



ANNO QUADRAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. 65.

An Act for the more effectually repairing a certain Road called *The Watling Street Road*, and other Roads therein mentioned, in the Counties of *Salop* and *Stafford*. [27th May 1808.]

WHEREAS by an Act passed in the Twelfth Year of the Reign of his late Majesty King George the First, for the repairing several Roads therein and herein-after mentioned in the County of *Salop*; *videlicet*, The High Road commonly called *The Watling Street Road*, leading from a Place called *Crackley Bank*, in the Parish of *Idfall* otherwise *Shiffnall*, to the Town of *Shrewsbury*, in the said County of *Salop*, and the Highway leading from *Idfall*, otherwise *Shiffnall*, into the said *Watling Street Road*, at a Place called *The Oaken Gates*; and the Highway leading from a Place called *The Smith's Shop*, in *Crudginton*, in the Parish of *Ercall Magna*, in the said County of *Salop*, through the several Lanes called *Sleap Lane*, *Dotbili Lane*, and *Back Lane*, into the said *Watling Street Road*, at or near the *Swan Inn* in the Township of *Wellington*; and the Road leading from *Cotwal Town*, in the said Parish of *Ercall Magna*, through the Lanes called *Longdon Lane*, *Shaw Birch*, and *Hadley Lane*, by *Wombridge*, into the said *Watling Street Road*, at the said Place called *Oaken Gates*; and by another Act of Parliament made in the Third Year of his late Majesty King George the Second, intituled, *An Act for*

12 G. 1.
recited.

3 G. 2.

[Loc. & Per.]

13 Z

continued

28 G. 2.

4 G. 3.

12 G. 3.

Trustees under said Acts have made great Progress and laid out Monies, &c.

Former Acts repealed, and

tinued from the Expiration thereof for the further Term of Fourteen Years; which said Acts were further continued for Five Years by an Act passed in the Twenty-eighth Year of the Reign of his said late Majesty, for the Amendment and Preservation of the public Highways and Turnpike Roads in this Kingdom: And whereas by another Act passed in the Fourth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of Two Acts of the Twelfth of King George the First, and of the Third of his late Majesty, for repairing several Roads therein mentioned, in the County of Salop; and also for amending and widening the Road from the Sign of the Horseshoe in Uckington to Longnor Green; and also from the West End of Atcham Bridge to the Cross Houses upon the Bridgenorth Turnpike Road in the said County*, the several Clauses and Powers contained in such last mentioned Act and the Acts therein recited (except such Clauses, Matters and Things, as are thereby explained, altered, amended, or repealed) should be and continue in force, and be executed as well for the Purposes in such Acts mentioned or contained for the ordering, amending, and keeping in Repair and widening the several Roads therein described; and also the additional Roads therein-before particularly mentioned beginning at the Sign of the *Horseshoe in Uckington*, and ending at *Longnor Green*, and beginning at the *West End of Atcham Bridge* and ending at the *Cross Houses* upon the *Bridgenorth Turnpike Road* aforesaid, for the Residue then unexpired of the Term granted by the said Act of the Twenty-eighth Year of the Reign of his late Majesty King George the Second, and from the Expiration thereof, for the further Term of Twenty-one Years: And whereas by an Act passed in the Twelfth Year of the Reign of His present Majesty, intituled, *An Act to amend an Act of the Sixth Year of the Reign of His present Majesty, for repairing and widening the Stone Bridge in the Town of Shrewsbury, and for appropriating Part of the Tolls collected upon certain Roads leading to the Bridge, towards finishing the same, and for granting additional Terms to the several Acts for repairing the said Roads*, the Term and Powers in the said therein and herein-before recited Act of the Fourth Year of the Reign of His present Majesty were, among other Acts therein also mentioned, further continued from the Expiration thereof for and during the further Term of Twenty-one Years, which said Act will expire on the First of *June* One thousand eight hundred and eight: And whereas there is a certain Part of the Road between *Crackley Bank* aforesaid and the Turnpike Road near *Weston* which leads from *Iwelfey Bank* in the said County of *Stafford* to *Newport* in the said County of *Salop*, and which though a Continuation of the Road from *Crackley Bank* aforesaid towards *Lichfield*, is not comprized within any of the said recited Acts or any other Turnpike Act, but such Road will be better formed and kept in Repair if the same is included in this Act: And whereas the Trustees appointed in or by virtue of the said Acts have made great Progress in the Execution thereof, and have for that Purpose borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which now remain due and cannot be repaid, and the said Roads kept in good Repair, unless the Term for which the said last mentioned Act was granted be further extended; and it is expedient that the same should be repealed, and further and other Powers granted instead thereof; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Twelfth George the First, Third George the Second,

