Anno nono

Georgii III. Regis.

An Act for repairing and widening the Road leading from *Tal y Cafn Ferry* in the County of *Carnarvon*, and through the Towns of *Conway*, *Bangor*, and *Carnarvon*, to the Town of *Pwllhely* in the ſame County.

WHEREAS the Road from Tal y Cafn Ferry in the County of Carnarvon, through the Towns of Conway, Bangor, and Carnarvon, to the Town of Pwllhely in the ſaid County, is in many Places narrow, incommodious, and dangerous, and greatly out of Repair, and cannot be effectually amended, widened, and kept in Repair, by the Laws now in being: 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 Ellis Anwyl, Hugh Anwyl, John Bartholomew, James Briſcoe, Robert Carreg, Hugh Davies, Charles Evans, Richard Ellis Clerk, John Ellis, John Ellis, Preamble.

Clerks; Richard Edwards, Timothy Edwards, Timothy Edwards, Hugh Evans, Richard Farrington Clerk, Edward Foulks Clerk, John Griffith, Hugh Griffith, John Griffith, David Griffith, Owen Griffith, William Griffith, William Griffith Clerk, John Vaughan Garnons Clerk, John Garnons, Richard Garnons, John Holland, John Holland junior, Robert Howard, Richard Howard, William Hughes, Richard Hughes, William Hughes, William Hughes, Zacheus Hughes Clerk, John Jones, Owen Jones, Henry Jones, John Jones, David Jones, John Jones Clerk, John Jones Clerk, Owen Jones Clerk, William Jones Clerk, William Knight, Richard Lloyd, Edward Lloyd, Robert Lloyd, Hugh Lloyd, Robert Lloyd, Rosindale Lloyd, George Lewis, John Lewis, Thomas Lloyd D. D. Dean of Bangor, William Lloyd, Owen Lloyd, Clerks; Sir Roger Mostyn Baronet, Meyrick Meredith, Robert Myddleton Clerk, William Owen, Jenkin Owen, Hugh Owen, William Owen Clerk, Love Parry, John Parry, Richard Parry, Owen Parry Clerk, William Parry Clerk, Thomas Parry, John Pennant, Richard Pennant, Edward Philip Pugh, James Coytmore Pugh, Pugh Clerk, Philip Quellyn, Humphrey Roberts, John Roberts, Griffith Roberts Clerk, John Roberts, Clerk, Thomas Roberts, John Roberts, Richard Rathbone Clerk, John Rowlands, Henry Sparrow, John Sorton, John Thomas, Richard Lloyd Thomas, Sir John Wynn Baronet, Thomas Wynn, Glynn Wynn, Watkin Wynne, Robert Wynn, Lieutenant General Hugh Warburton, Terence Prendergast Williams, Hugh Williams, William Williams, Joseph Williams, Holland Williams, Robert Williams Clerk, David Williams, Henry Williams, Owen Williams, Clerks; William Williams, Robert Williams, Thomas Williams, Lewis Williams, William Williams, William Vaughan, Evan Lloyd Vaughan, James Vincent Clerk, the Mayor and Bailiffs of the Borough of Caernarvon for the time being, the Right Honourable James Lord Bulkeley, Sir Nicholas Bayly, Sir William Owen, Sir John Thomas Stanley, Sir Watkin Williams Wynn, Sir Hugh Williams, Baronets; Thomas Ashton, the Honourable Daines Barrington, Henry Bayly, John Davies, George Devereux, Richard Edwards, Evan Griffith, John Griffith of Garn, the Honourable Thomas Harvey, John Harvey, James Hayes, Owen Holland, Hugh Hughes, Griffith Jones, the Honourable Frederick Irby, the Honourable William Irby, Thomas Kyffin, Francis Lloyd, Richard Lloyd, Lewis Lloyd, Lloyd Langford, Robert Godolphin Owen, Hugh Parry,

