them, ſhall in the firſt Place pay off and diſcharge all the reaſonable Charges and Expences of procuring and paſſing this Act of Parliament, and of putting up and erecting ſuch Turnpikes and Toll-houſes as they ſhall think proper on the ſaid Roads; and that from and after paying the ſaid Expences and Charges, the ſaid Tolls and Duties ariſing from the ſeveral Gates to be erected on the principal Road hereafter mentioned, or the Monies to be borrowed on the Credit of the ſaid reſpective Tolls and Duties, ſhall be applied in the next Place for repairing, amending, and widening the principal Road through the ſaid County of Radnor; (that is to ſay) from Preſteign aforeſaid, through New Radnor, Pen y bont, and Rayader aforeſaid, to Elan River, the Confines of the County of Cardigan, and to begin at the Town of Preſteign aforeſ-

ſaid; and after the ſame ſhall be ſo repaired, that then the ſaid Monies, ariſing from the ſaid Tolls and Duties, ſhall be applied and laid out on ſuch of the Roads as the ſaid Truſtees, or any Seven of them, at any General Meeting or Meetings to be held for that Purpoſe, ſhall order, direct, or appoint.

Penalty on permitting, or going thro' private Paſſage, &c.

And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons, owning, renting, or occupying, any Lands or other Premiſſes, adjoining or near to the Roads directed to be repaired by virtue of this Act, ſhall knowingly permit or ſuffer any Perſon or Perſons to paſs through the ſame, with any Carriage, Horſe, Aſs, Mule, or any other Cattle, or any other Perſon ſhall wilfully and deſignedly paſs through any private Ground, whereby the Payment of the Toll or Duty, Tolls or Duties, is or ſhall be avoided; every ſuch Perſon or Perſons, ſo offending, and alſo the Perſon or Perſons thereby avoiding the Payment of the ſaid Toll or Tolls, and being thereof convicted on Oath, before any One or more Juſtice or Juſtices of the Peace for the County where the Offence ſhall be committed (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered to adminiſter) ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or their Treaſurer for the time being, the Sum of Twenty Shillings, to be recovered and diſpoſed of in the Manner herein after directed.

or unloading Goods,

or taking off Horſes, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, during the Continuance of this Act, unlade, or cauſe to be unladen, any Sort of Goods, or take off, or cauſe to be taken off, any Horſe or Horſes, from any Carriage whatſoever, with an Intent to avoid the Payment of the Tolls and Duties hereby impoſed, or ſhall leave in any Place any Carriage, Horſe, or other Cattle whatſoever, chargeable with the ſaid Tolls or Duties, with ſuch Intent as aforeſaid, every ſuch Perſon or Perſons ſo offending, and being thereof convicted, upon Oath, before any One or more Juſtice or Juſtices of the Peace for the County where the Offence ſhall be committed (which Oath the ſaid Juſtice or Juſtices are hereby impowered and required to adminiſter) ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings, and ſhall pay the ſame to the Truſtees appointed to put this Act in Execution, or to their Treaſurer for the time being; which ſaid Sum, in caſe the ſame be not forthwith paid, ſhall be levied in ſuch Manner as is herein after directed.

to avoid Payment of the Tolls.

And

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, on the Side or Sides of the ſaid Roads, and acroſs any Lane or Way leading out of the ſame, within the Diſtance of Five hundred Yards; and there to take and receive ſuch Tolls as are by this Act granted and made payable, ſo as the ſame do not extend to a Double Charge in caſe of paſſing through any other of the Turnpikes which ſhall be erected by virtue of this Act.

Truſtees may erect Side-gates,

and take Tolls thereat,

ſo as the ſame do not extend to a Double Charge.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor and Surveyors, and ſuch Perſon and Perſons as he and they ſhall appoint, to dig, gather, take, and carry away, all Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Quarry, River, or Brook, or out of or from the Waſte or Common of or in any Pariſh, Town, Village, or Hamlet, in the Counties of Radnor and Hereford, which ſhall be proper and convenient for repairing and amending the Roads aforeſaid; and for want of ſufficient Materials there, in any other County or Counties proper and convenient for repairing and amending the Roads aforeſaid, without paying any thing for the ſame; ſuch Surveyor or Surveyors levelling or otherwiſe ſecuring, or cauſing to be levelled and otherwiſe ſecured, all ſuch Holes and Pits where any ſuch Materials ſhall be digged, gathered, or taken: And where there is not ſufficient of any ſuch Materials in any ſuch Quarries, Rivers, Brooks, Commons, or Waſte Grounds, as aforeſaid; it ſhall and may be lawful for ſuch Surveyor and Surveyors, by Order of the Truſtees, or any Five or more of them, to dig and gather ſuch Materials in and carry the ſame out of the Grounds of any Perſon or Perſons, not being the Ground whereon any Houſes or Buildings ſhall ſtand; or Garden, Orchard, Yard, Park, or planted Walk or Walks, or Avenue to any Houſe, or Piece or Parcel of Ground planted, ſet apart, and uſed, as a Plantation or Nurſery for Trees, or Plantation for Hops, where ſuch Materials are or might be found, and, from time to time, to carry away the ſame; paying ſuch Sum and Sums of Money for the Damage done to the Owners and Occupiers reſpectively of the Grounds where the ſame ſhall be digged, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, or any Five or more of them,

Surveyors may dig Gravel, &c.

without paying for the ſame;

levelling the Pits:

If ſufficient Materials cannot be had there, the ſame may be taken from private Grounds;

making Satisfaction to the Owners.

Juſtices to determine Differences.

ſhall adjudge reaſonable: And in caſe of any Difference between ſuch Owners and Occupiers, and the ſaid Truſtees, touching ſuch Damage, the Juſtices of the Peace at their next General Quarter Seſſions to be holden in and for the ſaid County, or the major Part of them, ſhall and may adjudge, aſſeſs, and finally determine the ſame.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor and Surveyors, and ſuch Perſon or Perſons as he and they ſhall appoint (by the Direction of the ſaid Truſtees, or any Five or more of them, under their Hands) from time to time, to remove and prevent all Annoyances in any Part of the Roads aforeſaid, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe; or to turn any Watercourſes, Sinks, or Drains, running into, along, or out of, the ſaid Roads; and to open, ſcour, and cleanſe, any Watercourſe or Watercourſes, Ditch or Ditches,

and cut down Trees, &c.

adjoining to the ſaid Roads; and to cut down, lop, or top, any Trees, Shrubs, or Buſhes, growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto; and to take and carry away the ſame, in caſe the

the Owners neglecting to remove the ſame after Notice;

Owners or Occupiers of the Premiſſes where ſuch Annoyances ſhall appear to be as aforeſaid, or ſuch Perſon or Perſons as ſhall have occaſioned ſuch Neglect, ſhall remove ſuch Annoyances as aforeſaid within the Space of Thirty Days next after ſuch Notice in Writing given for that Purpoſe under the Hand or Hands of the Surveyor or Surveyors, or of the ſaid Truſtees, or any Five

the Charges to be reimburſed the Surveyor,

or more of them; the Charges whereof, to be ſettled by the ſaid Truſtees, or any Five or more of them, by Writing under their Hands, ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners and Occupiers, or the Perſon or Perſons occaſioning ſuch Annoyances, neglecting or refuſing to remove the

to levied be by Diſtreſs and Sale.

