Anno nono

Georgii III. Regis.

An Act for enlarging the Term and Powers of Two Acts passed in the Third and Twenty second Years of His late Majesty, for repairing the several Roads leading into the City of *Hereford*, and for amending the Roads to *Lancloudy Hill* and *Langua Bridge*.

WHEREAS an Act of Parliament passed in the Third Year of the Reign of His late Majesty King George the Second, for repairing several Roads leading into the City of Hereford; that is to say, The Road leading from the said City to a Place called Stretford's Bridge, in the Parish of Dilwyn; and also from the said City to the Top of Dinmore Hill; and also from the said City to a Place called The Moor of Bodenham, in the Parish of Bodenham; and also from the said City through the several Parishes of Mordeford and Lugwardine to Stoke Edith; and also from the said City to a Place called Pontrylas Bridge, in the Parish of Kentchurch; and also from the said City through Stoke Lacy, to the Town of Bromyard; and also from the said City to the Borough of Weobley; and also from the said City over the Five Bridges, to a Place called Froom's Hill; and also from the said City to a Place called Bredwardine's Preamble.

dine's Passage; and also from the said City to Peterchurch; and also from the said City to a Place called Saint Weonards; and also from the said City to Hoarwithy Passage, through Holm Lacy and Aconbury; and also from the said City to Eckley's Green, in the Parish of Norton; and also from the said City through Eyer's Gate, to Sugwas Passage: And whereas an Act passed in the Twenty second Year of the Reign of His late Majesty King George the Second, for enlarging the Term and Powers granted by the said first mentioned Act; whereby the said first mentioned Act was continued for the further Term of Twenty one Years, and other Roads leading from the said City of Hereford, to a Place called Herewood Inn, and also to the Parish of Lea, in the said County of Hereford, were directed to be repaired, and great Progress has been made in repairing and widening the said several Roads; and for that Purpose several Sums of Money have been borrowed on the Credit of the Tolls granted by the said recited Acts, Part whereof remains unpaid; and by reason of the Number and Length of the said Roads the same cannot be effectually repaired, or the Sums so owing be repaid, unless the said last mentioned Act be continued for a further Term of Years, and other Powers granted for making the same more effectual: And whereas the Roads, leading from the said City of Hereford towards the Town of Monmouth, by Saint Weonards aforesaid, so far as to a Place called Lancloudy Hill, and also from the said City towards the Town of Abergavenny, over and including Pontrylas Bridge aforesaid, so far as to a Place called Langua Bridge, are at present very ruinous, and almost impassable for Travellers and Carriages, and cannot be widened and effectually repaired without the Aid of Parliament: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Term granted by the said last recited Act made in the Twenty second Year of the Reign of His late Majesty King George the Second, shall be, and the same is hereby further continued from the Expiration thereof, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His late Majesty King George the Second, intituled, An Act to amend an Act made in the Twenty sixth Year of His present Majesty, intituled, *An Act for the Amendment and Preservation of the*

Recited Act, &c. further continued for 21 Years.

Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and instead of all other Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Directions, and Matters, in the said recited Acts made in the Third and Twenty second Years of the Reign of His said late Majesty King George the Second, contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Directions, and Matters, whatsoever in this Act contained, shall take Place and Effect, and be executed, for the Purposes of repairing, widening, and keeping in Repair, the several Roads before mentioned leading into the City of Hereford, and also the additional Roads herein before described, and shall commence upon the Day Four Weeks after the Day of passing of this Act, and shall continue in Force until the Expiration of the said further Term of Twenty one Years hereby granted, and to the End of the then next Session of Parliament.

Trustees Names.

And be it further enacted by the Authority aforesaid, That the Right Honourable Lord Viscount Bateman, the Right Honourable the Earl of Tirconnel, the Right Honourable the Earl of Meath, the Right Honourable Lord Coleraine, Sir Chandois Hoskyns, Sir James Dashwood, Sir Archer Croft, Sir Francis Charleton, the Reverend Sir John Dutton Colt, Sir Edward Winnington, Baronets; Sir James Hereford, Sir John Cotterell, Knights; Harcourt Aubrey, John Havard Apperley, Daniel Acton, Francis Annesley, Henry Allen, Williams Allen, Clerks; John Amplett, Edward Addenbrooke, James Hoskyns Abrahal, Bartholomew Richards Barneby, Robert Biddulph, John Peploe Birch, James Ballard, William Barrow, Bridges, Gibbons Bagnall Clerk, John Barneby, William Barnham, William Baglis, William Blew, Philip Bennett, Charles Baldwyn, Michael Biddulph, Biddulph Clerk, Edward Broughton, Thomas Birt, Richard Blyke, Samuel Bennett, John Baker, William Bach, William Barnes, Clerks; John Brewster, John Brydges Clerk, Francis Barrell, William Bell Clerk, William Barnes of Bromyard, the Honourable and Reverend Schute Barrington LL. D. Robert Burton, Birch Barnett, Christopher Bond, James Bubb, Edmund Brydges, Francis Brydges, Francis Brickenden Clerk, James Birt Clerk, John Barrell Clerk, Thomas Baker, Thomas Brewster, William Bird,