Parry, Paul Panton, William Price, Richard Price Thelwal, William Smith, Hugh Stodart, Rice Thomas, William Wynn, Robert Wynn, Robert Wynn junior, Owen Wynn, Watkin Williams, John Williams, Bennet Williams, Robert Howel Vaughan, Esquires; Edward Edwards, Richard Griffith, Humphrey Jones, John Jones of Llanieſtyn, Thomas Moſtyn, Hugh Owen, William Stodart, Pierce Thomas, Ellis Thomas, Clerks; Edward Griffith, Evan Lloyd, and John Pritchard, Gentlemen; ſhall be, and they are hereby appointed Truſtees for directing, ſurveying, ordering, widening, turning, altering, amending, and keeping in Repair the ſaid Road, and for putting in Execution all other the Powers by this Act given.

Qualification of Truſtees.

Provided nevertheleſs, 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 his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or poſſeſſed of, or intitled unto, a Perſonal Eſtate to the Value of One thouſand Pounds, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act contrary to the Intent and Meaning hereof; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at Carnarvon, in the ſaid County, on the Day Month next after the paſſing this Act, and proceed to the Execution of this Act; and ſhall then chooſe a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and for other Purpoſes; and ſhall then, from time to time afterwards, adjourn themſelves to meet at ſuch Place or

Places, within or near the said Road, as they the said Trustees, or any Five or more of them, shall, from time to time, think most convenient for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act and to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall happen, by Notice in Writing to be fixed upon all the Turnpike Gates which shall then be erected upon or across the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet, at the Place where the last Meeting was appointed to be held, on the Fourteenth Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at the Meeting shall concur therein, such Majority not being less than Five of the Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any such subsequent Meeting, unless Nine Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

In Default of a sufficient Number to act, Trustees may adjourn to another Day.

Trustees to defray their own Expences.

No Order to be made unless a Majority of Trustees shall concur therein;

nor revoked, unless Nine be present.

Trustee not to accept a Place of Profit.

Trustees who are in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, remove, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased, removed, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Road, at least Ten Days before every such Meeting; and all Persons who shall be so

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

elected, are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, from time to time, cause to be erected a Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Road, and on the Side or Sides of the said Road, and across any Lane or Way leading out of the same; and also a Toll-house or Toll-houses, in, upon, or on the Side or Sides or across the same Road; and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered; and that the Tolls following shall be demanded and taken, before any Cattle or Carriages shall be permitted to pass through any of the same Toll-gates or Turnpikes respectively; that is to say,

and take Toll thereat.

The Tolls.

For every Coach, Machine, Landau, Berlin, Chariot, Chaise, Calash, Hearse, or other Vehicle and Six Horses, the Sum of Three Shillings; for every such Carriage and Four Horses, the Sum of Two Shillings; and for every such Carriage and Two Horses, the Sum of One Shilling.

For every Chaise and One Horse, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, or other Carriage, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or other Beast, laden or unladen, and not drawing, the Sum of Two Pence.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in proportion for any greater or less Number.

And for every Drove of Calves, Hogs, Sheep, Goats, or Lambs, the Sum of Five Pence per Score; and so in proportion for any greater or less Number.

Tolls may be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll: And if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, to seize and distrain any

any Horse or other Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of distraining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after mentioned.

Distress may be sold after 4 Days.

Tolls vested in Trustees.

And be it further enacted, That the said respective Trustees, or any Five or more of them, from time to time, as they shall see convenient, may compound and agree for any Term, not exceeding Three Years at any One Time, with any Person or Persons, for any Carriages, Horses, Cattle, or Beasts, travelling upon the said respective Roads, or any Part thereof, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts; and all such Compositions shall be paid One Month in advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thence forth be void; and all such Composition-money shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may compound with Travellers.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within or in relation to any Part or Parts of the said Road, unto any Person or Persons, from Year to Year, or for any Term not exceeding Three Years, for the best Rent that can be got for the same; payable at such Times, under such Covenants, and to such Person or Persons, as they the said respective Trustees, or any Five or more of them, shall direct or appoint; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Trustees may lease, &c. the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That the said respective Tolls shall be paid only Once in every Day, to be computed from Twelve

Tolls to be paid but Once a Day.