ſame: And in caſe ſuch Owners or Occupiers, or the Perſon or Perſons occaſioning ſuch Annoyances, ſhall not, upon Demand made by ſuch Surveyor or Surveyors, as aforeſaid, pay and reimburſe him and them their Charges as aforeſaid; it ſhall and may be lawful for ſuch Surveyor or Surveyors as aforeſaid, to levy the ſaid Charges in the ſame Manner as any other Penalty incurred by this Act is directed to be levied and applied: And if, after Removal of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Kind, every ſuch Perſon or Perſons ſo offending, and being thereof convicted upon Oath before the ſaid Truſtees, or any Five or more of them, or any One or more Juſtice or

Juſtices of the Peace for the County where the Offence ſhall be committed (which Oath the ſaid Truſtees, or any Five or more of them, or ſuch Juſtice or Juſtices of the Peace, are hereby impowered and required to adminiſter without Fee or Reward) ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings, and ſhall pay the ſame upon Demand unto the ſaid Truſtees, or any Five or more of them, or to their Treaſurer or Treaſurers for the time being; and, in caſe of Refuſal, to levy the ſame, with reaſonable Charges.

Truſtees not to repair Pavements:

Provided always, That nothing in this Act contained ſhall impower the Truſtees hereby nominated and appointed, or their Succeſſors, or any of them, to repair the Pavements of any Streets in any of the Towns through which the ſaid Roads hereby directed and intended to be repaired ſhall paſs; but that the ſaid Pavements ſhall reſpectively be made, amended, and kept in Repair, by ſuch Ways and Means, and in ſuch Manner, as they ought by Law to be made, amended, and kept in Repair, in caſe this Act had not been made.

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

And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons who, by reaſon of Cuſtom and Tenure, are chargeable towards repairing or amending the ſaid Roads, or any Part thereof, or any Bridges, Drains, or Sewers, in or upon the ſame, ſhall ſtill remain chargeable, and ſhall repair and amend ſuch Bridges, Drains, or Sewers, and Parts of the ſaid Road, in ſuch Manner as he, ſhe, or they was or were obliged to do or ought to have done before the paſſing of this Act.

and Perſons liable to Statute-work to continue ſo.

Provided always, and be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, who by Law is and are chargeable towards the repairing the ſaid Roads, ſhall ſtill remain chargeable, and do their reſpective Days Work in the ſeveral Pariſhes, Townſhips, or Places, in which the ſaid Roads do lie, in ſuch Manner as he, ſhe, or they ought to have done, before the paſſing of this Act.

Juſtices to determine the Statute-work to be done on the Roads.

And, for preventing Differences and Diſputes which may ariſe between the ſaid Truſtees and the Surveyors of the Highways for the time being for the ſaid ſeveral Pariſhes and Places; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the Counties of Radnor and Hereford, and they are hereby impowered and required at any Petty or Special Seſſions of the Peace, upon any Application made to them in Writing by the ſaid Truſtees,

ſtees, or any Five or more of them, to adjudge and determine what Part and Proportion of Statute-work ſhall be done in and upon the Roads aforeſaid by the Inhabitants of each or any of the Pariſhes, Hamlets, Townſhips, or Places, in which the ſaid Roads hereby directed to be amended do lie.

Surveyors to deliver in Liſts of Perſons liable to do Statute-work.

And be it further enacted by the Authority aforeſaid, That the reſpective Surveyor or Surveyors of the ſaid Roads, for the time being, of all and every the Pariſhes, Townſhips, Places, and Diviſions, in which the ſaid Roads intended to be repaired by this Act do lie, ſhall yearly, and every Year during the Continuance of this Act, within Ten Days after Demand made to him in Writing by the Turnpike Surveyor or Surveyors appointed or to be appointed by the ſaid Truſtees, or any Five or more of them, give and deliver to the ſaid Turnpike Surveyor or Surveyors, or to the Clerk or Clerks to be appointed by the ſaid Truſtees as aforeſaid, a true and exact Liſt and Account in Writing, under his or their Hand or Hands, of the Chriſtian and Surnames of all and every Perſon and Perſons in the ſaid reſpective Pariſhes who are by Law chargeable towards repairing the Roads in any of the ſaid Pariſhes, Townſhips, Places, or Diviſions, and ſhall ſet forth and ſpecify in ſuch Liſt, what ſuch Perſon or Perſons is reſpectively chargeable with for and towards the ſame; and the Pariſh Surveyor or Surveyors for the time being reſpectively, within Ten Days after Notice ſhall be given them, or either of them, by the ſaid Turnpike Surveyor or Surveyors, of the Time when, and how many of the Perſons ſo chargeable as aforeſaid, he or they would have to do ſuch their reſpective Statute or Days Work ſo adjudged and appointed by the ſaid Juſtices as aforeſaid, in and upon any Part or Parts of the ſaid Roads, ſhall ſummon or give publick Notice thereof in their reſpective Pariſh Churches or Chapels, or in ſuch other Manner as ſhall be thought moſt convenient to the Perſons ſo chargeable as aforeſaid: And if any Pariſh Surveyor or Surveyors as aforeſaid ſhall neglect or refuſe to do as they are hereby directed and required to do, he or they, for every ſuch Neglect or Refuſal, ſhall forfeit and pay the Sum of Five Pounds; and if any Perſon or Perſons keeping a Team or Teams, Draught or Draughts, and chargeable towards repairing the ſaid Roads, after ſuch Summons or publick Notice given as aforeſaid, neglect or refuſe to ſend their reſpective Teams or Draughts (each Team or Draught

Penalty on Surveyors neglecting to deliver in ſuch Liſts,

and on Perſons not performing Statute-work.

Draught not to contain leſs than Three good Horſes or Beaſts of Draught) with Two Perſons to attend the ſame, to do and perform ſuch their reſpective Days Work on the ſaid Roads, ſo to be adjudged and appointed as aforeſaid, he, ſhe, or they, ſo offending, or neglecting, or refuſing, ſhall reſpectively forfeit and pay the Sum of Ten Shillings, over and above ſuch Penalty to which they are already liable by Law for ſuch Neglect or Refuſal, for every Team or Draught making Default each of the ſaid reſpective Days: And if any Labourer, or any other Perſon or Perſons ſo chargeable towards repairing the ſaid Roads, ſhall at any Time neglect or refuſe (after ſuch Summons or publick Notice as aforeſaid) to do and perform the ſaid appointed Days Work on the ſaid Roads, he, ſhe, and they, reſpectively ſhall forfeit and pay the Sum of One Shilling for each of the ſaid Days ſuch Labourer or other Perſon or Perſons ſhall make Default; and if any Perſon or Perſons who ſhall, according to ſuch Summons or publick Notice as aforeſaid, come to work as a Labourer or Labourers, or be ſent with any Team or Draught to work on the ſaid Roads, are found idle or negligent by the ſaid Turnpike Surveyor or Surveyors reſpectively, then, and in ſuch Caſe, the Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to diſcharge and turn him and them off, and in ſuch Caſe it ſhall be eſteemed and taken as if ſuch Perſon or Perſons had not come, or as if no Draught or Team had been ſent to work on the ſaid Roads, and he, ſhe, or they, ſhall reſpectively be ſubject and liable to the reſpective Forfeitures before-mentioned, in the ſame Manner as if he, ſhe, or they, had neglected or refuſed to do and perform the ſaid reſpective Days Work ſo ordered and appointed as aforeſaid; which ſaid Forfeitures ſhall be recovered, levied, received, and applied, in ſuch Manner as other Forfeitures are by this Act directed to be recovered, levied, received, and applied.