Birch, Thomas Barnard, William Barnett, William Blunt, Sir Edward Clive Knight, Howorth Cooke, John Caldecott, John Crooſe, Edward Cox, Price Clutton, Joſias Clarke, Thomas Cooke, Samuel Careleſs, James Carpenter, Thomas Church, John Carwardine, Thomas Clarke, Francis Campbell, John Cam, Doctors in Phyſic; Digby Coutes, Richard Chambers, James Clarke, Clerks; the Cuſtos of the College for the time being, Frederick Cornewall, Robert Job Charleton LL. D. John Cocks, Charles Cocks, Richard Cocks, Richard Owen Cambridge, Charles Wolfran Cornwall, Thomas Carpenter, Robert Cliffe, Danſey Collins, James Clerke Clerk, Richard Cooke Clerk, Lewis Cruſius D. D. John Collins Clerk, Chambers, Thomas Caldecott, Richard Cobmbe, Salway Cockrain, Stephen Comyns, Samuel Careleſs, James Bowman Clerk, Thomas Cooke, John Stratford Collins, Cecil, Edward Clark, Thomas Colly, Matthew Clark, John Corbit, John Cooke, Danſey Collins, Bryan Cutler Crowther, Clive, Charles Cooke Clerk, Mathew Clarke Clerk, Edward Clarke, John Delahay, Iſaac Donnithorne Clerk, the Dean of Hereford for the time being, John Dobſon, James Danſey, James Danſey junior, Robert Sweeting Danſey, Thomas Derry, Walter Delahay, William Davis Clerk, Thomas Donne, Somerſet Davies, Martin Donne, James Danſey, James Danſey, James Donnithorne, William Davies of Bromyard, James Donnithorne, Thomas Downes, Robert Sweeting Danſey, Edmund Eckley, Richard Eckley Clerk, John Evans, Thomas Edwards, Nicholas Edwards, John Elton, Eveſham, Henry Evans Clerk, Arthur Evans, Thomas Foley, Thomas Foley junior, Charles Fitzroy, Robert Foley D. D. Richard Fleming, John Freeman, William Felton, Edward Freeman, John Freeman of Wiſterſley, John Freeman of Letton, Thomas Freeman, Thomas Fletcher, Sambrooke Freeman, Samuel Ford, Edward Foley, John Freeman, Robert Foley Clerk, William Felton, Andrew Foley, Edward Freeman, James Francis William Gregory, Moor Green, Edward Greenly, Thomas Griffiths Clerk, William Garnons, James Goodſall junior, James Gwillim, John Gwillim, John Giles, Richard Gardiner, William Greenly Glaſs Clerk, John Gilbert, Robert Gwillim, Atherton Gwillim, Thomas Harcourt Gwillim Clerk, James Graham, John Garnolds, Admiral Thomas Griffin, Thomas Griffin junior, Edward Griffith, Thomas Griffith, Joſeph Gueſt Clerk, Joſeph Gueſt of Titley Clerk, Richard Gorges, Francis Garbett, William Greenly, Robert Harley, Richard Cope Hopton,

Hopton, Richard Cope Hopton, the Honourable and Reverend John Harley, William Hopton, Ralph Hopton, Clerks; William Holmes, John Holmes, Thomas Hayling, Richard Hoper, Conningsby Harris, Corbit Hale, William Hudson Clerk, Thomas Hollward, Wittington Higgins, Richard Hemings, Thomas Hollings, William Hyde, John Haylings, the Right Honourable Thomas Harley, the Honourable and Reverend William Harley, Richard Hooper, William Hooper, Joseph Haylings, Thomas Harris, Henry Harcourt, Hungerford Hoskins Clerk, George Hill, Guy Hill Clerk, John Hall, John Hancock, William Hall, Thomas Heydon, Philip Hoper, William Hallard, Richard Hodges, George Hall, John Harris, James Lloyd Harris, John Holland Clerk, John Huish Clerk, George Harris LL. D. Richard Hankin, George Holland, Robert Hathway, William Hudson Clerk, John Haylings, Richard Jones, Philip Jones, William Jones, Richard Jackson Clerk, Francis Jefferys, Thomas Johnes, James Johnson, Thomas Jennings Clerk, James Jones, Uvedale Kyffin Clerk, John Kyrwood, John Kedward, Ralph Knight, Edward Knight, Knight, James Kinnersley, Robert Keyse, Daniel Leighton, Percival Lloyd, Lacon Lambe, James Lane, Francis Lane, Thomas Lental, Thomas Legge, William Lewis, Edmund Letchmere, Nicholas Letchmere, John Scudamore Letchmere, Charles Leigh Clerk, Edmund Lewis, Henry Lambert, Theophilus Lane, John Scudamore Letchmere, Thomas Luntley junior Clerk, John Laycock, William Maddox, Timothy Markham, William Mynd, Walwyn Morgan Clerk, Richard Makeham, John Medley, Luke Morgan Clerk, William Morris, Richard Moore, George Mason, Henry Mason, William Matthews of Langarron, Richard Meredith, Henry Marsh, Thomas Hopkins Merrick, William Mynd junior, George Mynd, Colonel Money, Charles Morgan, Charles Morgan Clerk, William Makeam, William Matthews, William Matthews of Treworgan, William Nourse, Gilbert George Nicoletts, Gilbert Nicoletts, William Norgrave, Richard Nash, James Nicholson, Joseph Nicholson, William Neale, Samuel Nash, Thomas Phillipps, Thomas Penoyre, John Pateshall, Thomas Parry, Edward Paunceford, Mansell Powell, James Poole, Thomas Palmer, John Parry, Morgan Price, Clerks; George Phelps, Edmund Pitts, Jonathan Pitts, Samuel Pitts, John Postans, John Powell, Edward Powell, Thomas Phillips of Dilwyn, Robert Payne, William Pleydall, Mansell Powell, Noble Walwyn Pyto, James Peachey, William Passey, Samuel Peploe D. D. Samuel Patteshall, Michael