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 all and every Perſon and Perſons, after having paid ſuch Tolls or Toll reſpectively as aforeſaid, ſhall, upon producing a Note or Ticket, Notes or Tickets, denoting ſuch Payments or Payment, afterwards paſs with ſuch Horſes, Cattle, Beaſts, or Carriages, Toll-free during ſuch Day, to be computed as aforeſaid, through the reſpective Gates or Gate where ſuch Payments or Payment reſpectively were or was made; which Notes or Tickets the ſaid Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Half Tolls only for the Carriage of Fuel.

Provided always, and be it further enacted by the Authority aforeſaid, That no Cattle or Carriage which ſhall paſs laden only with, or going unladen the ſame Day, to be computed as aforeſaid, for Coal, Slack, Kennel, or any other Kind of Fuel, through all or any of the Turnpikes intended to be erected by virtue of this Act, ſhall pay but Half of the Tolls hereby granted on Cattle and Carriages.

No Toll for croſſing the Road.

Provided always, That no Toll ſhall be taken for any Horſe, Cattle, Beaſt, or Carriage, which ſhall only croſs the ſaid Road.

Property of Turnpikes and Toll-houſes veſted in Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right and Property of all the Turnpikes and Toll-houſes, to be erected or provided by virtue of this Act, and of the Materials of which the ſame ſhall conſiſt, and alſo all Materials which ſhall be actually got or collected for repairing the ſaid Road, ſhall be, and are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any One or more of the ſaid Truſtees, or of their Treaſurer or Treaſurers, Clerk or Clerks, or to prefer or order the preferring of Indictment or Indictments, againſt any Perſon or Perſons who ſhall injure and diſturb them the ſaid Truſtees in the Poſſeſſion thereof.

Application of the Monies.

And be it further enacted by the Authority aforeſaid, That out of the Tolls collected and levied at any Gate or Gates, Turnpike or Turnpikes, erected upon the ſaid Road, or the Monies to be borrowed in reſpect thereof, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place, pay all the Expences incurred in and in relation to the obtaining of this Act; and afterwards, all the Tolls and Monies to be collected and levied within, upon, or in reſpect of the ſaid Road hereby

by directed to be repaired, and the Monies to be borrowed upon the Credit thereof, shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, and keeping in Repair, the said Road, and of executing the other Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall from time to time direct.

Trustees may lessen the Tolls, and raise them again.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their First or any subsequent Meeting or Meetings to be held for that Purpose, to vary, lessen, or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Five or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened and reduced, so as such Tolls do not exceed the Tolls granted by this Act; which shall be collected, received, taken, and laid out and applied for the Purposes of this Act, in such Manner as they shall think fit; but no such Reduction shall be made at any Time after such First Meeting, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made, unless Twenty Days Notice at the least shall be given in Writing, to be affixed upon all the Turnpike-gates which shall be then erected by virtue of this Act, of the Intention to make such Reduction.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditaments, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditaments, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by virtue of this Act to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall pass through any such Turnpike with any Horse, or other Cattle or Beast, without Payment of Toll; or shall take off,

or

or cause to be taken off, any Horse or other Cattle or Beast from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person, so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied. For taking off Horses, &c.