Perſons found idle to be turned off.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Pariſhes or Townſhips to which the ſaid Roads belong, or with any of the Poſſeſſors or Occupiers of ſuch Lands, Tenements, and Hereditaments, as are or ſhall be liable or chargeable to the Repair of any Part of the ſaid Roads, for a cer-

Truſtees may compound for Statute-work.

a certain Sum of Money, by the Year, or otherwiſe, as the ſaid Truſtees, or any Five or more of them, at any General Meeting to be held as aforeſaid, ſhall think reaſonable, in lieu of the Statute or other Work to be done by ſuch Pariſh or Pariſhes, Townſhip or Townſhips, or by ſuch Poſſeſſor or Poſſeſſors, Occupier or Occupiers of ſuch Lands, Tenements, or Hereditaments, chargeable as aforeſaid; Copies of all which Compoſitions or Agreements, ſo to be made by the ſaid Truſtees at ſuch General Meeting as aforeſaid, ſhall be made and entered at Length in a Book or Books to be kept for that Purpoſe by the ſaid Clerk or Clerks, Treaſurer or Treaſurers; which ſaid Book or Books ſhall and may be ſeen and peruſed by any Perſon or Perſons whomſoever, without Fee or Reward.

Compoſitions to be entered in a Book.

Compoſition-money how to be recovered.

Provided always, and be it enacted by the Authority aforeſaid, That in caſe any Compoſition-money agreed to be paid in lieu of any Statute-work or Days Work of the Inhabitants of any Pariſh, Townſhip, or Hamlet, wherein the ſaid Roads to be amended by virtue of this Act do lie, or in reſpect of any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure, or otherwiſe as aforeſaid, ſhall not be paid within Twenty one Days next after the ſame ſhall become payable according to ſuch Compoſition or Agreement; that then it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace for the ſaid reſpective Counties, by Warrant under his or their Hands and Seals, to impower the Perſon and Perſons authorized by the ſaid Truſtees, or any Five or more of them, to receive ſuch Compoſition-money, and Oath being firſt made that the ſame has been demanded and remains unpaid (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter) to levy ſuch Compoſition-money by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons ſo having compounded in lieu of any Statute or Days Work, or for any Lands, Tenements, and Hereditaments, liable and chargeable by Tenure, or otherwiſe as aforeſaid, or of the Surveyor or Surveyors of the Highways for the time being of ſuch Pariſh, Townſhip, or Hamlet, in reſpect of whoſe Statute or Days Work ſuch Compoſition ſhall be made, returning the Overplus (if any be) upon Demand, after the Charges of ſuch Diſtreſs and Sale thereout firſt deducted.

8

Provided

Surveyors paying the Compoſition-money, how to be reimburſed.

Provided alſo, and it is hereby further enacted by the Authority aforeſaid, That if the Surveyor or Surveyors of the Highways for the time being of any Parish, Townſhip, or Hamlet, for or in lieu of whoſe Statute or Days Work ſuch Compoſition ſhall be made as aforeſaid, ſhall pay the Compoſition-money; or if ſuch Compoſition-Money ſhall be recovered and received by Diſtreſs and Sale of his and their Goods and Chattles, in Manner herein before directed; then, and in either of ſuch Caſes, ſuch Surveyor or Surveyors ſhall be repaid and reimburſed the Compoſition-money which ſhall be ſo paid by or recovered of him or them as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, in ſuch Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid or reimburſed the Monies by them expended in buying Materials for amending the ſaid Highways.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That all and every Penalties and Forfeitures by this Act impoſed or incurred, touching which no other Proviſion is hereby made, ſhall be recovered and levied by Diſtreſs and Sale of the Offender's Goods or Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more of his Majeſty's Juſtice or Juſtices of the Peace for the ſaid reſpective Counties; which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby impowered and required to iſſue, upon the Information of One or more credible Witneſs or Witneſſes, upon Oath (which Oath the ſaid Juſtice or Juſtices is and are hereby required and impowered to adminiſter without Fee or Reward); and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall go and be paid to the ſaid Truſtees, or any Five or more of them, or to their Treaſurer or Treaſurers for the time being, and ſhall by them be reſpectively applied and laid out (if not otherwiſe applied and diſpoſed of in purſuance of this Act) for and towards amending the Roads intended to be repaired by virtue of this Act.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by any thing done in purſuance of this Act, and for which no particular Remedy or Method of Relief hath already been hereby

hereby given, directed, or appointed, it ſhall and may be lawful to and for ſuch Perſon or Perſons to appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace to be held in and for the ſaid reſpective Counties of Radnor and Hereford; or in caſe the ſaid Cauſe of Complaint ſhall ariſe within Fourteen Days next before ſuch General Quarter Seſſions of the Peace, then to the next General Quarter Seſſions for the ſaid Counties; and the Juſtices of the Peace, at the ſaid General Quarter Seſſions, are hereby authorized and impowered to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Perſon or Perſons ſo aggrieved in a ſummary Way; and, if they ſee Cauſe, ſhall and may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any of the Penalties and Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to them in their Diſcretions ſhall ſeem reaſonable, and to levy by their Order or Warrant ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattles of any Perſon or Perſons who ſhall refuſe to obey the ſame; and for want of ſufficient Diſtreſs, to commit the Party to the common Goal of the County where the Appeal ſhall be heard and determined for any Time not exceeding Three Months, or until Payment of ſuch Coſts: But the Perſon or Perſons ſo appealing as aforeſaid ſhall, and they are hereby reſpectively directed to give Notice in Writing to the ſaid Treaſurer or Treaſurers for the time being, of ſuch their Intention of bringing and proſecuting any Appeal, Fourteen Days before the ſaid Seſſions; and ſhall, within Three Days after ſuch Notice given, enter into a Recognizance before ſome Juſtice or Juſtices of the Peace for the County where ſuch Appeal ſhall be brought, with Two ſufficient Sureties, with Conditions to try ſuch Appeal at the next Quarter Seſſions of the Peace which ſhall be held in and for the ſaid County next and immediately after bringing ſuch Appeal reſpectively; and alſo, in caſe ſuch Appeal ſhall be diſallowed, to pay ſuch Coſts as the ſaid Juſtices ſhall direct in that Behalf; and every ſuch Appeal at the next General Quarter Seſſions, or the Second General Quarter Seſſions at fartheſt, ſhall be there heard and finally determined.

Notice of Appeal to be given.

Recognizance to be entered into.

Provided always, and be it further enacted by the Authority aforeſaid, That no Order made touching or concerning

terning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this preſent Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of his Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the contrary thereof in any wiſe notwithſtanding.

Proceeding not to be quaſhed for want of Form,

nor removable by *Certiorari*.