 Powles,

Powles, Robert Price, Chase Price, John Pitt, Humphrey Prosser, James Price Clerk, Thomas Prosser Clerk, Uvedale Price, Thomas Phillipps junior, John Pittman Clerk, Daniel Price Clerk, William Ravenhill, Richard Russell, Thomas Russell D. D. Thomas Ravenhill, Arnold Russell, John Russell, Walter Rogers, John Rodd Clerk, Richard Rogers, Johnson Robinson, Peter Richards, Richard Rideout, Richard Roberts Clerk, Edward Rawlins, Thomas Rawlins, Richard Russell, John Roberts John Roberts, junior, David Renaud Clerk, John Reece, William Ravinhill junior, Richard Roberts, Walter Roberts of Lyston, John Scudamore, Richard Symons, Walwyn Shepheard, John Skipp, Henry Shiffner, Richard Smith, Anthony Sawyer, Thomas Seaborne, Thomas Symonds Powell, Henry Smith Clerk, Josias Smart Clerk, John Skynner of Walton, Thomas Spencer, Stephen Sandford, William Symonds, Thomas Stead, Joseph Severne, George Sale, William South, Richard Salway, Henry Salway, John Seward, William Seward junior, John Smith of Stoke, Charles Fitzroy Scudamore, Anthony Sawyer, Thomas Sheriff, Richard Smith Clerk, John Sheriff, Thomas Shelden, John Smith of Weston, Edward Salway, John Salway, Samuel Syrrell, Thomas Southall, Thomas Smith, John Sheldon, John Skipp junior, Dormer Sheldon, William Skinner Clerk, John Stone Clerk, Robert Sayer Doctor in Physick, Shaw of Trewyn, George Terry, Humphry Taylor, Park George Tomkyns, Richard Tomkyns Clerk, Walter Taylor Clerk, Joseph Taylor Clerk, John Tovey, Philip Thomas, Thomas Talbot D. D. Richard Tonson, Philip Traherne, Thomas Tomkyns, Joseph Trumper, William Vaston, Thomas Vaston, John Vobe, Henry Unett, Richard Vaughan Clerk, Herbert Westfaling, Benjamin Wellington, James Woodhouse, the Reverend Humphrey Wishaw, John Woodcock, Thomas Wickins, Richard Waring Clerks; John Weare, John Wood, Thomas Wathen, the Mayor, Aldermen, and Common Council of the City of Hereford, for the time being; John Walker Clerk, John Williams, William Wynn, William West, Richard West, Thomas Wood, Thomas Wood, Westwood, Philip Westphaling, James Westphaling Clerk, Isaac Wittington, Adam Ward, Thomas Watcham, Reginald Wynniatt Clerk, William Wyndham, George White, John Woodhouse of Aymestry, Edward Winnington, Thomas Woodhouse, John Weaver, James Walwyn, Francis Woodhouse, John Whitmore, William Whitmore Clerk, Thomas Willim Clerk, John Woodhouse, John Willim, John Yapp, Thatcher, and they,

they, and their Successors, to be elected in Manner hereinafter mentioned, are hereby appointed Trustees for surveying, ordering, altering, turning, widening, repairing, and keeping in Repair, all the said Roads, 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 the 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 a Personal Estate of 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 Two hundred Pounds; and if any Person, not being so qualified, Penalty on acting if not 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, or 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 the Execution of this Act.

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 the Shire Hall in the said City of Hereford upon the Day Four Weeks after the Day of passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves to meet at such House or Place within the City of Hereford, as the said Trustees, or any Five or more of them, shall think most convenient: And In Default of a sufficient Number to act, Trustees may adjourn to another Day. 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; or in case the Trustees at any Time so assembled, shall omit or neglect to adjourn themselves; the Clerk or Clerks to the said Trustees shall, from time to time, in either of such Cases, by Notice in Writing to be affixed upon all the Turnpikes which shall be erected upon or across the said Roads, 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 Twenty first 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 at Meetings to be held in pursuance of this Act, and not otherwise, except as herein after is excepted; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting, every Trustee composing such Majority not being personally interested in the Matter or Matters in question, shall concur therein, and such Majority not being less than the Number of Trustees by this Act authorized to make such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order was made; nor unless the Person or Persons applying to revoke or alter any such Order or Determination shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed up at all the Gates or Turnpikes then standing upon the said Roads, at least Fourteen Days previous to any Meeting to be held for such Purpose; 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 in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

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

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

Trustees may act as Justices.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment: And if it shall at any Time happen, that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act; then, in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times, the Space of Ten Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks, having first intervened, to appoint such Trustees to meet at some House in or near the said Roads, on that Day Fort-

2 Trustees sufficient for Adjournment.

In case the Clerk neglects to give Notice, Trustees may do it.

night after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven 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 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 Roads, at least Twenty one Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Notice of Election to be given.

For continuing and erecting Turnpikes.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may continue or remove the Turnpikes already erected upon the said Roads, and cause to be erected any Turnpike or Turnpikes in, upon, or across, any Part of the said respective Roads by the said Acts and this Act directed and intended to be made and repaired, and also upon the Side or Sides of any of the said Roads, and across any Lane or Way leading into the same respectively, and also to be erected or provided a Toll-house or Toll-houses at or near each Turnpike, and from time to time to remove or alter the same as they the said Trustees, or any Seven or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike by such Person or Persons as the said Trustees, or any Five or more of them, shall from time to time appoint for that Purpose, or to whom the same shall be lett, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Hearse, Calash, Chaise, or Chair, drawn by Six Horses, the Sum of One Shilling and Six Pence; for every Coach, Berlin, Landau, Chariot, Hearse, Calash, Chaise, or Chair,

Chaise, drawn by Four Horses, the Sum of One Shilling; drawn by less than Four Horses, Six Pence.

For every Horse drawing any Waggon, Wain, Cart, Car, or Carriage, except as after mentioned, the Sum of Three Pence; and for every Ox, or other Neat Cattle, drawing any Waggon, Wain, Cart, Car, or Carriage; and also for every Horse, drawing any Waggon, Wain, Cart, Car, or Carriage, employed in carrying Corn or Grain in the Straw, Hay, Fodder, Dung, Lime for the Improvement of Land, or other Manure, or Implements of Husbandry only, Two Pence.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny; unless employed in carrying Charcoal for the Use of any Iron Works, which shall pay One Halfpenny only.

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

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

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 as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, or any Goods or Carriage upon which such Tolls are by this Act imposed, or any of the Goods or 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, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell and dispose of the Horse or Horses, Cattle, Carriages, Goods, or Chattles, so seized and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and that 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 hereinafter mentioned.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in Trustees.

Provided

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorized and impowered, from time to time, as they shall think proper, to lessen, vary, or alter, all or any Part or Parts of the several Tolls hereby granted at any or either of the said Gates or Turnpikes, and to raise the same again, so as the same do not exceed the Tolls by this Act granted, and so as such Reduction be with the Consent of the several Persons who shall be intitled to Two Third Parts at the least of the Money then due on the Credit of the said respective Tolls; but such Reduction shall not be made after the First Meeting, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected cross the said Roads, and by advertising the same, in Manner herein before mentioned, at least Fourteen Days before making such Reduction; and such Tolls so lessened, varied, or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Trustees may lessen the Tolls, and raise them again.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may cause to be erected a Turnpike or Turnpikes, Toll-house or Toll-houses, at such Place or Places as they shall think convenient between Saint Weonards and Lancloudy Hill before mentioned, and also between Langua Bridge before mentioned and Wormbridge, and also at Stoke Lacy, or between Stoke Lacy and the Town of Bromyard before mentioned; and that at such respective Turnpike or Turnpikes so to be erected, the like Tolls be demanded and taken as before mentioned for every Carriage, and for every Horse, Ox, or Neat Cattle drawing, and for every Horse, Mule, or Ass, laden or unladen, and not drawing; and for every Drove of Oxen, Cows, Neat Cattle, Calves, Hogs, Sheep, or Lambs, by the Score, or in proportion for any greater or lesser Number as before mentioned, distinct and over and above any the Tolls aforesaid payable at any Turnpike or Turnpikes erected or to be erected at or near the City of Hereford, with the like Remedies to enforce the Payment thereof; and that the Tolls and Sum and Sums of Money so to be raised and made payable at such respective Turnpike or Turnpikes so to be erected between Saint Weonards and Lancloudy Hill, Langua Bridge and Wormbridge, and at or between Stoke Lacy and the Town of Bromyard aforesaid,

Turnpikes to be erected on the new Roads.