Fourth

Fourth George the Third and Twelfth George the Third, as far as they respect any of the Roads intended to be comprized in this Act, shall, on the Second Monday next after the passing of this Act, be and the same are hereby declared to be repealed; and that instead thereof this Act shall commence and take Effect, and be put in Execution for and during the Term hereinafter mentioned, for repairing, widening, and improving the said Roads comprized in the Fourth Year of the present King, and the said Road from *Crackley Bank* to *Weston*; and that this Act, and all the Tolls which shall be collected upon the said Roads, shall be and are hereby made subject and liable as herein after provided for, to the Payment of all Sums of Money now due and owing in each District upon the Credit or on Account of the said recited Acts, and to the Payment of all Money which shall or may hereafter be borrowed and become due in each District on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

this Act to
take place
instead.

II. And be it further enacted, That the Right Honourable *Charles Augustus Bennett* commonly called *Lord Ossulston*, the Right Honourable *Edward Herbert Clive* commonly called *Viscount Clive*, *Sir John Thomas Cholmondeley Edwardes*, Baronet, *Sir Edward Smythe*, Baronet, *Sir Robert Leighton*, Baronet, *Sir Richard Hill*, Baronet, *Sir Corbet Corbet*, Baronet, *Sir Charles Oakeley*, Baronet, the Mayor, Recorder, Aldermen, Town Clerk, and Steward for the Time being of the Town of *Shrewsbury*, *Charles Martin Aylett*, *Henry Cay Adams*, Clerk, Honourable *Henry Grey Bennett*, *Robert Burton*, *Henry Burton*, Clerk, *Edward Burton*, *Samuel Yate Benyon*, *John Brickdale Blakeway*, Clerk, *Samuel Butler*, Clerk, *John Bather*, *John Bather* the younger, *Edward Bather*, *Benjamin Benyon*, *John Bishop*, *John Beck*, *Henry Bowman*, *John Cotes*, *Andrew Corbet*, *Andrew Vincent Corbet*, *John Corbet*, *Edward Corbet*, *Joseph Corbett*, Clerk, Archdeacon of Salop, *Panton Corbett*, *William Cludde*, *Edward Cludde*, *William Cludde* the younger, *William Childe*, *William Lacon Childe*, *William Cross Curtis*, Clerk, *Joseph Careless*, *William Coupland*, *Robert Waring Darwin*, Doctor of Physic, *Thomas Dugard*, Doctor of Physic, *Edmund Dana*, Clerk, *Edward Daker*, Clerk, *John Dodson*, *Benjamin Edwardes*, *Thomas Eyton*, *Thomas Eyton* the younger, *John Eyton*, Clerk, *George Forester*, *Cecil Forester*, *Townsend Forester*, Clerk, *James France*, *Thomas Goodinge*, Clerk, Doctor of Laws, *Lawrence Gardner*, Clerk, *George Goodwin*, Honourable *William Hill*, Honourable *Richard Hill*, Clerk, *John Hill*, *John Hill* the younger, *Samuel Harwood* Doctor of Physic, *Edward Harries*, *Thomas Harries*, *Francis Blythe Harries*, *William Henry Harnage*, *William Hopkins*, Clerk, *William Hopkins* the younger, Clerk, *Robert Cheney Hart*, *William Cheney Hart*, *William Heighway*, *John Hughes*, *Edward Hodges*, Honourable *Charles Cecil Cope Jenkinson*, *Thomas Tyrwhit Jones*, *Edward Jenkins*, *Robert Jenkins*, *William Jones*, *Thomas Jones*, *William Egerton Jffreys*, *Richard Jaundrell*, *Edward Kynaston*, *Thomas Kynnersley*, *Richard Lyster*, *Francis Leighton*, Clerk, *Francis Knivett Leighton*, *Edward Linzee*, Clerk, *Thomas Lloyd*, *John Lea*, Clerk, *Thomas Loxdale*, *Joseph Loxdale*, *James Mason*, *Robert Moore*, *John Maddock*, *Hugh Owen*, *John Kynaston Powell*, *John Cressett Pelham*, *Edward Powis*, Clerk, *Thomas Pemberton*, *Edward Pemberton*, *Edward Smythe Pemberton*, *Thomas Pemberton*, Barrister at Law, *Robert Pemberton*, *Robert Norgrave Pemberton*, *John Probert*, *Plowden Prestland*, *James Parry*, *Francis Parry*, *John Roche*, Clerk, *Edward Smythe*, *William Smith*, *Richard Scott*, *Jonathan Scott*, *George John Scott*, *Richard Scott*, Clerk, *John Scott*, *Thomas Steadman*, *Samuel Sandford*, *Joseph Sutton*, *Charles Price Stanier*, *William Tayleur*, Doctor of Physic,
Walter