Provided always, and be it further enacted and declared, That no Order made by the ſaid Truſtees, or their Succeſſors, or any Five or more of them, at ſuch their General Meetings, in, for, or concerning, the executing the Truſts, Powers, and Authorities, of this preſent Act, or any of them, ſhall be revoked, repealed, and ſet aſide, by any ſubſequent Order of the ſaid Truſtees, unleſs Seven Truſtees ſhall be then preſent, and conſenting thereto.

No Order to be repealed unleſs 7 Truſtees be preſent.

Provided always, and be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, are hereby authorized and impowered from time to time, in caſe it ſhall appear neceſſary and expedient, to leſſen the ſeveral Tolls and Duties hereby granted and made payable, and to order and direct the ſaid Tolls and Duties, ſo to be leſſened and reduced, to be collected, received, and taken, and laid out and applied for the Purpoſes of this Act, in ſuch Manner, Parts, and Proportions, as they ſhall think fit; any thing herein contained to the contrary in any wiſe notwithſtanding; ſo as ſuch Reduction be with the Conſent of the ſeveral Perſons who ſhall have advanced any Money on the Credit of the ſaid Tolls and Duties, and who, at the Time of ſuch Reduction, ſhall have any Money ſecured thereby; but ſuch Reduction ſhall not be made unleſs Notice in Writing be given for that Purpoſe, by affixing the ſame upon all the Turnpikes or Gates to be erected by virtue of this Act, at leaſt Twenty Days before the making ſuch Reduction.

Truſtees, with Conſent of Creditors, may leſſen the Tolls;

Provided always, That if at any Time after ſuch Reduction or Leſſening of the ſaid Tolls, the Tolls aforeſaid ſo reduced and leſſened ſhall not be found ſufficient to anſwer the Purpoſes by this Act intended, that then it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to advance and raiſe the ſaid Tolls, or any of them, to the Sum or Sums herein before by this Act directed to be taken and paid; any thing herein contained to the contrary thereof notwithſtanding.

and raiſe them again.

Commencement and Continuance of this Act.

And be it enacted by the Authority aforeſaid, That the Tolls, Duties, and Powers hereby granted and given, ſhall take Place from and after the Firſt Monday in Auguſt, One thouſand ſeven hundred and ſixty ſeven, and ſhall continue and be paid from thence for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament: But if at any Time before the Expiration of the ſaid Term of Twenty one Years, all the Roads hereby directed to be repaired ſhall be ſufficiently repaired, and ſo adjudged by the Juſtices of the Peace for the ſaid County of Radnor, at their General Quarter Seſſions of the Peace to be held for the ſaid County next after Michaelmas, that then, and from and after ſuch Adjudication made, and Repayment of all ſuch Money as ſhall have been borrowed on the Credit of ſuch Tolls and Duties hereby granted, with Intereſt for the ſame, and the Coſts and Charges thereof, and of obtaining this preſent Act of Parliament, the aforeſaid Tolls and Duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

Exemptions from Tolls.

Provided alſo, and it is hereby further enacted and declared, That no Perſon or Perſons ſhall be charged with any of the Tolls and Duties aforeſaid, for paſſing through any of the Turnpikes or Gates to be erected by virtue of this Act, and carrying any Quantity of Stones, Brick, Lime, or Limeſtone, Timber, Wood, Gravel, or other Materials, for repairing the ſaid Roads, and Streets in the ſaid Towns through which the ſaid Roads, or any of them paſs, or for amending any of the ſaid Highways in the ſaid Pariſhes or Townſhips in which the ſaid Roads directed by this Act to be repaired do lie, or going for, or returning through any of the ſaid Turnpikes with any Dung, Mould, or Compoſt, of any Nature or Kind whatſoever (Lime excepted) for manuring of any Land, Ground, or Garden, or carrying any Turf, Peat, or Mawn, for their own Uſe, or carrying Hops to be dried only; nor ſhall any Toll or Duty be demanded or taken of any Carts, Wains, Waggons, or other Carriages whatſoever, carrying any Hay, Straw, or Corn in the Straw, to be laid up in Houſes, Outhouſes, Barns, or Yards, of or belonging to the reſpective Inhabitants of the ſaid Pariſhes, Townſhips, or Places, in which the ſaid Roads hereby intended to be repaired do lie; nor for any Farmer or Farmers, Servant or Servants, on Horſeback going with their Teams, or otherwiſe, to and

from their ſaid reſpective Lands, Farms, or Grounds, but not otherwiſe; or for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Things whatſoever belonging to or employed by ſuch Inhabitants reſpectively only in Husbandry, manuring or ſtocking of Lands, lying within ſuch Pariſhes, Townſhips, or Places as aforeſaid; or for any Rubbiſh, Filth, or Nuiſance, carrying out of any of the ſaid Towns in the ſaid Roads for the better cleanſing the ſame; or for any Horſes, Mares, Geldings, Cattle, and Sheep, of any Kind belonging to any of the Inhabitants of ſuch Pariſhes, Townſhips, or Places, which ſhall paſs through any of the Turnpikes or Toll-gates, in going to and returning from Paſture or Common of Paſture, or Watering Places, Horſe-ſhoers, and Farriers, not uſing the ſaid reſpective Roads more than Two Miles; nor for any Perſon or Perſons paſſing through the ſaid Turnpikes or Croſs Gates, to and from Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on Sundays, in their reſpective Pariſhes, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid reſpective Pariſhes, or any Clergyman who ſhall be going to or returning on Horſeback from the Viſitation of the Sick, within the reſpective Pariſhes to which they belong; or for any Poſt-horſe or Cart carrying the Mail or Packet; nor for the Horſes of Soldiers paſſing through the ſaid Turnpikes who are upon their March, or for the Horſes and Carriages attending them, or for Horſes or Carriages travelling with Vagrants ſent by legal Paſſes; or for Coaches or other Carriages, or Perſons on Horſeback, going or returning from an Election of a Coroner for the ſaid County of Radnor.

Property of Turnpikes, &c. veſted in the Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right and Property of all and every the ſaid Turnpikes and Toll-houſes ſhall be veſted in the ſaid Truſtees, or any Five or more of them, who are hereby authorized and impowered to diſpoſe thereof, or to bring Actions in their Names, or in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers, or any One or more of them, or to proſecute Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or ſpoil, ſuch Turnpikes or Toll-houſes, or any or either of them, ſo erected and built as aforeſaid: And in caſe any Difference ſhall ariſe between the ſaid Truſtees, and the Perſon or Perſons, Bodies Politick or Corporate, touching where, how, and in what

Juſtices to determine the Statute-work to be done on the Road.

what Manner ſuch particular Part or Parts of the ſaid Roads, Bridges, Drains, and Sewers, lying in and upon the ſame, are or ought to be repaired and maintained as aforeſaid, it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid reſpective Counties of Radnor or Hereford, and they are hereby required and impowered at their Petty or Special Seſſions, upon Application to them made by the ſaid Truſtees, or any Five or more of them, or their Clerk or Clerks for the time being, to adjudge and determine where, how, and in what Manner ſuch particular Part or Parts of the ſaid Roads, Bridges, Drains, and Sewers aforeſaid, ſhall, from time to time, be repaired and maintained by ſuch Perſon or Perſons, Bodies Politick or Corporate, who are or ſhall be chargeable or liable to repair the ſame.