Like Tolls to be demanded.

Tolls to be laid out on those Roads only.

aforesaid, be appropriated for the repairing, widening, and altering the said respective last mentioned Roads, and not elsewhere, until the said respective Roads shall be sufficiently amended, widened, and repaired: provided always, That no Gate or Turnpike shall be erected or Toll taken within One Mile of the Town of Bromyard.

No Gate within a Mile of *Bromyard*.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses already erected, or to be by virtue of this Act erected, upon the said Roads, and the Right and Property of the Materials provided for building or repairing the same, and of all the Materials which shall be actually got or collected for repairing the said Roads, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby empowered to bring, or cause to be brought, an Action or Actions in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer, or order the preferring of, Indictments against any Person or Persons who shall injure the same, or any Part thereof, or disturb them in the Possession thereof, or take or retain or hold Possession thereof, after being required by the Order of any Five or more of the said Trustees to deliver up the same.

Property of Turnpikes and Toll-houses vested in Trustees.

Provided always, and be it further enacted, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Horse or Horses, Cattle or Carriage, through all or any of the Gates or Turnpikes erected or to be erected upon, near, or on the Sides of, any the said Roads by the said former Acts and this Act directed to be made and repaired, or across any Lane or Way leading into the same, except at the respective Places where distinct and additional Tolls are by this Act authorized to be taken; but that all and every Person and Persons, after having paid Toll Once as aforesaid, shall, during the Remainder of such Day, pass Toll free with the same Horse or Horses, Cattle and Carriages, through the Gate or Turnpike at which any such Toll was paid, and also through all other Gates or Turnpikes across or on the Sides of any the Roads as aforesaid, or across any Lane or Way leading into the same, except as aforesaid, upon producing a Note or Ticket denoting the Payment of such Toll, which Notes or

Tolls to be taken but Once a Day, except where additional Tolls are granted.

Tickets

Tickets the Collectors of any the said Tolls are hereby required to give gratis on Receipt of the Toll; and that at the respective Places aforesaid, where distinct and additional Tolls are by this Act authorized to be taken, no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in One Day (to be computed as aforesaid) with the same Horse or Horses, Cattle or Carriage, but, having paid Toll Once at such respective Places, shall, during the Remainder of such Day, pass Toll-free with the same Horse or Horses, Cattle or Carriage, through the Gate or Turnpike at which such Toll was paid, on producing a Ticket as aforesaid.

Exemption of Lime and Coal Waggons as to Time.

Provided also, and be it further enacted by the Authority aforesaid, That any Waggon, Wain, Cart, or Carriage, passing unloaded through any the Gate or Gates, Turnpike or Turnpikes whatsoever aforesaid, after Eight of the Clock in the Evening, and paying Toll for the same, shall not be liable to pay any Toll the Day following at such Gate or Gates, if the same Waggon, Wain, Cart, or Carriage, return loaded with Lime, Coals, or Charcoal, before Twelve of the Clock at Night.

The like, &c. for Hops.

Provided likewise, and be it further enacted, That any Waggon, Wain, Cart, or Carriage, passing unloaded through the Gate or Turnpike to be erected by virtue of this Act at Stoke Lacy, or between Stoke Lacy and the Town of Bromyard aforesaid, at, or any Time after Twelve of the Clock in the Forenoon, and paying Toll for the same, shall not be liable to pay any Toll the Day following, or till Twelve of the Clock in the Night of that Day, at such Gate or Turnpike, in case the same Waggon, Wain, Cart, or Carriage, return laden with Coals or Charcoal for drying Hops, or be loaded with Hops, and carrying the same to Worcester Market.

Exemptions from Tolls.

Provided always, and it is hereby declared, That no Toll shall be demanded or taken for any Carriage employed in carrying Stone, Gravel, or other Materials, for repairing any of the said Roads, nor for Corn in the Straw, or Hay or Straw only, not sold or disposed of, but passing to be laid up in the Outhouses, or upon the Land of the Owners thereof; or for any Cattle or Carriage carrying Corn to be ground to any Mill, or returning, having delivered such Loading, or going unladen to fetch such Corn ground, or returning laden therewith; provided such Corn ground be for the sole Use and Consumption of the Owner, and the same shall

not

not be carried or conveyed above the Distance of One Mile on any Part of the said Road hereby intended to be repaired, to or from any such Mill; or for any Ploughs, Harrows, or other Implements of Husbandry, or Mould, Dung, Compost, or Manure, used in improving Land belonging to the Owners or Occupiers of the Lands adjoining the said Roads; or for any Cattle or Horses going to and from Water or Pasture, or in order to be shod, or cured or carried; nor for any Post Horse carrying the Mail or Packet; nor for the Horses of Soldiers on their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor any Coach, Landau, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Hereford, or Citizen or Citizens for the City of Hereford, during the Time of such Election, or on the Day before or after the same.

No Tolls on Election Days

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same; or shall knowingly or designedly interrupt or obstruct any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or any otherwise in the Execution of his or their Office or Offices of Collector or Collectors; or shall forge, counterfeit, or alter, or shall deliver to, or receive of, any other Person or Persons any Ticket or Tickets with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall unload any Cattle or Carriage, or having passed through any of the said Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said respective Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded, the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place,

Penalty on evading the Tolls.

