

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

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CAP. XXI.

An Act to amend and alter an Act of the Fifty-ninth Year of His late Majesty King *George* the Third, for vesting in Commissioners the Line of Road from *Shrewsbury* in the County of *Salop* to *Bangor Ferry* in the County of *Carnarvon*; and for discharging the Trustees under several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His then present Majesty, from the future Repair and Maintenance thereof; and for repealing so much of the said Acts as affects the said Line of Road. [30th *July* 1835.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for vesting in Commissioners the Line of Road from* Shrewsbury *in the County of* Salop *to* Bangor Ferry *in the County of* Carnarvon; *and for discharging the Trustees under several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His present Majesty, from the future Repair and Maintenance thereof; and for altering and repealing so much of the said Acts as affects the said Line of Road:* And whereas an Act was passed in the said Fifty-ninth Year of 59 G. 3. c. 30.

of the Reign of His said late Majesty King *George* the Third, intituled
59 G. 3. c. 48. *An Act to amend an Act passed in the Fifty-fifth Year of His present Majesty, for granting to His Majesty the Sum of Twenty thousand Pounds towards repairing Roads between* London *and* Holyhead *by* Chester, *and between* London *and* Bangor *by* Shrewsbury; *and for giving additional Powers to the Commissioners therein named to build a Bridge over the* Menai Straits, *and to make a new Road from* Bangor Ferry *to* Holyhead *in the County of* Anglesea: And whereas the new Road from *Bangor Ferry* to *Holyhead*, authorized and directed to be made by the last-mentioned Act, was, soon after the passing the said Act, made and completed, and in pursuance of the Directions therein contained, the said Road was on its being completed transferred to and given up by the Commissioners therein named to the Commissioners appointed by the said first-recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, and the same is now vested in the said last-mentioned Commissioners, and is repaired and maintained by them under the Powers and Provisions of the said last-mentioned Act, which are made applicable thereto by the said last before-recited Act: And whereas the said first-recited Act requires to be explained and amended, and some Enactments thereof to be repealed: 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 all the Powers and Provisions of the said first-recited Act of the Fifty-ninth Year of His said Majesty King *George* the Third, except such or so much thereof as shall be hereby repealed, altered, or varied, shall be extended to this Act, and form Part of the same, as if the same had been repeated and re-enacted in this Act.

Powers of recited Act of 59 G. 3. extended to this Act.

Five or more Commissioners may act instead of Three or more.

II. And be it further enacted, That all and every the Acts, Matters, Powers, and Things whatsoever by the said first-recited Act authorized or directed to be done by Five or more of the said Commissioners shall and may from and after the passing of this Act be done by Three or more of the said Commissioners in all respects as if by the said Act the said Acts, Matters, and Things had been authorized or directed to be done by Three or more of the said Commissioners instead of Five or more of the said Commissioners.

Repeal of Power to Nine or more Commissioners to supply Vacancies.

III. And be it further enacted, That so much of the said first-recited Act as enacts that in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the said Commissioners it shall be lawful for the surviving or remaining Commissioners, or any Nine or more of them, as therein is mentioned, to supply such Vacancies, shall be and the same is hereby repealed.

Three or more Commissioners may supply Vacancies.

IV. And be it further enacted, That in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the said Commissioners it shall and may be lawful for the surviving or remaining Commissioners, or any Three or more of them, present at any Meeting to be held in pursuance of the said first-recited Act, to nominate and appoint such Person or Persons as they may think proper to supply such

such Vacancy or Vacancies; and that every Person so nominated shall be held and considered to be invested with all the same Powers as are delegated to the Persons appointed by the said first-recited Act or this Act in whose Room such Person shall be so nominated.

Repeal of so much as authorizes Toll for Overweight and narrow Wheels between Whitehurst's Gate and Bangor Ferry.

V. And be it further enacted, That so much of the said first-recited Act as enacts that it shall be lawful for the said Commissioners thereby appointed to take, from and after the First Day of *January* One thousand eight hundred and thirty-one, over and above the other Tolls by the same Act authorized to be taken at any and every Gate or Gates or Toll Bar along that Part of the said Line of Road lying between *Whitehurst's Gate* and *Bangor Ferry* thereby vested or directed to be thereafter vested in them, an additional Toll of Five Shillings for every Horse or other Beast therein mentioned and enumerated, under the Circumstances therein mentioned, shall be and the same is hereby repealed as and from the First Day of *June* One thousand eight hundred and thirty-six.