Truſtees may compound for Statute-work.

Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, from time to time, during the Continuance of this Act, to compound and agree with any Perſon or Perſons, Bodies Politick or Corporate, who is, are, or ſhall be liable or chargeable for or towards the repairing any particular Part or Parts of the ſaid Roads, Bridges, Drains, or Sewers, lying in and upon the ſame, for a certain Sum of Money by the Year, or otherwiſe, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, in lieu of ſuch particular Work or Repairs to be done by ſuch particular Perſon or Perſons, Bodies Politick or Corporate as aforeſaid.

Lands, &c. chargeable to the Highways to continue ſo.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Lands, Tenements, or Hereditaments, or the Rents, Iſſues, and Profits thereof, or any Rent-charge or Charges, Sum or Sums of Money iſſuing and payable out of any Lands, Tenements, or Hereditaments, are liable or chargeable towards repairing any Part or Parts of the ſaid Roads, the ſame ſhall ſtill remain liable or chargeable in ſuch Manner as they reſpectively were before the paſſing of this Act; and the Poſſeſſors or Occupiers of ſuch Lands, Tenements, or Hereditaments, are hereby required and directed to pay ſuch Sum and Sums of Money unto ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the ſame; and upon Default of Payment thereof, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, by Warrant under the Hand

and

and Seal, or Hand and Seals of One or more Juſtice or Juſtices of the Peace for the ſaid reſpective Counties of Radnor and Hereford (which ſaid Warrant or Warrants, the ſaid Juſtice or Juſtices is and are hereby impowered and required to iſſue, without Fee or Reward) to levy the ſame by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon or Perſons who ſhall neglect or refuſe to make ſuch Payment as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale; and ſuch Sum and Sums of Money, when recovered and received, ſhall be applied from time to time for and towards amending the ſaid Roads, and to no other Uſe, Intent, or Purpoſe whatſoever.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be liable to pay Toll more than Once for paſſing at any Time or Times with the ſame Horſes, Cattle, or Carriages, in the ſame Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night, through any One Turnpike to be erected by virtue of this Act; but that all and every ſuch Perſon and Perſons, after having paid ſuch Toll or Tolls reſpectively as aforeſaid, ſhall upon producing a Note or Ticket, Notes or Tickets, denoting ſuch Payment or Payments, afterwards paſs with ſuch Horſes, Cattle, Beaſts, or Carriages, Toll-free during ſuch Day, to be computed as aforeſaid, through the reſpective Gate or Gates where ſuch Payment or Payments reſpectively was or were made, which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis.

Tolls not to be paid Twice within a certain Diſtance.

And be it further enacted by the Authority aforeſaid, That in caſe there ſhall be Two or more Gates or Turnpikes erected in, upon, or acroſs, the ſaid Roads, or any or either of them, within Ten Miles of the ſeveral Towns of Preſteign, Radnor, Rayader, or Knighton, or either of them, or in any other Part or Place of the ſaid Roads, within the Diſtance of Ten Miles from each other, any Perſon or Perſons, having before paid the Toll or Duty granted and made payable by this Act, at either of the ſaid Gates erected within the ſaid Diſtance of the ſaid Towns of Preſteign, Radnor, Rayader, and Knighton aforeſaid, or either of them, or within Ten Miles Diſtance of each other, and producing a Note or Ticket, that the ſaid Toll or Duty was paid at any of the ſaid Gates; which Note or Ticket, the Collectors are hereby required to give gratis, ſhall not be liable to pay any other Toll or Duty for the ſame Carriages or Cattle,

or any other Thing whatever, for which any ſuch Toll or Duty ſhall have been paid at any ſuch other Gate or Gates, Turnpike or Turnpikes, to be erected in purſuance of this Act, within the Diſtance of Ten Miles of the ſaid ſeveral Towns of Preſteign, Radnor, Rayader, and Knighton, or of each other, on the ſame Day before Twelve of the Clock at Night.

Penalty on Perſons giving or receiving Tickets to avoid Payment of the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, having paid the Toll or Duty, and having a Note or Ticket, Notes or Tickets, ſignifying the Payment of the ſame, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons, in order to avoid the Payment of the ſaid Toll and Duty; every ſuch Perſon or Perſons, giving or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and the Perſon or Perſons receiving the ſame, being thereof convicted upon Oath before the ſaid Truſtees, or any Five or more of them, or before any One or more Juſtice or Juſtices of the Peace for the ſaid County where the Offence ſhall be committed (which Oath the ſaid Truſtees, or any Five or more of them, or the ſaid Juſtice or Juſtices, is and are hereby required and impowered to adminiſter) ſhall reſpectively forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and applied, in the ſame Manner, as other Forfeitures are hereby directed to be levied, recovered, and applied.

Surveyors may make Cauſeways, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor and Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, by Order of the ſaid Truſtees, or any Five or more of them, to make, or cauſe to be made, Cauſeways, and to cut Ditches and Drains through any Grounds lying contiguous to the ſaid Roads, and to erect Bridges on the ſaid Roads; and alſo to widen any of the narrow Parts of the ſaid Roads, by laying into the ſame any Grounds lying contiguous thereto; and to make, or cauſe to be made, any Road over the Grounds adjoining to any narrow or any ruinous Part or Parts of the ſaid Roads (not being the Ground whereon any Houſes or Buildings ſtand, or a Garden, Orchard, Park, Yard, or planted Walk or Avenue to any Houſe, or any Parcel of Ground ſet apart and uſed as a Plantation or Nurſery for Trees, or Plantation for Hops) to be made uſe of as a publick Highway, whilſt the ruinous Roads are repairing, and till it ſhall be convenient and ſafe for Paſſengers and Carriages, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Grounds reſpectively, for the Damage ſuch Owners and

and widen the narrow Parts of the Road;

and make a temporary Road,

making Satisfaction to the Owners.

Occupiers ſhall and may thereby ſuſtain, as ſhall be adjudged by the ſaid Truſtees, or any Five or more of them; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers, and the ſaid Truſtees, touching ſuch Damages, that then it ſhall and may be lawful to and for the Juſtices of the Peace, at their General or Quarter Seſſions to be holden for the ſaid reſpective Counties of Radnor and Hereford, or the major Part of them, and they are hereby required to hear, ſettle, adjudge, and finally determine the ſame. Juſtices to determine Differences.