Penalty on counterfeiting Tickets, &c.

or taking off Horses, &c.

lying by the Side of or near to either of the said Roads, the same not being a publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a publick Highway, shall knowingly and willingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in order or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided, such Persons and every of them so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law: And it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize any Horse or Horses, Beast or Beasts, or Goods, belonging to, or in the Possession or under the Care of, any Person or Persons so offending in the Premisses, and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of any One or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they, shall or shall not appear before him, in the respective Penalties aforesaid; and for Non-payment thereof, and of the Tolls that shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing and selling the same, and of such Convictions; and after Payment thereof, to render the Overplus of the Money arising by such Seizure, Distress, and Sale (if any there shall be) to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care, or in whose Possession, they respectively was or were when so seized and distrained as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be levied and recovered by such Means, and in such Manner, as are hereinafter mentioned and provided for the

to avoid Payment of the Tolls.

Penalties to be levied by Distress and Sale.

levying and recovering of Penalties and Forfeitures imposed by this Act.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered, at their First or any subsequent Meeting, to borrow and take up at legal or lower Interest any Sum or Sums of Money upon the Credit of the Tolls payable by virtue of this Act; and to assign over and convey the said respective Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons that shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof as aforesaid;

Assignments to be entered in a Book.

and Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose given in the Gloucester Journal, or fixed in Writing upon all the said Turnpikes, at least Fourteen Days before the borrowing of such Money;

Notice to be given of borrowing of Money.

Assignments may be transferred.

and all and every Person and Persons to whom such Assignment shall be made as aforesaid, his and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her or their Right to the Principal or Interest Money thereby secured to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments, for which the Clerk or Treasurer shall be

Clerk's Fee.

paid the Sum of Two Shillings and Six Pence, and no more; which said Book or Books shall and may, at all seasonable Times, be perused and inspected without

out any Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in such Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Trustees not subject to Debts contracted under this Act.

Provided likewise, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignments or other Securities to be made in pursuance of this Act, or any or either of them.

Charges of passing this Act how to be paid.

And be it further enacted by the Authority aforesaid, That out of the Money already raised upon the Credit of the said recited Acts, or out of the first Monies to be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all Costs and Expences relative to procuring and passing this Act; and the Remainder of the Money so raised or to be raised shall, from time to time, be applied in putting this Act in Execution, and in repaying the principal Monies borrowed, and the Interest due thereupon.

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, may, and are hereby impowered, upon Fourteen Days Notice being given in the Gloucester Journal, or in Writing affixed upon the several Turnpikes for that Purpose, to let or farm by the Year the Tolls to be taken at any or either of the Turnpikes, by virtue of this Act to be continued or erected, to any Person or Persons who shall be willing to take or farm the same at or for the largest yearly Sums that can be got for the same; provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking the said Tolls respectively, and the Trustees that let the same, and be not made for more than Three Years at a Time; and that the Monies that shall be so agreed to be paid for the said Toll shall be made payable, and shall be paid to the said Trustees by monthly Payments; and that the Person or Persons to whom the said Tolls shall be so let, shall always pay down One Month's Pay in Advance:

vants; and if any Letting, or Agreement for Letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in Payment of the Money agreed to be paid for the same in Advance, contrary to the true Meaning of this Act; then every such Letting and Agreement shall be void; and then, and in either of such Cases, the Person or Persons to whom the said Tolls shall be let, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them, by the same Means, and in the same Manner, as are by this Act directed or provided for the accounting for the said Tolls by the Collectors thereof, or for Monies had and received by any Person or Persons, and unaccounted for or unpaid, and for levying and recovering the same upon and of them.

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, and are hereby impowered from time to time, by Writing under their Hands, to continue or appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the said Tolls, and Surveyor or Surveyors of the Roads by this Act intended to be repaired, and such other Officers for the due Execution of this Act, and the Powers hereby given, as they shall think proper; and from time to time to remove such Officer or Officers; and on the Death or Deaths, Removal or Removals, of such Officer or Officers, to appoint others in their Steads; but Seven Days Notice shall be given of every Meeting for any such Purpose after the First Meeting of the said Trustees, upon all the said Turnpikes; and by and out of the Monies that shall be raised for the Repairs of the said additional Roads, or of the said other Roads respectively, may and are hereby impowered to appoint and make such Salaries and Allowances to such Officers and other Persons by them the said Trustees employed for their Services in repairing, widening, or altering, the said Roads respectively, and otherwise putting the Powers by this Act given in Execution, as they shall think reasonable; provided that no Person or Persons shall be appointed a Collector or Collectors of the said Tolls, or a Treasurer or Treasurers of the said Turnpikes, or either of them, or a Receiver or Receivers of any Money that shall belong to the said Roads, or either of them, without giving such Security or Securities for the due Execution of their respective Offices, as the said Trustees, or any Five or more of them, shall think fit; and that no Per-

and remove them, and appoint others.

Trustees may allow Officers Salaries.

Treasurer &c. to give security.

son

son shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail. No Victualler, &c. to hold a Place of Profit.

And be it further enacted by the Authority aforesaid, That all such Officers and other 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 the said former Acts, or 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, 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 Five 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 shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Twenty one 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 the said former Acts, or 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 his 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 Five or more of them, against the Officer or Person so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in his Hands; or if Complaint shall be made of any such Refusal or Neglect as aforesaid to any Two or more Justices of the Peace for the County or Place wherein such Officers to account upon Oath. Officers refusing to account, Complaint to be made to Justices.

Justices may inquire into the Default,

Officer or Person so neglecting or refusing shall be and refuse, such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Person so refusing or neglecting to be brought before them; and upon his 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, if produced, 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 Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justices are hereby impowered and required to administer, without any Fee or Reward) it shall appear to such Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Person; such Justices may, and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Person: And if no Goods or Chattles of such Officer or Person can be found, sufficient to answer and satisfy the said Money and the Charges of such Distress and Sale; then, and in either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol of the County, 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 deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

and determine the Matter in a summary Way.

Balance may be levied by Distress and Sale.

For want of Distress, Person to be committed,

until Payment, or Composition made.

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

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at any Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall continue to collect the same, until the Trustees shall, at a Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors for the said Roads, or any of them, and such other Person and Persons as shall be employed 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, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Ground or Common, River or Brook, in any Parish, Town, or Place, in which any Part of the said Roads lie, or in any neighbouring 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 Roads intended therewith to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Persons 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, 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 Waste Ground, Common, River, or Brook, or private Ground, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons, appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages as aforesaid; the Justices of the Peace at their next General Quarter Sessions, to be holden in and for the County wherein such Difference shall arise, on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors,

Surveyors may dig Gravel, &c.

without paying for the same;

levelling the Pits, &c.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families, shall hear, settle, and determine, the Matter of such Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Surveyors may remove Annoyances, &c.