Commissioners may take Tolls for Overweight and narrow Wheels along the whole Line of Road from Shrewsbury to Holyhead.

VI. And be it further enacted, That it shall and may be lawful for the said Commissioners to take, from and after the passing of this Act, at any or every Gate or Gates or Toll Bar along the said Line of Road from *Shrewsbury* to *Holyhead*, for every Horse or other Beast drawing any Four-wheeled Carriage the Weight of which together with the Loading thereof shall weigh above the Weight of Three Tons Ten Hundred Weight, and for every Horse or other Beast drawing any Two-wheeled Carriage the Weight of which together with the Loading thereof shall weigh above the Weight of One Ton Ten Hundred Weight, and for every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, Car, or Dray the Wheels whereof shall be of less Breadth than Three Inches on the Bottom or Sole thereof, and for every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, Car, or Dray having Wheels with Tires fastened thereon with Nails the Heads of which are not countersunk, and which shall project above the Surface of the Tires, the Tolls following; that is to say, Double the Amount of such Tolls as would otherwise be payable under or by virtue of the said first-recited Act or of this Act.

So much as directs a Payment yearly in lieu of Tolls in Knockin Road repealed.

VII. And be it further enacted, That so much of the said first-recited Act as enacts that the said Commissioners shall yearly pay to the Trustees therein mentioned the Sum of Fifty Pounds in lieu of the Tolls to be taken by the said Commissioners on the *Knockin* Road shall be and the same is hereby repealed.

Persons going and returning once in a Day only to be exempt from a Second Toll.

VIII. And whereas it is by the said recited Acts enacted, that no Person who shall have paid any such Tolls as are by the said Acts authorized to be taken by the said Commissioners for passing through any Turnpike standing on the said Lines of Road between *Shrewsbury* and *Bangor Ferry*, and between the Bridge across the *Menai Straits* and *Holyhead*, shall be subject to any Toll for returning through such Turnpike the same Day with the same Horse or Horses, Cattle or Carriages, but shall return Toll-free, except as in the said Acts is excepted; now be it enacted, That nothing in the said Acts

Acts contained shall exempt any Person from paying a second or other Toll who after having returned shall on the same Day again pass through any Turnpike in the said Acts mentioned, although it be with the same Horse or Horses, Cattle or Carriages, but that all such Persons so passing shall be again liable to pay such Tolls as are by the said Acts authorized to be taken by the said Commissioners as in the said Acts is mentioned; but such Persons, on again returning on the same Day with the same Horse or Horses, Cattle or Carriages, shall be exempt from Payment of Toll in respect of so returning.

Post Horses having passed through any Gate may return Toll-free before Eight in the Morning of the following Day.

IX. And be it further enacted, That all Horses travelling for Hire under the Post-horse Duties Acts, having passed through any Turnpike Gate erected or to be erected on the said Line of Road between *Shrewsbury* and *Holyhead*, drawing any Carriage in respect of which any Toll shall have been paid, on returning through the Turnpike Gate at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage or drawing such Carriage, the same being empty, and without a Ticket denoting a fresh Hiring, shall be permitted to repass Toll-free, although such Horses or Carriage shall not have passed through such Turnpike Gate on the same Day, provided that such Horses so travelling shall return before Eight of the Clock of the Morning succeeding the Day on which they first passed the Turnpike Gate at which the Toll shall have been paid.

Exemptions from Toll in respect of attending Funerals.

X. And be it further enacted, That nothing in the said recited Acts contained shall be taken to exempt any Person or Persons going to or returning from attending any Funeral from Payment of Toll, except the Toll and Tolls payable at any Toll Gate or Toll Gates which may be within the Distance of Five Miles from the Burial Ground at which such Funeral or Funerals shall take place.

Repeal of Abatement of Tolls for certain Description of Wheels.

55G.3.c.119.

XI. And be it further enacted, That so much of the said first-recited Act as enacts that all Waggons, Carts, and other Carriages having the Wheels of the Width and Description and the Axletrees fixed as mentioned and set forth in and by an Act made in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *An Act to entitle the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow their carrying extra Weight in certain Cases*, shall be entitled to an Abatement of One Fourth Part of the Tolls by the said Act now in recital granted, and to all the other Privileges and Exemptions granted by the said Act, shall be and the same is hereby repealed.