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees appointed by this Act, or any Seven or more of them, ſhall, from time to time, think proper to widen, turn, or alter, the Way or Path of any Part of the ſaid Roads, hereby directed to be repaired, for the better Accommodation of Coaches, Carriages, and Paſſengers; that then, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby impowered and authorized, from time to time, to purchaſe and agree for any Lands, Grounds, Tenements, or Hereditaments, lying contiguous or near to the ſaid Roads, if the Owners and Proprietors thereof ſhall be willing to ſell and diſpoſe of the ſame; and to pay for ſuch Lands or Grounds out of the Tolls and Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof; and ſuch Lands, Grounds, Tenements, and Hereditaments, when purchaſed as aforeſaid, ſhall, by the Order and Direction of the ſaid Truſtees, or any Seven or more of them, be laid into, and made Part of, the ſaid Roads ſo directed to be amended as aforeſaid, by this Act, in ſuch Manner, as the ſaid Truſtees, or any Seven or more of them, ſhall think convenient; and ſhall by them, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall order and appoint, be ſufficiently ditched and fenced out for that Purpoſe; and after the ſaid Lands and Grounds, Tenements and Hereditaments, ſhall be ſo ditched and fenced out, the ſame ſhall, not only during the Continuance of this Act, but ſhall for ever thereafter, to all Intents and Purpoſes, be eſteemed and taken as a publick Highway, and ſhall be amended and kept in Repair, by ſuch Ways and Means, and in ſuch Manner, as other Highways are amended and kept in Repair, by the Laws in being; and after ſuch Purchaſe made, and ſuch Roads ſhall be made and completed, the Lands comprized in, or conſtituting the old and former Roads (in lieu whereof the Land or Ground, Truſtees may contract for the Purchaſe of Lands, &c. to be laid into the Roads.

Ground, Tenements or Hereditaments, for ſuch new Roads or Ways, ſhall be purchaſed and made as aforeſaid) ſhall or may be ſold or diſpoſed of by the ſaid Truſtees, or any Seven or more of them, for the beſt Price that can be reaſonably gotten and had for the ſame; and the Money ariſing by ſuch Sale and Sales, ſhall be applied and diſpoſed of for the repairing and amending of the ſaid Roads, wherein ſuch new Roads ſhall be purchaſed; and ſuch Conveyance and Conveyances to be made of the Lands or Grounds comprized in the ſaid old Roads, being executed by the ſaid Truſtees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County where the Land ſhall lie, ſhall be good and effectual in the Law, to all Intents and Purpoſes whatſoever.

Old Road to be ſold.

Bodies Politick, &c. impowered to treat.

And whereas it may happen that ſome Perſons or Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, or others, are ſeiſed or poſſeſſed of ſome Lands or Grounds, Tenements, or Hereditaments, which, according to the Powers given by this preſent Act, may by the ſaid Truſtees be thought neceſſary or proper to be taken in and added to the ſaid Roads, either for extending, widening, enlarging, turning, altering, or amending the ſame, as aforeſaid, and they may be willing to treat and agree to ſell ſuch Lands, Grounds, Tenements, and Hereditaments, for the Purpoſes aforeſaid, but are incapable of granting, ſelling, or conveying the ſame, by reaſon of Infancy or other Diſability; be it therefore enacted by the Authority aforeſaid, That it ſhall be lawful to and for all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for and on Behalf of any Infants, Femes-covert, or Ceſtuique Truſts, and for all and every Perſon and Perſons whatſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the ſaid Truſtees, or any Seven or more of them, for Satisfaction to be made them reſpectively for ſuch their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame, as Occaſion ſhall be and require; and that all Contracts, Agreements, Sales, or Conveyances, which ſhall be made, ſhall be valid to all Intents and Purpoſes; any Statute, Uſage, or any other Matter, Cauſe, or Thing whatſoever

whatſoever to the contrary thereof in any wiſe notwithſtanding; and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Perſons, are and ſhall be indemnified hereby for what they ſhall do by virtue and in purſuance of this Act.

Perſons neglecting to treat for the Sale of Lands;

And be it further enacted, That if any ſuch Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, or other Perſon or Perſons intereſted in ſuch Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice given or to be left in Writing at the Dwelling-houſe or Place of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, Tenements, and Hereditaments, ſo to be taken into, and added to, the ſaid Roads as aforeſaid, or into which ſuch Way, Path, or Road, ſhall be turned or altered as aforeſaid, ſhall, by the Space of Thirty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any ſuch Caſe,

Jury to aſſeſs Damages.

the ſaid Truſtees, or any Seven or more of them, ſhall cauſe to be inquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of One, ſome, or all of the ſaid Pariſhes in which the ſaid Roads do lie (which Oath the ſaid Truſtees, or any Five or more of them, are hereby impowered to adminiſter) what Damages ſuch Owners, Occupiers, and Proprietors, or other Perſon or Perſons intereſted or concerned therein, ſhall or may ſuffer or ſuſtain for or by reaſon of the taking of any ſuch Lands, Grounds, Tenements, or Hereditaments, into the ſaid Roads, and what Recompence or Satisfaction ſuch Owners, Occupiers, Proprietors, or other Perſon or Perſons ſuffering thereby, ſhall reſpectively have by reaſon or on account thereof; and for that Purpoſe, and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be or require, to ſummon and call before them all and every Perſon and Perſons whatſoever who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes; and ſhall examine all ſuch Witneſſes before the ſaid Jury upon

Witneſſes may be examined on Oath.

Oath (which Oath the ſaid Truſtees, or any Two or more of them, are hereby required and impowered to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, and uſe all other lawful Ways and Means, as well for their own as the ſaid Jury's Information in the Premiſes, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit: And after the ſaid Jury ſhall have ſo inquired of, aſcertained, and ſettled, ſuch Damages and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury to be ſo paid, to be paid to the Owners, Occupiers, or Proprietors of the ſaid Lands, Grounds, Tenements, and Hereditaments, or other Perſons intereſted therein, according to ſuch the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, and Determination ſo had and made, ſhall be final and binding and concluſive, to all Intents and Purpoſes, againſt all Parties or Perſons whatſoever claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes-covert, and Perſons under any other Diſabilities whatſoever, Bodies Politick, Corporate, and Collegiate, as well as other Perſon and Perſons whatſoever: And all and every ſuch Owners, Occupiers, and Proprietors, and all and every other Perſon and Perſons any-ways intereſted in ſuch Lands, Grounds, Tenements, and Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, barred and diveſted of all Right, Title, Claim, Intereſt, or Property, of, in, to, or out of the ſame: And, for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands, Grounds, Tenements, or Hereditaments, do lie, thereby commanding and requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons 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, who is and are hereby required thereupon to impanel, ſummon and return, ſuch Perſons accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear,

Verdict of the Jury to be final.

Truſtees to iſſue Warrants to the Sheriff to impanel a Jury.

or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy, ſhall return other honeſt and indifferent Men of the Byſtanders, or that can be ſpeedily procured to attend that Service, to make up the Number of Twelve as aforeſaid.

Jurors may be challenged.

Provided always, and be it enacted by the Authority aforeſaid, That all Perſons concerned ſhall, from time to time, have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn: And that the ſaid Truſtees, or any Five or more of them, acting in the Premiſſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine on ſuch Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, not appearing, and refuſing to be ſworn on the ſaid Jury, or being ſo ſworn, and refuſing, and not giving, their Verdict concerning the ſame, or in any other Manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act, and on any Perſon or Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe to be examined, or to give Evidence, touching the ſame; and, from time to time, to levy ſuch Fine in ſuch Manner as any Penalty is by this Act directed to be levied; no ſuch Sum to exceed the Sum of Ten Pounds upon any One Perſon; and all ſuch Fines ſhall be employed to ſuch Uſes, and in ſuch Manner, as the Tolls and Monies granted by this Act are to be laid out and applied.

Truſtees may impoſe a Fine on Sheriff, &c. making Default in the Premiſſes.