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 Surveyor or Surveyors, and such Person or 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 or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, in case the Persons occasioning such Annoyances, or the Owners or Occupiers of the Premisses respectively, shall neglect to remove such Annoyances, or to turn such Watercourses, Sinks, or Drains, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, 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 Fourteen Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; 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, carry away, and sell the Wood so cut, and apply the Money arising thereby in Repair of the Road whereon the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or reduce such Hedges, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Forty Days next after Notice in Writing given for that Purpose, to be left at the Capital or Mansion-house belonging to the Land on which the same shall stand, under the Hands of Five of the said Trustees; the Charges of all which respective Purposes (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed by such Persons,

and cleanse Ditches;

and cut down Trees, &c.

Owners neglecting to remove the same, after Notice.

Charges to be reimbursed to the Surveyors.

Persons, Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied.

For preserving Timber.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to impower the said Trustees, Surveyors, or other Persons, or any or either of them, on any Account, to cut down any Maiden Oaks or Elms growing in the Hedges or Banks of, or adjacent to, any Part of the said Roads; except only in such Place or Places where the Roads shall be of less Breadth than Fifty Feet including the Ditches, and except after Nine Months Notice.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors of the said Roads, 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 in the said Roads, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Ground respectively not being the Ground whereon any House stands, or a Yard, Garden, 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, while the old Road is repairing or widening; 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 Roads, and cross any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged 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 Moor or Waste Ground.

may make a temporary Road;

and erect Bridges, &c.

making Satisfaction to the Owners.

Penalty on obstructing Surveyors, &c. in their Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any or either

ther of the ſaid Turnpike Surveyors, or any other Perſon or Perſons by them, or either of them, or by the ſaid Truſtees, or any Five or more of them, for thoſe Purpoſes employed in the cutting, digging, taking, or carrying of any Furze, Heath, Sand, Gravel, Stones, or other Materials, for the altering, widening, or repairing, the Roads by this Act intended to be repaired, or in topping, lopping, cutting, or carrying of any Tree, Top, Lop, or Overhangings, or digging, cleanſing, or ſcouring, any new or other Ditch, Drain, or Watercourſe as aforeſaid, or doing any other Act in or for the repairing, widening, or altering the ſaid Roads, by virtue of the Powers by this Act given, or any of them; every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

Perſons liable to repair Roads, &c. to continue ſo.

And be it further enacted by the Authority aforeſaid, That all Bodies Politick and Corporate, Corporations Aggregate and Sole, and other Perſons whatſoever, who by any Law, Cuſtom, Uſage, or otherwiſe, are or ſhall be liable to the Repair of any Part or Parts of the Roads by this Act intended to be repaired, or either of them, or to pay any Sum or Sums of Money for or towards the Repairs thereof, ſhall, notwithſtanding this Act, remain liable to repair the ſame, or to pay ſuch Monies for or towards the Repairs thereof, as they reſpectively before were or was liable to do or pay.

Inhabitants to do Statute-work.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the ſeveral Pariſhes, Hamlets, and Places Extraparochial, through which the Roads by this Act intended to be repaired, or either of them, do or doth lead, ſhall yearly and every Year do Three Days Statute Work or Duty, in ſuch Part or Parts of the ſaid Roads as doth or do lie in ſuch Pariſhes, Hamlets, and Places Extraparochial, reſpectively, and in ſuch Places thereof, at ſuch Times, and in ſuch Manner, as the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors by virtue of this Act appointed, or either of them, ſhall for thoſe Purpoſes direct or appoint, and ſhall with their Teams and Servants, or otherwiſe, as the Caſe ſhall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the High-ways of ſuch Pariſhes, Hamlets, and Places reſpectively, and where there ſhall be no Surveyor, then the Churchwardens or Overſeers of the Poor, and if no Churchwardens or Overſeers, then ſome or One of the

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

principal

principal Inhabitants of the said Parishes, Hamlets, and Places Extraparochial, respectively, shall yearly, within the Space of Six Days next after Notice in Writing to him or them respectively for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any or either of the said Turnpike Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors, from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant, shall receive such Notice, or to One of them, a true List in Writing of the Names of all the Inhabitants of such Parishes, Hamlets, and Places Extraparochial, respectively, and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to Teams Duty, and which of them are Labourers, or liable only to do Labourers, or any and what other Duty to the Highways: And if any or either of the Inhabitants of the said Parishes, Hamlets, and Places Extraparochial, shall refuse or neglect to do their respective Statute-work or Duty on the said Roads, at such Times and Places, and in such Manner as according to the Powers by this Act given, he shall be directed to do, or shall not work full Eight Hours in each of the said Days, or shall be negligent of or in such Work; every such Person, for every such Neglect or Offence, shall forfeit the several and respective Sums herein after mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings, and every Person liable to do a Labourer's Duty only, the Sum of One Shilling and Six Pence: And if any or either of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Parishes, Hamlets, or Places Extraparochial, respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time, or in the Manner herein before for those Purposes mentioned; every such Surveyor, Churchwarden, Overseer, and Inhabitant, shall, for every such Neglect or Offence, forfeit the Sum of Forty Shillings.

Penalty on not performing Statute-work.

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

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered to compound with the several Inhabitants of the several Parishes, Hamlets, and Places Extraparochial, through which the Roads by this Act intended to be repaired

Trustees may compound for Statute-work.

paired do lead, for the Statute-work and Labour by them respectively, by virtue of this Act, to be done in the said respective Roads, in every Year, the several Sums of Money, at and for which such Work and Labour shall be so compounded, being paid down at the respective Times of making such Compositions.

Trustees may contract for the Purchase of Lands, &c.