Re-entry in case of Default in Payment of Rents for Tolls.

XII. And be it further enacted, That if any Rents payable in respect of or for any Tolls which already have been or shall at any Time hereafter be leased or agreed to be let in pursuance of the said recited Acts or this Act shall be in arrear for the Space of Three Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Agreement under which the same Tolls shall be holden, then and in that Case the said Commissioners for the carrying the said recited Acts into execution, or their Clerk, Treasurer, or Surveyor, or any Person authorized under the Hands of the said Commissioners, or under the Hand of their Clerk, Treasurer, or Surveyor,

shall be at liberty, and they are hereby authorized to enter into and upon the Possession of the Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances so let or agreed to be let as aforesaid, and to put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and thereupon it shall be lawful for the said Commissioners (if they shall think fit) to vacate such Lease or Agreement for letting the Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void (save as to the Covenants or Agreements for the Payment of the Rent or Rents thereby reserved); and it shall be lawful for the said Commissioners in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause the same to be taken or collected, as if no former Lease or Agreement had been entered into relative thereto.

Repeal of Clause relating to Statute Labour, &c.

XIII. And be it further enacted, That so much of the said first-recited Act as enacts that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Line of Road, or any Part thereof, shall remain liable thereto, shall be and the same is hereby repealed.

and of Provision allowing Composition for it.

XIV. And be it further enacted, That so much and such Parts of the said first-recited Act as relate to the compounding for such Statute Work to be done on the said Line of Road, or any Part thereof, shall be and the same are hereby repealed.

Provisions of General Turnpike Acts, 3 G. 4. c. 126. and 4 G. 4, 95., as to Statute Labour, to extend to this Act.

XV. And be it further enacted, That all and every the Provisions, Enactments, and Authorities contained in an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, and in an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, and all and every the Forms to the said Acts or either of them annexed, as are now in force, and which relate to Statute Labour to be done for the repairing and amending Turnpike Roads, or the Composition for the same, shall be applicable to the said Commissioners, and the said Line of Road vested in them from *Shrewsbury* to *Holyhead*, in all respects whatsoever as if such Powers and Provisions were herein repeated and made applicable to the said Line of Road, and the said Commissioners, and their Officers, and those acting under them; and such Statute Labour, as regards the said Line of Road, and the Persons liable to do the same, shall be done and performed in all respects as the same is directed to be done and performed under or by virtue of the said Acts or either of them.

Commissioners may award Moiety of

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think fit, to direct and award that any Part not exceeding One Moiety of any Fines or Penalties by the said

any Penalty to Informer.

said first-recited Act or this Act directed to be paid to the Treasurer or Treasurers for the Time being of the said Commissioners may be paid to the Person or Persons upon whose Information such Penalty or Fine may have been incurred.

Power to compel Payment of Arrears of Toll where Credit is given.

XVII. And be it further enacted, That in all Cases where Credit shall have been given for the Tolls by the said recited Acts and this Act authorized to be imposed it shall be lawful for the said Commissioners, or any Person or Persons acting by and with their Consent and Authority, after Demand made by any Collector or Collectors, and Neglect or Refusal on the Part of the Party or Parties on whom such Demand shall have been made to pay the same, or any Part thereof, to recover all Arrears due by Distress of the Goods and Chattels of the Party or Parties so owing, and neglecting or refusing to pay the same, such Distress to be levied by Warrant, to be obtained by Application to any Justice of the Peace for the County or Place where the Party or Parties owing the same shall be or reside (which Warrant such Justice is hereby authorized and required to grant, on the Oath of any Toll Collector or Surveyor, or other Agent or Person employed by the said Commissioners, that such a Sum is due for Arrears, and also to administer such Oath *gratis*); and if such Arrears, and the reasonable Charges of such Distress, shall not be paid within the Space of Five Days next after such Distress made, the said Commissioners, or such Person or Persons so distraining as aforesaid, may sell the Goods and Chattels so distrained, for Payment of the said Arrears, rendering the Overplus (if any), on Demand, to the Owner or Owners thereof, after such Arrears and all reasonable Charges shall be deducted.