Fine not to exceed 10 *l*

And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, aſcertained, or aſſeſſed, as aforeſaid, ſhall be and are hereby charged and chargeable upon all Tolls which ſhall be raiſed and received on the ſaid Roads; and the Monies borrowed on the Credit thereof, ſhall be paid thereout accordingly to the Perſons reſpectively intitled thereto, or to their reſpective Agents: And that upon Payment or Tender thereof to the ſaid Perſons ſo reſpectively intitled thereto; or in caſe of Refuſal to accept the ſame, then, upon leaving the ſame in the Hands of the Clerk for the time being of the ſaid Truſtees, for the Uſe of ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint the ſame to be paid unto, and after Three Months Notice thereof given to ſuch Perſon or Perſons, it ſhall and

Money allowed for Lands, &c. how to be charged and tendered.

Lands, &c. purchaſed, to be made Part of the Road,

and may be lawful to and for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add to the ſaid Roads ſuch Grounds, Lands, Tenements, or Hereditaments; and to do all and every ſuch Act, Matter, and Thing, with relation to the ſaid Lands, Grounds, Tenements, or Hereditaments, ſo taken into and added, or to be taken into and added, to the ſaid Roads, and to ditch and fence out the ſame, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the ſaid Grounds, Lands, Tenements, or Hereditaments, ſo taken, or to be taken, in, when the ſame ſhall be ſo ditched and fenced as aforeſaid, ſhall, to all Intents and Purpoſes whatſoever from thenceforth, become and be, and ſhall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the ſaid Roads, not only during the Continuance of this preſent Act, but for ever thereafter; and ſhall be repaired, and kept in Repair, by ſuch Ways and Methods, in all Reſpects, and in ſuch Manner, as other Highways are by Law to be repaired and kept in Repair.

and deemed a publick Highway.

Lands purchaſed to be deemed Part of the Road.

Provided always, and be it further enacted and declared by the Authority aforeſaid, That immediately after ſuch Purchaſe and Conveyance made, the ſame Lands and Grounds ſo to be purchaſed ſhall be deemed, uſed, and applied, for and as Part of ſuch Highway or Road accordingly.

Tolls may be aſſigned for Money borrowed.

And, for the more ſpeedy repairing the ſaid Roads, be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby authorized and impowered, from time to time, by any Writing or Writings under their Hands and Seals, to leaſe, mortgage, or aſſign over the ſaid Tolls, Toll-houſes, or Duties ariſing by this Act, or any Part thereof (the Coſts and Charges of aſſigning the ſame to be borne and paid out of ſuch Tolls and Duties) for any Time, Term, or Number of Years, during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees for that Purpoſe, to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance or lend the ſame, to ſecure the Repayment thereof, with ſuch Intereſt as ſhall be agreed upon, not exceeding Five Pounds for every Hundred Pounds for a Year.

Money lent without Intereſt, how to be applied.

Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall advance and

and lend any Sum or Sums of Money without Intereſt towards amending the ſaid Roads, ſuch Sum or Sums of Money ſhall be applied to the amending ſuch Part of the ſaid Road as the Lender thereof ſhall appoint; and the principal Money ſo lent to be ſecured in Manner aforeſaid; and in caſe no Appointment is made, then the ſaid Sum or Sums of Money ſo lent ſhall, and they are hereby directed to, be applied in the ſame Proportion towards amending the ſaid Roads, as any other Sum or Sums of Money, borrowed on the Credit of this Act, are hereby directed to be applied; any Thing in this Act contained to the contrary notwithſtanding.

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the ſaid Tolls, to be collected after their Firſt Meeting, unleſs Notice be for that Purpoſe before fixed in Writing, under the Hand or Hands of the Clerk or Clerks to the ſaid Truſtees, or under the Hands of Five or more of the ſaid Truſtees, upon all the Turnpike Gate or Gates erected, or to be erected, by virtue of this Act, at leaſt Twenty Days before the borrowing ſuch Money,

Aſſignments may be transferred.

And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons to whom any Leaſe or Leaſes, Mortgage or Mortgages, Aſſignment or Aſſignments as aforeſaid, ſhall be made by the ſaid Truſtees, or any Five or more of them, for ſecuring any Sum or Sums of Money by him, her, or them, lent and advanced on the Credit and for the Purpoſes mentioned in this Act, or who ſhall be intitled to the Money thereby ſecured, ſhall and may, from time to time, by proper Words of Aſſignment, to be indorſed on his, her, and their Security or Securities, or by any other Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, aſſign and transfer the ſame Securities, and all his, her, or their Right, Title, and Intereſt, therein to any Perſon or Perſons whatſoever,; which ſaid Transfer and Aſſignment ſhall be produced or notified to the Clerk or Clerks, Treaſurer or Treaſurers, appointed by the ſaid Truſtees, or any Five or more of them, within Three Months after the Date thereof, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Date, Parties, and material Contents, Sum and Sums of Money therein contained, to be

Entries to be made of all Aſſignments.

transferred, in the ſaid Books to be kept for entering the ſaid original Aſſignments, for which the ſaid Clerk or Clerks ſhall be paid the Sum of Two Shillings, and no more; and after ſuch Entry made, ſuch Aſſignment ſhall intitle ſuch Perſon or Perſons, Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may aſſign the ſame in like Manner again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall make ſuch Aſſignment, to make void, releaſe, or diſcharge, the ſame, or any Monies thereby due, or any Part thereof.

Clerk's Fee.

Aſſignments to be entered in a Book.

And be it further enacted by the Authority aforeſaid, That all and every ſuch Leaſe and Leaſes, Mortgage or Mortgages, Aſſignment or Aſſignments, ſo to be made by the ſaid Truſtees for ſecuring ſuch Sum and Sums of Money as aforeſaid, ſhall be copied or entered at length in the Book or Books to be kept for that Purpoſe, by the ſaid Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; which ſaid Book or Books ſhall and may be ſeen and peruſed, at all ſeaſonable Times, by any Perſon or Perſons whatſoever, without Fee or Reward.

Truſtees in Commiſſion of the Peace may act as Juſtices.

And be it further enacted and declared by the Authority aforeſaid, That it ſhall and may be lawful to and for any of the ſaid Truſtees appointed, or to be appointed, to put this Act in Execution, who is, are, or ſhall be, in the Commiſſion of the Peace, to act as a Juſtice or Juſtices of the Peace in all Caſes, Matters, and Things, where they are not perſonally intereſted, as may be neceſſary for the more ſpeedy and effectual putting in Execution the ſeveral Authorities and Powers in this Act mentioned.

On Death, &c. of Truſtees, others to be choſen.