Provided always, and be further it enacted by the Authority aforesaid, That no Tolls shall be taken for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, on the same Day, having been only laden with, Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the Townships in which such Road doth lie; or any of the Bridges or Causeways within the same, or with Hay, Straw, or Corn in the Straw only, or Lime, Sand, and Muck, Dung, Mould, Compost, or other Materials (Lime or Sand in narrow wheeled Carts, under Six Inches wide, only excepted) for the manuring and improving of Land, passing through any of the Turnpikes to be erected by virtue of this Act, to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof, or for any Plows, Harrows, or Implements of Husbandry, for manuring, cultivating, or improving of Lands; or for any of the Carriages or Cattle aforesaid, going to or from any Corn Mill or Mills, upon, or contiguous to, the said Road, or for Horses or Cattle going to or coming from, being shoed; or for any Person or Persons going to or from their Parochial Church or Chapel, or attending the Funeral of any Person or Persons that shall die and be buried in the same Parish; or for any Post-horse or Vehicle carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the conveying of Vagrants sent by legal Passes; or for any Coach or Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight of the Shire to serve in Parliament Exemptions from Tolls.

liament for the said County of Carnarvon, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Penalty on making illegal Claims.

Trustees may borrow Money on the Credit of the Tolls.

And, for the more speedy repairing and widening the said Road, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, upon the Credit of the Tolls hereby made payable, to borrow and take up at Interest any Sum and Sums of Money as they, or any Five or more of them, shall think needful; and may, and they are hereby authorized and impowered to mortgage or assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; which said Sums so to be borrowed, the Costs and Charges of procuring and passing of this Act, in the Manner aforesaid, being thereout first deducted and paid, shall be applied in and for the repairing and widening the said Road, in such Manner as the said Tolls are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

Assignments to be entered in a Book.

And be it further enacted, That Copies of all such Mortgages or Assignments shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; and that no Money shall be borrowed upon the Credit of the said Tolls, unless Notice be for that Purpose fixed in Writing upon all the Turnpikes in or upon such Road for which such Money shall be borrowed, at least Twenty Days before the borrowing thereof.

Notice to be given of borrowing Money.

Assignments may be transferred.

And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, of the Tolls shall be made as aforesaid, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Money that shall be due thereon, to any Person or Persons whatsoever.

Entries to be made of all Assignments.

And be it further enacted, That every such Transfer or Assignment shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees,

stees, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of Parties, and Sums of Money therein and thereby assigned and transferred, in the said Book or Books to be kept for the entering the said original Mortgages or Assignments, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence; and that from and after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and every such Assignee, his, her, or their Executors, Administrators, or Assigns, may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made such Assignments respectively, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Mortgagees, &c. in Default of Payment, to take Possession of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That in case the said Trustees, or their Clerk, or any other Person authorized to act under them for that Purpose, shall at any Time or Times hereafter make Default in Payment to any such Mortgagee or Mortgagees, Assignee or Assignees, of the said Tolls, his, her, or their Executors, Administrators, or Assigns, the Tolls, or such Part or Proportion thereof, which he, she, they, or either of them respectively, is, are, or shall be intitled unto, by virtue of any Mortgage or Mortgages, Assignment or Assignments, of the said Tolls; that then, and in such Case, such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their lawful Representative or Representatives, so neglected to be paid contrary to the Intent and Meaning of this Act, is and are hereby required to give Notice in Writing to the said Trustees, or any Five or more of them, or their Clerk, of such Neglect or Failure in Payment; and if Payment of what shall be then due by virtue of such Mortgage or Mortgages, Assignment or Assignments, be not made within Thirty Days after such Notice given, then it shall and may be lawful for such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to enter upon or take Possession of all or any of the said Gates, and receive all the Monies arising by the Tolls of such Gates, or such Part or Proportion thereof as shall be sufficient to discharge what shall be then due on such Mortgage or Mortgages, Assignment or Assignments,