Power to borrow Money at a lower Rate of Interest, to pay off existing Debt.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being to borrow and take up at Interest such Sum and Sums of Money as they shall from Time to Time think fit upon the Credit of the Tolls arising by virtue of the said recited Acts or this Act, or any Part thereof, for the Purpose of paying off and discharging any Sum or Sums of Money now secured on the said Tolls, or any Part thereof, so that such Sum or Sums shall bear a lower Rate of Interest than is now paid for the Monies so to be paid off; and all and every such Securities, or the Transfers thereof, shall be made in all respects as by the said first-recited Act is directed with respect to the Monies thereby authorized to be raised on the Security of the said Tolls; and all Monies so to be raised shall be paid and applied in and towards the Satisfaction of some existing Charge on the said Tolls; and all and every the Provisions and Forms in the said first-recited Act relating to Mortgages thereby authorized, or the Transfer thereof, shall apply to any Mortgage to be made in pursuance of this Power, or to any Transfer thereof.

Power to agree with Mortgagees of Tolls for Payment of lower Rate of Interest.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being and they are hereby authorized and empowered to treat and agree with any Person or Persons who have already advanced or shall hereafter advance any Sum or Sums of Money on the Security of the Tolls arising by virtue of the said recited

Acts or this Act, or any Part thereof, for the Payment and Receipt of a lower Rate of Interest for the Sum or Sums of Money so advanced than is or shall be expressed to be payable in the Assignment or Mortgage of the Tolls made or granted for securing the same; and an Agreement for the Payment and Receipt of such lower Rate of Interest shall be indorsed upon such Security or Securities respectively; and such lower Rate of Interest shall from thenceforth be and continue payable in the Manner stipulated for the Payment of the original Rate of Interest in lieu of which such lower Rate of Interest shall be agreed to be paid and received.

Fine for removing Road Fences, &c.

XX. And be it further enacted, That if any Person shall remove any Road Fences or Walls made or repaired by the said Commissioners without the written Authority of the Surveyor of the said Commissioners, every such Person so offending shall forfeit for every such Offence Twenty Shillings to such Person as shall make Information of the same, and shall in addition pay all the Expences of reinstating the same; and further, when any such Removal of any Fences or Walls shall be allowed, proper Curb Stones or other Protection, to the Satisfaction and according to the Direction of the Surveyor of the said Commissioners, shall be fixed along the Line of the Side Channel for the Distance where such Fences or Walls may have been removed, except at the Junction of Roads and at Gateways; and if the Person so removing such Fences or Walls shall not within One Week comply with the Direction of the said Surveyor in fixing proper Curb Stones or other Protection as aforesaid, then the same may be done, under the Direction of the Surveyor of the said Commissioners, by any Person or Persons he may appoint for that Purpose.

Penalty for Encroachments on the Side of Road.

XXI. And be it further enacted, That if any Person shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence, on or at the Side of any Part of the aforesaid Line of Road, in such Manner as to reduce the Breadth or confine the Limits thereof, or shall fill up or obstruct any Ditch at the Side thereof, or shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence, on any Common or Waste Land on the Side or Sides of the said Road, within the Distance of Thirty Feet if within Three Miles of any Market Town, or if beyond that Distance within Twenty-five Feet from the Middle or Centre thereof, or shall make any Encroachment by taking in any small Pieces of Waste, or shall make any Drain, Sink, or Watercourse across or otherwise break up or injure the Surface of the said Road or any Part thereof, or shall plough, manure, or break up the Soil of any Land or Ground, or in ploughing or harrowing the adjacent Land shall turn his or their Plough or Harrow in or upon any Land or Ground within the Distance aforesaid from the Middle of the said Road, every Person so offending shall for every such Offence forfeit the Sum of Forty Shillings to such Person as shall make Information of the same; and it shall be lawful for the said Commissioners or their Surveyor to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment to be taken down, restored, removed, or filled up, or, when any Ditch shall have been filled up or obstructed, to be opened and cleansed,

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at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for One or more Justice or Justices of the Peace of the County where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of removing and restoring any such Fences or Walls as aforesaid, or placing such Curb Stones or other Protection as aforesaid, or of taking down or filling up or clearing such Dwelling House or other Building, Hedges, Ditches, Drains, or other Encroachments, as the several Penalties hereby imposed, and also the Costs and Charges of levying and recovering the said Expences and Penalties respectively, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner, on Demand.