Trustees for
the Shrewf-
bury District
of Roads,

Trustees for
The Wellington
District
of Road.

Walter Hervey Thursby, George Augustus Thursby, Clerk, William Thornes, Clerk, Rowland Wingfield, John Wingfield, Edward Williams, Edward Williams, Clerk, Henry Williams, Francis Walford, Richard Wilding, Clerk, Charles Walcott, John Wilde, Clerk, William Wood, Lewis Williams, Clerk, John Warter, Joseph Warter, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act into Execution within the First Division, called *The Shrewsbury District*; as herein-after mentioned; and that the Right Honourable Granville Leveson Gower commonly called Lord Granville Leveson Gower, the Honourable George Bridgman, Clerk, Ralph Browne Wylde Browne, Isaac Hawkins Browne, George Brooke, Robert Burton, Henry Burton, Clerk, Edward Burton, Thomas Botfield, William Botfield, Beriah Botfield, William Bishton, John Bishton, George Bishton, Thomas Briscoe, William Briscoe, John Cotes, William Cludde, Edward Cludde, William Cludde the younger, William Lacon Childe, William Charlton, Philip Charlton, Roger Clayton, Clerk, Charles Cameron, Clerk, Edmund Darby, John Dodson, Thomas Eyton, Thomas Eyton the younger, John Eyton, Clerk, Richard Emery, George Forester, Cecil Forester, George Townsend Forester, Townsend Forester, Clerk, Francis Forester, Robert Ferriday, Lawrence Gardner, Clerk, George Goodwin, Honourable William Hill, Honourable Richard Hill, Sir Richard Hill, Baronet, John Hill, John Hill the younger, Rowland Hill, Edward Harries, Thomas Harries, Francis Blyth Harries, William Henry Harnage, Honourable Charles Cecil Cope Jenkinson, Thomas Tyrwhit Jones, Edward Jenkins, Robert Jenkins, Stephen Jennins, William Jones, Thomas Jones, Thomas Kynnerstey, Richard Lyster, Francis Knivet Leighton, Ralph Leeke, Egerton Leeke, Hugh Owen, Clerk, John Kynaston Powell, Edmund Plowden, John Cressett Pelham, William Pigot, Clerk, John Dryden Pigot, Clerk, Thomas Pemberton, Edward Pemberton, Thomas Pemberton, Barrister at Law, Robert Pemberton, Revel Phillips, John Pritchard, John Rocke, Clerk, Joseph Reynolds, Benjamin Rowley, Honourable John Bridgman Simpson, William Smith, William Shakeshaft, Robert Slaney, Moreton Aglionby Slaney, Richard Slany, Clerk, Charles Price Stanier, George Augustus Thursby, Clerk, Valentine Vickers, Valentine Vickers the younger, Thomas Whitmore, William Whitmore, William Wolrych Whitmore, Joshua Williams, Edward Williams, Edward Williams, Clerk, Henry Williams, Francis Walford, Timothy Yate, William John Yonge, William Yonge, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution within the Second Division, called *The Wellington District*, as herein-after mentioned; and that the Right Honourable Granville Leveson Gower commonly called Lord Granville Leveson Gower, the Right Honourable George Bridgman, Clerk, Sir William Jerningham, Baronet, Sir George Pigott, Baronet, Charles Buckeridge, Doctor of Laws, Ralph Browne Wylde Browne, Isaac Hawkins Browne, George Brook, George Baylis, Thomas Botfield, William Botfield, Beriah Botfield, William Bishton, John Bishton, George Bishton, Thomas Bishton, William Briscoe, William Bayly, John Coates, William Charlton, William Cherrington, Charles Cameron, Clerk, William Cherrington, John Cherrington, Roger Clayton, Clerk, John Cuxson, George Durant, Edmund Darby, Robert Dean, Clerk, David Davies, Thomas Duppa, George Forester, Cecil Forester, Townsend Forester, Clerk, Francis Forester, Robert Ferriday, Charles Firchild, Charles Firchild the younger, Nathaniel Hinde, Clerk, John Hammond, William Hammond, Samuel Harding, George Jerningham, William Jerningham, Edward Jerningham, Samuel Jones, John Moultrie, George Austin Moultrie, George Molineux, George Molineux Clerk, Edmund Plowden, Joseph Pycroft,