And, for continuing a ſufficient Number of Truſtees to put this Act in Execution, be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee or Truſtees ſhall die, remove, or refuſe to act, it ſhall and may be lawful for ſuch of the ſaid Truſtees as ſhall ſurvive and remain, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, during the Continuance of this Act, and of the Term hereby granted, between the Hours of Eleven and Four of the Clock in the Day-time, to elect and chuſe, nominate and appoint, One or more Perſon or Perſons (qualified to act as a Truſtee or Truſtees according to the Directions of this Act) in the Room and Place of ſuch Truſtee or Truſtees ſo dying, removing,

removing, or refuſing to act, as aforeſaid; and ſuch Perſon or Perſons ſo to be elected, nominated, and appointed, ſhall be joined with thoſe ſurviving or remaining Truſtee or Truſtees in the Execution of all and every the Powers in them repoſed by virtue of this Act; and Notice of the Time and Place of making ſuch Election of ſuch new Truſtee or Truſtees ſhall be given by the Clerk or Clerks of the Truſtees for the time being, who is and are hereby required to affix, or cauſe to be affixed, ſuch Notice in Writing at or on all the Turnpike-gates which ſhall be erected by virtue of this Act, at leaſt Ten Days before the Meeting for ſuch Election; and all and every ſuch Perſon or Perſons, who ſhall be choſen and appointed to be joined with ſuch ſurviving or remaining Truſtees, ſhall and may, and they are hereby impowered to act, to all Intents and Purpoſes, in as full, large, and ample, a Manner as the Truſtees nominated by this Act are impowered and authorized to act and do.

Notice of Election ſhall be given.

Provided always, and be it further enacted and declared, That no Perſon or Perſons appointed or to be appointed by this Act as a Truſtee or Truſtees for putting this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of, or by reaſon of, any Tolls or Duties by this Act granted; but ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting, or during the Enjoyment of, ſuch Place of Profit aforeſaid; nor ſhall any Perſon be employed as a Gate-keeper, or other Officer, who ſhall ſell Spirituous or Fermented Liquors by Retale.

No Truſtee to accept a Place of Profit ariſing from the Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may order and direct, and they are hereby required to cauſe the ſaid Roads to be meaſured, and Stones and Poſts to be ſet up in or near the Sides of the ſaid Roads, at the Diſtance of One Mile from one another, denoting the Diſtance of every ſuch Stone or Poſt from any other Place, as to the ſaid Truſtees, or any Five or more of them ſhall ſeem meet: And if any Perſon or Perſons ſhall voluntarily and maliciouſly break or pull up any of the ſaid Stones or Poſts, or any Parts thereof, which ſhall be ſo erected or ſet up, or ſhall obliterate or deface any of the Words, Letters, Figures, or Marks, which ſhall be engraved or inſcribed thereon, and ſhall be convicted thereof by the Confeſſion of the Party, or by the Oaths of One or more credible Witneſs

Roads to be meaſured, and Mile-ſtones erected.

Penalty on defacing Mile-ſtones, &c.

neſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the ſaid County where the Offence ſhall be committed (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter) every ſuch Perſon ſo offending ſhall forfeit and pay the Sum of Forty Shillings for each Stone or Poſt ſo wilfully broken, obliterated, or defaced, or pulled up, to be levied as aforeſaid; ſuch Penalties to be laid out and applied in repairing the Stones and Poſts ſo broken, pulled up, obliterated, or defaced, or in ſupplying new Ones in their Stead; and if there ſhall be any Overplus of ſuch Penalty, the ſame to be laid out in repairing the Roads aforeſaid; and in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattles, then it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace, by Warrant under his Hand and Seal, or their Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol of the ſaid County where the Offence ſhall be committed, for the Space of One Month; and the Perſon or Perſons ſo offending and convicted ſhall not be diſcharged until he, ſhe, or they, ſhall have paid the Sum of Forty Shillings, or until the Expiration of the ſaid One Month.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, and are hereby impowered, by Writing under their Hands and Seals, without any Stamp thereon, to ſet, demiſe, and to farm let the Tolls by this Act granted, or any of them, to any Perſon or Perſons who ſhall be willing to take or farm the ſame, from Year to Year, or for any Part of the Term for which this Act is to have Continuance, not exceeding Three Years, upon Twenty Days Notice in Writing to be affixed upon all the Turnpike-gates to be erected in purſuance of this Act, to the higheſt Bidder, upon a publick Bidding, and for the beſt Price ſuch Truſtees can get for ſuch Tolls, or any Part thereof, payable at ſuch Times, and under ſuch Covenants, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit, and to be paid to the ſaid Truſtees, or any Seven or more of them, or to any ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint to receive the ſame; which Money ſo to be paid ſhall be applied and diſpoſed of towards repairing the ſaid Roads, and other Purpoſes herein mentioned, and to no other Uſe or Purpoſe whatſoever: And if the Money which ſhall be

agreed

agreed to be paid for the ſaid reſpective Tolls, by the Perſon or Perſons to whom the ſame, or any Part thereof, ſhall be let, ſhall not be paid to the ſaid Truſtees, to whom the ſame ought to be paid, within the Space of Twenty one Days next after the ſame ſhall become due; then, upon Proof of ſuch Letting, and of Non-payment of the ſaid Money, or any Part thereof, before any Juſtice of the Peace of the County where the Perſon or Perſons from whom ſuch Money ſhall be due and payable ſhall live, on the Oath of One Perſon (which Oath the ſaid Juſtice is hereby impowered to adminiſter) the ſame Money, and every Part thereof, ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons for whom the ſame ſhall be due and payable, or of his, her, or their legal Repreſentative or Repreſentatives, by Warrant under the Hand and Seal of ſuch Juſtice, the Overplus of the Money which ſhall be raiſed by ſuch Diſtreſs and Sale being returned to the reſpective Owner or Owners of ſuch Goods and Effects (if demanded) after the Money and reaſonable Charges of ſuch Diſtreſs and Sale ſhall be firſt paid and deducted thereout; and if Goods and Chattles of ſuch Perſon or Perſons cannot be found ſufficient to anſwer and ſatisfy the ſame Monies, and the reaſonable Charges of ſuch Diſtreſs and Sale, then any ſuch Juſtice may, and is hereby required, by Warrant under his Hand and Seal, to cauſe ſuch Perſon or Perſons to be committed to the County Gaol, there to remain without Bail or Mainprize, until ſuch Monies and Charges be fully paid and ſatisfied, or until ſuch Perſon or Perſons ſhall have compounded with the ſaid Truſtees reſpectively, or any Seven or more of them, for the ſaid Monies, and ſhall have paid the ſaid Monies in and by ſuch Compoſitions agreed upon; which ſaid Compoſitions and Monies the ſaid Truſtees, or any Seven or more of them, are hereby impowered to take and receive in full Satisfaction for the Monies which ſhall be then due from ſuch Perſon or Perſons.

Proceedings to be entered in a Book.

Provided always, and be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders ſo entered, ſhall be ſigned by the Clerk or Clerks to the ſaid Truſtees, at any General Meeting of Five or more of the ſaid Truſtees; and ſuch Orders, ſhall be deemed and taken to be original Orders, as if the ſame were under the Hands and Seals of Five or more of the Truſtees;

Books may be read in Evidence.

fees; which said Book or Books, as also the said Book or Books to be kept for registering the Assignments and Transfers, shall and may be produced and read as Evidence in all Cases of Appeals, in Suits or Actions, touching any thing done in Pursuance and by the Authority of this Act.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought, commenced, or prosecuted, by any Person or Persons, for any thing done or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and in the County where the Offence shall be committed, and not elsewhere; and the Defendant or Defendants in such Action or Suit to be brought, shall

General Issue.

and may plead the General Issue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance of, and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their, Action or Actions, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the De-

Treble Costs.

fendant and Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for Matters contained in this Act; and shall have such Remedy for the same as any Defend-

ant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

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

FINIS.