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Nine or more of them, shall think it necessary to widen or alter any Part or Parts of the Roads by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way, or any other Ways; then it shall and may be lawful for the said Trustees, or any Nine or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments lying by the Side or Sides of or near to any Part or Parts of the said Roads, or either of them, or that shall be proper or convenient for widening, turning, or altering, any Part or Parts of the said Roads; provided that such Part or Parts of the said Roads as shall be so widened, turned, or altered, be not thereby made wider than the Breadth of Fifty Feet including the Ditches; and to pay for the same Lands and Hereditaments respectively, by and out of the Tolls, and other Monies, that by virtue of this Act shall be raised on the respective Roads, for the widening, turning, or altering, of which, such Lands or Hereditaments shall be so respectively purchased: And all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, for or on Behalf of Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with the said Trustees, by this Act appointed or to be appointed, or any Nine or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interest therein, and may and shall convey such Lands and Hereditaments to the same Trustees, or any Nine or more of them, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever.

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

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee, or other Person or Persons whatsoever, intitled to, or interested in, any Lands or Hereditaments, which the Trustees appointed, or to be appointed by virtue of this Act, or any Nine or more of them, shall think necessary to be purchased for the widening, turning, or altering, any Part of the Roads by this Act intended to be repaired, or any Part thereof, shall, upon Application to them, or any or either of them for that Purpose made, refuse, or neglect to treat with such Trustees, for the Sale of such Lands or Hereditaments; or if by reason of their or any of their Absence, or distant Residence, from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to or treated with for that Purpose, or, if treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments; then, and in either of such Cases, the said Trustees, or any Five or more of them, may and are hereby impowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the County wherein such Lands or Hereditaments do lie, or his Deputy, to impanel, summon, and return, a Jury of Twenty four honest and disinterested Men of the said County to be and appear before the said Trustees, at a certain Time and Place to be specified in the said Warrant or Warrants, Precept or Precepts, the said Time being at least Ten clear Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff or his Deputy, then and there to assess and ascertain the Prices and Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff or his Deputy is hereby required to impanel, summon, and return, the said Jury accordingly, giving to each Juryman at least Four clear Days Notice of the Time and Place of his Attendance, and the said Jurymen are hereby required to attend accordingly; and the said Trustees, or any Five or more of them, having caused Ten clear Days Notice in Writing, under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to be left

Where Persons refuse to treat, &c.

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

at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Natures, Situation, and Quantities, of such Lands or Hereditaments, and the Time when and Place where the said Jury are to meet to assess and ascertain the Values thereof, they the said Trustees, or any Five or more of them, may proceed to enquire by Twelve of the said Jurors on their Oaths of the Value of such Lands and Hereditaments; and in Default of a sufficient Number of Jurors, the Sheriff or his Deputy shall return other like Persons of the By-standers, or that may be conveniently had for the Service, and to which Jurors all Parties interested shall have their lawful Challenges; and the said Trustees, or any Five or more of them, having given the Nature of the Enquiry in Charge to the said Jury that shall be sworn, may and are hereby impowered to send for, summon, and examine all proper Persons on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments, and, if needful or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Measures to inform themselves and the Jury sworn concerning the Natures and Values of the said Lands and Hereditaments, as they shall think proper; and the said Jury being so informed shall, by their Verdict, assess and ascertain the Values of the respective Lands and Hereditaments that shall have been given them in Charge to enquire of; and the said Trustees, or such Five or more of them as shall be present at the taking of such Inquests, shall thereupon adjudge the Sums of Money assessed by the said Juries as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Findings of the Juries, and Judgements of the said Trustees, shall be finally binding and conclusive to all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Femes Covert, and other Persons whomsoever, any wise interested or to be interested in the said Lands and Hereditaments, or any Part thereof; and if any such Sheriff or his Deputy shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees,

Jury to settle the Damage and Recompence.

Jurors may be challenged.

Witnesses may be summoned and examined upon Oath.

Jury to assess the Value of the Premisses.

Verdict of the Jury to be final.

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

or to do any Act or Matter of his Office relating to the Premisses; or if any Juryman so summoned as aforesaid shall not appear, or appearing shall refuse to be sworn, or if sworn shall not find his Verdict concerning the Matters that shall be given him in Charge; or if any Witness being sent for or summoned to appear and give Evidence to the said Trustees and Juries, shall not appear, or if appearing shall refuse to be sworn, and thereupon to give his Evidence concerning the Matters aforesaid; every such Sheriff, Deputy, Juryman, and Witness, shall, for every such Refusal, Neglect, or Offence, forfeit the Sum of Five Pounds.

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

And be it further enacted by the Authority aforesaid, That all Conveyances of Lands and Hereditaments that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries and Judgements of the Trustees concerning the Value of Lands and Hereditaments that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and shall be inrolled with the Clerk of the Peace of the County where the same shall lie: And that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration Monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Values of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries, to the Person or Persons intitled to the same; or in case of want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then on leaving the same with the said Clerk of the Peace, or his Deputy, for the Use or Uses of the Person or Persons intitled thereto, it shall be lawful for the said Trustees, to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway; and the said Lands and Hereditaments shall from thence forth, for ever afterwards, be deemed, taken, and used as a publick Highway or publick Highways, and shall be repaired and kept in Repair in the same Manner, and by the same Means and Powers as the Roads by this Act intended to be repaired are hereby directed so to be; and after any such new Roads shall be compleated, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, or private

and deemed a publick Highway.

Old Road to be sold.

Lands,

to

Lands, to which such new Road doth not lead, shall be and are hereby vested in, and may be exchanged or sold, and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be got for the same; and the Money arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied.

Buildings, &c. not to be injured.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That the Powers and Authorities given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Site of any House or other Building, or to take in any Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Penalty on drawing Timber otherwise than upon 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 Roads, any Tree or Piece of Timber, or any Stone, otherwise than on 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 Roads, to the Prejudice thereof; or shall wilfully drive any loaded Waggon, Wain, or Cart, along any Foot or Horse Causeway, being Part of, lying near, or adjoining to the said Roads; or shall shovel up, take, or carry away any Stones, Gravel, Sand, or Soil, from off or on the Sides of the said Roads, or such Causeway as aforesaid; or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Roads or Causeways, to the Annoyance or Prejudice thereof; 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 Five or more of them, may and they are hereby impowered and required to cause Stones or Posts to be erected or set up on the Sides of the said Roads at the Space of One Mile distant from each other, with Inscriptions thereon, denoting the Distance of each of the said Stones or Posts from some Town or Place, as they shall think fit; and also to erect Guide or Direction Posts with such Inscriptions

criptions thereon as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully break, or pull down, dig up, or damage, the said Stones or Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, Figures, or Marks, that shall be inscribed thereon, or cause or procure the same to be done; every such Person shall for every such Offence forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety, after replacing or repairing the respective Stones or Posts that shall be removed or damaged, shall be applied in such Manner, and for such Purposes, as other the Forfeitures by this Act imposed are hereby directed to be applied.