Repealing so much as limits Amount of Toll at certain Gates.

XXII. And be it further enacted, That so much of the said first-recited Act as enacts that the said Commissioners may, at the respective Gates or Turnpikes on the said Line of Road between *Oswestry* and the Boundary of the Counties of *Denbigh* and *Merioneth*, receive the several Tolls in the said Act mentioned for every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, Chair, Waggon, Wain, Wheel Car, Cart, Tumbril Car, Dray, or Sledge, and for every Horse or other Beast, laden or unladen, and not drawing, and that such Tolls may be charged Twice and not oftener in One Day, shall be and the same is hereby repealed as from the First Day of *June* One thousand eight hundred and thirty-six.

New Scale of Tolls between Oswestry and Llangollen.

XXIII. And be it further enacted, That from and after the First Day of *June* One thousand eight hundred and thirty-six it shall and may be lawful for the Commissioners for the Time being of the said recited Acts, and they are hereby authorized and empowered, to take, collect, and receive, in lieu of the Tolls hereby repealed, and in addition to such of the other Tolls authorized to be received and taken by the said first-recited Act as are not hereby repealed, the respective Tolls following, at the respective Gates or Turnpikes herein-after mentioned, or at the Bars or Gates which have been or shall be hereafter erected and attached to such respective Gates or Turnpikes on that Part of the said Line of Road lying between *Oswestry* and the Boundary of the Counties of *Denbigh* and *Merioneth*; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, Chair, Waggon, Wain, Wheel Car, Cart, Tumbril Car, Dray, or Sledge, any Sum not exceeding Three-pence at the *Llwyn Gate*; any Sum not exceeding Two-pence at *Whitehurst Gate*; and any Sum not exceeding Four-pence at the *Llangollen Gate*:

And for every Horse or other Beast, laden or unladen, and not drawing, any Sum not exceeding One Penny at the *Llwyn Gate*; any Sum not exceeding One Halfpenny at *Whitehurst Gate*; and any Sum not exceeding One Penny at the *Llangollen Gate*.

Chairman or Clerk may execute Leases of Tolls.

XXIV. And be it further enacted, That any Lease or Contract or Agreement, which by the said first-recited Act or this Act may be made or entered into by the said Commissioners for the letting the Tolls authorized to be taken by the said Commissioners, may be signed by the

the Chairman, or by the Clerk of the said Commissioners, in case the said Chairman or Clerk shall be authorized to sign the same, in Writing, by Three of the said Commissioners; and that all such Leases, Contracts, and Agreements shall be good and effectual to all Intents whatsoever, notwithstanding the same may not be by Deed or under Seal, any Act of Parliament or Law to the contrary thereof notwithstanding.

As to Tolls for Steam Carriages.

XXV. And be it further enacted, That every Steam Carriage or Locomotive Engine, including any One Carriage with not more than Four Wheels, drawn thereby, passing along the Line of Road vested in the said Commissioners, shall pay a Toll not exceeding Double the Amount of Toll by the said recited Acts payable by a Stage Coach drawn by Four Horses; and that every other separate Carriage, whether with Two or Four Wheels, attached or in anywise connected with any such Steam Carriage or Locomotive Engine, shall pay the same Toll as Stage Coaches drawn by Four Horses.

Commissioners may let Tolls by private Tender.

XXVI. And whereas it is by the said first-recited Act amongst other Things enacted, that the said Commissioners may in manner therein mentioned let the Tolls by the said Act granted, or any Part thereof, and also the Turnpikes, Toll Houses, and Weighing Machines vested in them by virtue of the said Act, as in the said Act is mentioned, unto any Person or Persons who shall be willing to take the same, as in the said Act is mentioned, such Notice of the Intention to let the same having been given as in the said Act is directed; be it therefore enacted, That in addition to the Powers in the said Act contained, it shall and may be lawful for the said Commissioners from Time to Time to let the said Tolls and other the Premises by the said Act authorized to be let, or any Part thereof, by private Tender, and without giving such Notice as in the said Act is directed, for any Term not exceeding Three Years at any one Time, for the best Rent that can be gotten for the same, and under such Covenants as the said Commissioners shall direct.

Repealing so much as imposes a Penalty for destroying Mile Stones.