and the Interest thereof, according to the Agreement entered into between such Mortgagee or Mortgagees, Assignee or Assignees, and the said Trustees, always accountable to the said Trustees for what he, she, or they, shall so receive; and when he, she, or they, have received his, her, or their whole Principal Money and Interest, together with all such Costs, Charges, and Expences as he, she, or they, shall or may be put to by reason of taking or being in Possession of the said Gates, or Receipt of the said Tolls; that then, and in such Case, such Mortgagee or Mortgagees, Assignee or Assignees, so in Possession shall immediately quit the same, and the said Gates, Tolls, and all Money arising thereby, and all Things granted by this Act, shall be from thenceforth vested in the said Trustees, in the same Manner as they were before such Mortgagee or Mortgagees, Assignee or Assignees, or his, her, or their Executors, Administrators, or Assigns, had been in Possession thereof; any Thing herein contained to the contrary thereof notwithstanding.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and from time to time to remove any or either of such Officers and other Persons, and to appoint others in the Room of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

or

or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer, verify their said Accounts: And if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make such Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Two Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid to any One or more of the Justices of the Peace for the County of Carnarvon, such Justice or Justices may, and are hereby authorized and required, by a Warrant or Warrants under his or their Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and upon his and their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands

Officers to account upon Oath.

Officers refusing to account,

Justices may enquire into Default.

Matter to be determined in a summary Way.

Balance may be levied by Diſtreſs and Sale.

Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be raiſed by Diſtreſs and Sale of the Goods and Chattles of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattles of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying and raiſing the ſame; then, and in either of the Caſes aforeſaid, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the Common Gaol for ſuch County or Place, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees, or any Five or more of them, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make) or until he ſhall have delivered up ſuch Books, Papers, and Writings, as aforeſaid, and given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them.

For want of Diſtreſs, the Offender to be committed,

until Payment, or Compoſition made.

Treaſurer, &c. to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall take ſuch Security from their Treaſurer or Treaſurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the ſaid Truſtees, or any Five or more of them, ſhall appoint.

Truſtees may appoint Collectors, though not at a publick Meeting.

Provided always, That when any Collector of the Tolls ſhall die, or be incapable of performing his Duty, it ſhall be lawful for any Two or more of the ſaid Truſtees, though not aſſembled at a Meeting in purſuance of this Act, by any Writing under their Hands, to appoint any other Perſon to collect ſuch Tolls; and the Perſon ſo appointed ſhall have the ſame Power and Authority for Recovery thereof as the Perſon he ſhall ſucceed was veſted with, until the ſaid Truſtees, or any Five or more of them, at a Meeting to be held, ſhall, by virtue of this Act, appoint a Collector of ſuch Tolls.

Victuallers not to hold any Place of Profit, &c.

Provided always, and be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee, ſhall be capable of holding any Place of Profit under this Act.

And be it further enacted by the Authority aforeſaid, That the Surveyor or Surveyors of the ſaid Road, and ſuch other Perſon and Perſons as ſhall be employed by

by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, and other Materials proper for the repairing of the said Road, out of and from any Waste Grounds or Common, Rivers or Brooks, in any Parish, Town, or Place, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle: And if such Quantities of Furze, Heath, Stones, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Road intended to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Person as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from and over, the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands over which any Materials gotten in any such Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

Surveyors may dig Gravel, &c. in Waste Grounds,

without paying for the same;

levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, from time to time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five of more of them, to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses; and to turn any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners

Surveyors may remove Annoyances, &c.

and cut down Trees, &c.

Owners neglecting to remove the same, after Notice;

or Occupiers of the Premisses shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes; or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or

Charges to be reimbursed to the Surveyors.

Hands of such Surveyor or Surveyors; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and to be recovered and applied in such manner as the Penalties and Forfeitures are hereinafter directed to be recovered

Penalty on a future Offence.

and applied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors for the said Road, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to make Causeways, and also Ditches or Drains, in and upon the said Road, and also through any Ground lying contiguous thereto; and also to widen any of the narrow Parts of the said Road, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts

and make a temporary Road;

of the said Roads Forty Feet in Width; and also to make a Road through the Grounds adjoining, or lying near to any hollow Way, narrow or ruinous Part of the said Road, such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, to be made use of as a Publick Highway whilst the Old Road is repairing or widening;

erect Bridges, &c.

and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, to make such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may sustain, as shall be adjudged reasonable by the said Trustees, or any Five or

more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood or Waste Ground.