Penalty on defacing Milestones.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then upon Complaint and Proof thereof made to any Justice of the Peace of the County or Place where such Penalty or Forfeiture shall be incurred by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may, and is hereby required, to issue his Warrant or Warrants under his Hand and Seal for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said County or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot easily be met with or found, then upon leaving a Summons from and under the Hand and Seal of such Justice, which he is hereby in such Cases required to issue, at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Three clear Days before the Time appointed for such Appearance, such Justice, even if the said Person or Persons being so summoned shall not appear, may and is hereby required to inquire into the Causes and Matters of the said Complaint or Complaints in a summary Way; and either by the Confession of the said Person or Per-

Penalties to be recovered by Distress, &c.

sons, or on the Evidence of One or more Witness or Witnesses upon Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties and Forfeitures by him or them respectively incurred in those Respects; and for Non-payment thereof, though the same shall not be demanded, shall issue a Warrant or Warrants under his Hand and Seal for levying the same Penalties or Forfeitures by Distress and Sale of the Goods and Chattles of such Offender or Offenders, rendering the Overplus, if any there shall be, after Payment of such Penalties and Forfeitures, and the Charges of such Convictions, Distresses, and Sales, to the said Offender or Offenders respectively, if demanded; and for want of such Distress or Distresses for those Purposes, shall issue a Warrant or Warrants under his Hand and Seal for the apprehending and taking such Offender or Offenders, and for committing him or them to the Common Gaol of the County or Place where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize until the said Penalties or Forfeitures and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them, and which said Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive, and upon Receipt thereof to discharge the said Offender or Offenders from the said Penalties or Forfeitures and Charges.

For want of Distress, the Offender to be committed.

Application of Penalties.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof as are by this Act otherwise directed to be paid, shall be paid to the said Trustees, and shall be by them applied in the Repair of such Parts of the said Roads in respect whereof such Penalties or Forfeitures respectively shall be incurred, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person shall think himself or herself aggrieved by any Act, Order, Conviction, Judgement, or Determination, of any Justice or Justices, that shall be done or made by virtue of this Act, such Person may appeal against the same to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the County

by Whom the Matter shall arise under such Act, Order, Conviction, Judgement, or Determination, shall be done or made, upon Eight clear Days Notice thereof in Writing, if so many before the said next Sessions, being given by such Person to any Surveyor or Collector of the Tolls of the Roads in respect whereof such Act, Order, Conviction, Judgement, or Determination, shall be so made; and the said Justices, at their said Sessions, may and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or discharge the same, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeals, as they shall judge proper; and which said Judgement of the Justices at their Sessions shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied and recovered by Distress and Sale of the Goods and Chattles, and by Commitment of the Offender, by a Warrant or Warrants under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed are herein before directed to be levied and recovered.

Notice of Appeal to be given.

Provided always, and be it further enacted by the Authority aforesaid, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding, that shall be done, made, or had, by the said Trustees, or by any Justice or Justices of the Peace, or by the Sessions, by virtue of this Act, shall be quashed, vacated, or discharged, for want of Form only, or shall be removed by Certiorari, or otherwise, into any Court of Record at Westminster.

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

And, to the End that no Disputes may arise touching what Part of the said Roads intended to be repaired shall be first amended, be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall order and direct the most ruinous and dangerous Part of the said Roads as lead

What Parts of the Roads shall be first amended.

from

from the several Gates and Bridges of the said City of Hereford to be amended in the first Place; and proceed next to the repairing such other Parts of the said Roads as lead from and lie near the said City; and so proceed through the several Parishes and Divisions wherein the same do lie.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Acts, Orders, Accounts, and Proceedings, of the Trustees, to be done, made, or had, by virtue of this Act, shall be fairly entered in a Book or Books to be by the Clerk or Clerks to the said Trustees kept for those Purposes; and that no Act or Order shall be done or made by any of the said Trustees, except at a public Meeting of them the said Trustees to be held in pursuance of this Act; and such Acts, Orders, Accounts, and Proceedings, so entered, shall be signed by the said Clerk or Clerks, and being so signed shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Indorsement, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, relating to the Execution or in pursuance of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought against any Person or Persons for any thing done or to be done by virtue of this Act, until after Eight clear Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, thereby setting forth the Cause of such Action, or left at his or their last or usual Place of Abode; and that every Action brought for any thing done, or to be done as aforesaid, shall be brought within the Space of Six Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County where the Cause of such Action shall arise; and the Defendant or Defendants therein may plead the General Issue thereto, and give this Act, and the special Matter, in Evi-

General Issue.

dence,

thence, and that the same was done by virtue hereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Eight clear Days next after such Notice shall have been so given or left as aforesaid, or after the End of Six Calendar Months next after the Cause thereof shall arise; or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; then, and in every the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited; or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs; the Defendant or Defendants in such Action shall have Treble Costs, and shall have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases by Law. Treble Costs.

Provided always, and be it further enacted, That if any Action at Law shall be brought against any Person for any Thing done in pursuance of any Summons, Notice, Act, Order, Judgement, Conviction, Determination, Warrant, or other Proceeding, of or from the said Trustees, or of or from any Justice of the Peace, or of the Quarter Sessions, the Defendant or Defendants in such Action shall not be deemed a Trespasser or Trespassers on account of any Defect or Want of Form, or other Irregularity, of or in any such Summons, Notice, Act, Order, Judgement, Conviction, Determination, Warrant, or Proceeding; nor shall the said Defendant or Defendants be deemed a Trespasser or Trespassers ab initio, for or on account of any Irregularity which shall afterwards be done by him, them, or either of them; but the Person or Persons aggrieved by such Irregularity shall recover Satisfaction only for the Special Damages in an Action or Actions on the Case. Distress not unlawful for want of Form, nor the Parties distraining deemed Trespassers *ab initio*.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, 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.

FINIS.