XXVII. And be it further enacted, That so much of the said first-recited Act as enacts that if any Person shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed in or near the Side or Sides of the said Line of Road from *Shrewsbury* to *Bangor Ferry*, or should otherwise commit any Nuisance on or regarding or respecting the said Road as in the said Act is particularly enumerated, every Person so offending should for every such Offence forfeit and pay any Sum not exceeding Five Pounds, shall be and the same is hereby repealed.

Penalty for defacing Mile Stones and committing any Nuisance.

XXVIII. And be it further enacted, That if any Person or Persons shall wilfully or otherwise pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Line of Road from *Shrewsbury* to *Holyhead*, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon or affixed thereto, or shall injure or damage any Table of Tolls put up at any Toll Gate or Bar on any Part of the said Line of Road, or deface or obliterate any of the Inscriptions thereon,

thereon, or if any Person shall wilfully or otherwise pull up or throw down, break or injure, any Posts, Rails, Walls, or Fences along or near any Part of the said Line of Road, or at or near any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes thereof, in order to prevent Accidents, or shall cut down, injure, or destroy any Quicks or Willows planted by the said Commissioners along or near any Part of the said Line of Road, or if any Person shall cause any Damage or Injury to be done to any Bridge, Arch, or Wall, or other Building set up or to be erected by virtue of this Act or the said recited Acts, or otherwise, on any Part of the said Road or the Side thereof; or if any Person shall ride on any Footpath formed or maintained by the Surveyor of the said Commissioners upon or on the Side of or adjoining to the said Line of Road, or shall drive any Horse, Beast, or Swine, or any Carriage upon or cause any Damage to be done to any such Footpath; or if any Person, after having blocked any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Road the Stone or other Thing used in such blocking; or if any Person shall cause to be haled or drawn any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages to drag upon the said Line of Road, or any Part thereof, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Line of Road or any Part thereof shall suffer the said Pigs or Swine to root up the same, or the Fences on either Side thereof; or if any Person shall turn, or permit or suffer his, her, or their Horse or Horses or other Beast or Beasts, Cattle, Pigs, or Swine, to feed, graze, or run loose upon any Part of the said Line of Road, or on the Side or Sides thereof; or if any Person shall, in or upon the said Line of Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Carriage on the said Line of Road, and meeting another Carriage, shall not keep his or her Carriage on his or her Left or Near Side of the Road; or if any Person shall wilfully or otherwise prevent another from passing him or her, or any Carriage under his or her Care; or if any Person driving any Horse or other Beast on the said Line of Road carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Line of Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, or Fire Works whatsoever, or play at Foot-ball on any Part of the said Line of Road; or if any Blacksmith, or other Person occupying a Blacksmith's Shop situate near the said Line of Road, and having a Window or Windows fronting thereto, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Line of Road; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of any Part of the said Line of Road longer than may be necessary to load or unload the same, either with or without any Horse or other

Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon any Part of the said Line of Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Persons travelling thereon; or if any Person or Persons shall, without the Consent of the Surveyor of the said Commissioners, scrape off any Mud, Soil, or any other Matter or Thing which shall lie or be upon the said Line of Road, or any Part thereof; or if any Person shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon the said Line of Road or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person or Persons shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of the said Line of Road, or Toll House erected thereon, or shall extinguish the Light of any such Lamp; every such Person so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby; such Damages to be assessed and recovered in the same Manner and as if the same were a Penalty.

Cattle found straying on the Road to be impounded.

XXIX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found tethered or wandering, straying or lying about any Part of the aforesaid Line of Road (except on any Parts of such Road as lead or pass through or over any Common or Waste or uninclosed Ground), it shall and may be lawful for any Surveyor of the said Commissioners, where the same shall be found, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound (if any) of the Parish, Township, Tithing, or Place where the same shall be found, or in such other Place as the said Commissioners shall have provided or shall provide for that Purpose, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle there to detain until the Owner or Owners thereof shall for each and every Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded pay the Sum of Two Shillings, together with the reasonable Charges and Expences of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the said Commissioners, the said Sum of Two Shillings for each Beast to be applied to the Use of and in aid of the Tolls of such Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, (Notice being first given to the Owner, if known at the Time, or if not known by affixing written Notices at the Two next Toll Gates on the Road nearest to the Place where the same shall be impounded,) it shall and may be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed to order every such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold, except where it shall be made to appear to such Justice or Justices that the Horse, Ass, Sheep, Swine, or other Beast impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being the Owner or Occupier of such