Trustees may alter the Course of the Road.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Road through any Wood, Common, or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by diverting, turning, or altering, the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Femes Covert, Lunaticks, Ideots, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, and to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purpose aforesaid; and all Sales and Conveyances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter whatsoever, to the contrary notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And if any such Bodies Politick, Corporate, or Collegiate,

Trustees may contract for the Purchase of Lands to be laid into the Roads.

Bodies Politick, &c. to contract for the Sale of Lands, &c.

Where Persons refuse to treat, &c.

State, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode, of such Person or Persons, or of the Principal Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant or Tenants in Possession of Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, shall, from the Space of One Month next after such Notice given or left, 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 such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into, and ascertained by a Jury of Twelve indifferent Men of the County of Carnarvon; 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 require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses, which Oath any Two or more of the said Trustees are hereby impowered to administer; and such Trustees, or any Five or more of them, shall, by ordering of a View, or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premisses; and after the said Jury shall have enquired of and assessed such Damage 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 paid to the said Owners and other Persons interested in the said Lands and Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition and Judgement, Order and Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming, or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate,

Jury to assess the Recompence on Oath.

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be final.

legiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall, and they are hereby impowered and required, to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and 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 or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall neglect or refuse to appear, or, appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such manner as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

Trustees to issue their Warrant to the Sheriff to impanel a Jury.

Jurors may be challenged.

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

Fines not to exceed 10 *l.* or be less than 20 *s.*

Provided always, That in case any Jury summoned and sworn pursuant to the Directions of this Act, shall

Expences of the Juries how to be borne.

give in or deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property, of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning such Jury; then the Costs and Expences attending the summoning of the Jury and Witnesses, and all other Expences incident thereto, shall be paid by the said Trustees, or any Five or more of them, out of the Tolls arising where such Lands and Hereditaments do lie, or out of any Money to be borrowed on the Credit thereof: But in case the Verdict or Assessments of such Jury shall be for no more or for less Money than shall have been agreed to and offered by the said Trustees as aforesaid; the Costs and Expences attending the summoning of the Jury and Witnesses, and all other Expences incident thereto, shall be paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising within or upon account of the Road so intended to be diverted, varied, or altered, or out of the Monies to be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or, in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands and Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Road as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments, which shall be made a Part or Parts of the said Road by virtue of this Act, shall be for ever, to all Intents and Purposes, a Common Highway, and shall be repaired and kept in Repair, in such Manner as the Road hereby appointed to be repaired is by this or any other Law

Lands, &c. purchased to be made Part of the Road, and esteemed a publick Highway.

to

to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of that Part of the said Road so diverted and turned; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof, any thing herein contained to the contrary notwithstanding.

Old Road may be sold.

Buildings, &c. not to be injured.

Provided also, That if any new Road shall be made as aforesaid, instead of any former Road, over any Moor, Common, or Waste Ground, such new Road shall be made full Forty Feet wide; and the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

Where a new Road is made over any Moor, &c. the same to be 40 Feet wide. Old Road not to be repaired by the Inhabitants.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of, any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge or Bridges thereon, shall still remain liable and chargeable to the Repair thereof in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Road lies, and all other Persons liable to perform the Work commonly called Statute-work upon the said Road, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied,

Persons chargeable to the Road, &c. to continue so.

Persons renting 50 *l. per Ann.* deemed Team-holders.

occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Road doth lie, or, in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly, and every Year, within Seven Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor an exact Account in Writing under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish, in such Lists, which of such Persons shall by or by this Act shall be deemed, to keep a Team or Teams, and which of them are Labourers only, or do not or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the said Road hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Five or more of them, or the said Turnpike Surveyor or Surveyors, shall from time to time direct and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said Road in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, or Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when and where, and how many or such Persons are to do such Work upon any Part or Parts of the said Road, shall give publick Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay

Surveyors of the Highways, &c. to deliver in Lists of Persons liable to do Statute-work.

Inhabitants to do Statute-work.

Penalty on Surveyors, &c. neglecting to deliver in such Lists.

pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default, for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of Four Pence; and for every Person who shall, according to such Public Notice as aforesaid, come as a Labourer, or with a Team, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree by the Year, or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry or other Public Meeting of such Inhabitants, to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Road; all which Composition-monies shall be from time to time paid in Advance, and shall be applied in the Repair of the said Road in respect whereof such Composition-monies are paid; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed

Trustees may compound for Statute-work.

Surveyors with Consent of Inhabitants, may compound for Statute-work.

Surveyors paying the Composition-money how to be reimbursed.

burſed the Monies by them expended in buying Materials for repairing the Highways.

Penalty on drawing Timber, &c. otherwiſe than on Wheel Carriages.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber, or Stone, which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of ſuch Road to the Prejudice thereof; or ſhall wilfully drive any loaded Waggon, Wain, or Cart, along any Foot or Horſe Cauſeway, being Part of, or lying near or adjoining to, the ſaid Road; or ſhall ſhovel up, take, or carry away, any Stone, Gravel, Sand, or Soil, from off or on the Sides of the ſaid Road, or ſuch Cauſeway as aforeſaid; or ſhall wilfully lay any Timber or Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on the ſaid Road or Cauſeway; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Road to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Three or more of them, may, and they are hereby impowered and required to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in, upon, or near, the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place as they ſhall think fit; and alſo to erect Guide or Direction Poſts, with ſuch Inſcriptions thereon as the ſaid Truſtees, or any Three or more of them, ſhall think proper:

Penalty on defacing Mile-ſtones.

And if any Perſon or Perſons ſhall willingly pull down, break, or damage, any ſuch Stone, or ſhall cauſe or procure the ſame to be done, and be thereof convicted upon Oath, by One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion, before any Juſtice of the Peace for the County of Carnarvon, which Oath ſuch Juſtice is hereby impowered and required to adminiſter without any Fee or Reward; every ſuch Perſon ſo offending ſhall forfeit the Sum of Forty Shillings for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein after directed to be applied; and in caſe ſuch Penalties ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to

the

the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Space not exceeding Two Months, nor less than One Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid; and every such Offender in either of the said Cases shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalties and Forfeitures how to be recovered.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, shall, upon Proof of the Offence respectively before any Justice of the Peace for the County of Carnarvon, or any Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, which Oath such Justice is hereby impowered and required to administer without Fee or Reward, be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby impowered and required to grant for that Purpose; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, if not otherwise directed to applied by this Act, from time to time, paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of that Part of the Road in relation whereunto or in respect whereof such Offence shall be committed: And, in case sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines, shall not be forthwith paid; it shall be lawful for any Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding

ceeding Two Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County of Carnarvon, and within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving or causing to be given Ten entire Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Four Days after such Notice, enter into Recognizance before some Justice of the Peace for the County of Carnarvon, with sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Notice of Appeal to be given.

Distress not deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any such Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, or on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

Plaintiff not to recover if Tender of Amends has been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity or Trespass, if Tender of a sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall

have committed, or caused to be committed, any such Irregularity or Trespass, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings, Orders, and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security, for borrowing Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, or, or only signed by any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, or any of them, or under the Hand and Seal, or Hands and Seals, or signed by any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book.

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees at their Meetings shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks at any Meeting of Five or more of the said Trustees assembled as the Case shall require, and such Orders shall be deemed and taken to be Original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of the passing thereof for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Re-

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

cord at Westminster; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, and after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid, brought, and tried, in the County of Carnarvon, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his Election

General Issue.

plead Specially, or 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 and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought and tried in any other County; then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defen-

Treble Costs.

dants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act.

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

FINIS.