Inclosure

Inclosure or employed by such Owner or Occupier, in which Case such Justice or Justices may remit such Penalty; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after such Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Sum of Two Shillings is herein-before directed to be applied: Provided always, that no Owner of any Horses, Asses, Sheep, Swine, or other Beast or Cattle impounded as aforesaid shall in any Case pay more than the Sum of Five Pounds, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded at one Time; and provided always, that nothing in this Clause shall be deemed, taken, or construed to extend to take away any Right of Pasturage which may exist on the Sides of any Part of the said Line of Road.

Punishing Persons guilty of Pound Breach.

XXX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or shall attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress and Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said Counties where the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

What shall be the Centre of the Road.

XXXI. And whereas Doubts may arise as to what is to be deemed the said Road or the Centre of the said Road so vested in the said Commissioners, or some Parts thereof; be it therefore enacted, That when any Matter or Thing is directed or forbidden to be done by this Act or the said recited Acts or otherwise, within a certain Distance of the Centre of the said Road, that Portion of the Ground shall be deemed to be the Road which has been maintained by the said Commissioners as hard Road, with Stones or Gravel, or other Materials used in forming Roads, for

for Six Months immediately preceding any Offence committed against such Regulations; and the Centre of the Road shall be the Middle of such hard Road, when a Line being drawn along the Road, or a Point marked, an equal Number of Feet of hard Road which have been so maintained as aforesaid for Six Months before shall be found on each Side of such Line or Mark.

Owners of Waggons, &c. to have their Names painted thereon.

XXXII. And for the Discovery of Offenders, be it further enacted, That the Owner or Owners of every Waggon, Wain, or Cart, or other such Carriage, passing along any Part of the aforesaid Line of Road, shall from and after the First Day of *August* One thousand eight hundred and thirty-five paint or cause to be painted in One or more straight Line or Lines, upon some conspicuous Part of the Right or Off Side of his, her, or their Waggon, Wain, or Cart, or other such Carriage, or upon the Off Side Shafts, before the same shall be used upon the said Road, his, her, or their Christian and Surname, and the Place of his, her, and their Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, at full Length, in large legible Letters not less than One Inch in Height, and continue the same thereupon so long as such Waggon, Wain, Cart, or other such Carriage shall be used upon the said Line of Road, or any Part thereof; and every Owner and Proprietor of any Waggon, Wain, or Cart, or other Carriage, who shall use or allow the same to be used on the said Road or any Part thereof without the Names and Descriptions painted thereon as aforesaid, or who shall paint or cause to be painted any false or fictitious Name or Place of Abode on such Waggon, Wain, or Cart or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Drivers of Waggons or Carts not to ride thereon, unless some other Person on Foot guide the same.

XXXIII. And whereas many Accidents happen and great Mischiefs are frequently done upon the said Line of Road by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon; be it therefore enacted, That if the Driver of any Waggon or Cart of any Kind shall ride upon any such Carriages in the said Road, not having some other Person on Foot or on Horseback to guide the same (such light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two, drawing the same, excepted); or if the Driver of any Carriage whatsoever, on any Part of the said Road, shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage passing or being upon the said Road, or shall quit the Road and go on the other Side the Hedge or Fence enclosing the same, or wilfully be at such a Distance from such Carriage, or in such a Situation, whilst it shall be passing upon the said Road, that he cannot have the Direction and Government of the Horses or Cattle drawing the same; or if any Person shall drive or act as the Driver of any such Coach, Post Chaise, or other Carriage let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name, as hereby required, painted thereon, or shall refuse to discover the true Christian and Surname of the Owner or principal Owners of such respective Carriage; or if the Driver of any Waggon, Cart, Coach, or other Carriage whatsoever,

soever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, on the said Road; every such Driver so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the Limit where such Offence shall be committed, or where such Offender shall be apprehended, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, in case such Driver shall not be the Owner of such Carriage, and in case the Offender be the Owner of such Carriage then any Sum not exceeding Five Pounds, and in either of the said Cases shall in default of Payment be committed to the House of Correction for any Time not exceeding One Month, unless such Forfeiture shall be sooner paid; and every such Driver offending in either of the said Cases shall and may by the Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be conveyed before some Justice of the Peace, to be dealt with according to Law; and if any such Driver in any of the Cases aforesaid shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding Three Months, or to proceed against him for the Penalty aforesaid, by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

Surveyors may make Drains, &c.

XXXIV. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Commissioners, from Time to Time, to cut, make, or maintain Drains or Watercourses upon and through any Lands lying contiguous to any Road under the Direction or Control of the said Commissioners, and also to make Ditches in any such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Commissioners, shall judge necessary, and make sufficient Fences and Barriers and other Erections on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor and Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands to be used, cut through, or built upon, for the Damages which they or any of them may sustain thereby, as the said Commissioners shall judge reasonable; and in case of any Difference between such Owners and Occupiers and the said Commissioners touching such Damages, the same shall be finally settled by any Two or more Justices of the Peace for the County, City, or Place in which such Drain or Watercourse shall lie or be situate.

XXXV. Pro-

Justices to award for Materials no larger Sum than they could actually be sold for.

XXXV. Provided always, and be it enacted, That the said Commissioners shall not be required to pay any larger Sum, as a Satisfaction for any Materials raised, taken, or carried away from any Lands or Grounds for making or repairing the said Road, than such Sum of Money as it shall appear to the Two Justices settling and determining such Satisfaction that such Materials might or could have been actually sold for in case the same had not been raised, taken, or carried away by the said Commissioners; and in case the said Justices shall be of opinion that the said Materials, before they had been so raised, taken, or carried away, could not have been sold or disposed of, then the said Justices shall only assess the Damage done to the Lands or Grounds of the Owners or Occupiers thereof by the raising, gathering, or carrying away the same.

Gravel, &c. that has been raised not to be removed without giving Notice to the Surveyor.

XXXVI. And be it further enacted, That notwithstanding any thing in the said first-recited Act contained it shall not be lawful for any Person or Persons whomsoever to remove or carry away any Gravel, Stone, or other Materials which shall have been quarried, dug, or raised by the Surveyor of the said Commissioners or his Workmen from, and shall be left by him or them in, any Gravel Pit or Quarry opened for the Purpose of getting Materials for the said Line of Road, (notwithstanding the said Surveyor or his Workmen may have discontinued working in such Gravel Pit or Quarry for the Space of Thirty Days,) without first giving Twenty-one Days Notice in Writing to the said Surveyor to remove and take away the same; and if any Person or Persons shall remove or carry away any such Gravel, Stone, or other Materials so quarried, dug, or raised as aforesaid before the Expiration of Twenty-one Days from the Time such Notice shall be so given as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, in addition to the Value of the Gravel, Stone, or other Materials so removed or carried away as aforesaid.

Commissioners may renew Mortgages lost or mislaid.

XXXVII. And be it further enacted, That in all Cases where it shall appear by the Books kept by the Clerk or Treasurer to the said Commissioners, or by any satisfactory Evidence adduced at any Meeting of the said Commissioners, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls authorized by the said recited Acts or this Act to be taken, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Commissioners, or any Three or more of them, to execute, at the Expence of the Person or Persons applying for the same, an Assigment of the Tolls by the said recited Acts or this Act granted for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every Assignment to be executed shall be valid and effectual for the Purposes thereby intended, and shall be considered as substituted in all respects for the former Mortgage or Assignment, which shall on such new Mortgage or Assignment being executed be in all respects void.

Repeal of Clauses in former Act

XXXVIII. And be it further enacted, That so much of the said first-recited Act as enacts that the several General Acts made for the Regulation

extending to it the Powers of General Turnpike Acts.

lation of Turnpike Roads in *England* and *Wales* should and were thereby declared to extend to the said Act now in recital, and that it should be lawful for the said Commissioners thereby appointed to exercise and put in execution all the Powers and Authorities by the said General Acts given to and authorized to be executed by Trustees of Turnpike Roads, as fully and amply as any Trustees might do under the Authority of the said General Acts or either of them, shall be and the same is hereby repealed.

Commencement of Act.

XXXIX. And be it further enacted, That this Act and the several Powers and Matters herein contained, except where otherwise directed by this Act, shall take effect and come into operation from the First Day of *August* One thousand eight hundred and thirty-five.

Public Act.

XL. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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