Trustee for
The Shifnal
District of
Road.

Pycroft, Revel Phillips, Thomas Paddey, John Pritchard, Joseph Reynolds, Benjamin Rowley, William Rushton, the Honourable John Simpson Bridgeman, Robert Slaney, Robert Aglionby Slaney, Plowden Slaney, Moreton Aglionby Slaney, Richard Slaney, Clerk, Walter Stubbs, John Stanier, Robert Smith, Clerk, Thomas Whitmore, William Whitmore, William Wolrych Whitmore, Joshua Williams, John Wood, John Wright, Timothy Yate, William John Yonge, William Yonge, Henry Yonge, and their Successors, to be elected in Manner herein-after mentioned; shall be and they are hereby appointed Trustees for putting this Act in Execution within the Third Division, called The Skiffnall District, as herein-after mentioned; and the several Persons in future to be elected in Manner herein-after mentioned, shall be and are hereby appointed Trustees for putting this Act in Execution

III. And be it further enacted, That when any Trustee shall die, or by Writing under his Hand delivered to the Clerk of the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, for such District respectively, or any Five or more of them, by Writing under their Hands, to elect and appoint one other Person to be a Trustee in the room of the Trustee so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected within such respective District, or in such Manner as herein-after mentioned, and at least Twenty-one Days before the Meeting of such Election; and every Person so elected shall be a Trustee for putting this Act in Execution.

Appointment of new Trustees.

Notice to be given.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, whilst he holds any Place of Profit under this Act, nor unless he shall (at the Time of acting), be seized or possessed in his own Right or in the Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprises, or shall have Personal Estate of the Value of Two thousand Pounds, or shall be an 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, shall presume to act in the Trust aforesaid, 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 Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid; or otherwise shall pay the said Penalty upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before-mentioned, shall notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Qualification of Trustees.

Penalty for acting, not being qualified.

Acts of Trustees not qualified to be valid.

V. And be it further enacted, That the said Trustees for the said First District, or any Five or more of them, shall meet at the Guildhall in the

[Loc & Per.]

14 A

Town

Time and Place of Trustees First Meeting.

Town of *Shrewsbury*, on the Second *Monday* next after the passing of this Act, and that the said Trustees for the said Second District, or any Five or more of them, shall meet together at the House known by the Sign of *The Falcon*, at the *Hay Gate* in the Parish of *Wellington* aforesaid, on the said Second *Monday* next after the passing of this Act; and that the said Trustees for the Third District, or any Five or more of them, shall meet together at the House known by the Sign of the *Ferriburgh Arms*, in *Shiffnall* aforesaid, on the said Second *Monday* next after the passing of this Act, and respectively proceed to the Execution of this Act; and shall then and from Time to Time afterwards adjourn themselves to meet at such Time and Place within such respective Districts as the said respective Trustees or any Five or more of them shall think proper; and if there shall not appear at any Meeting a sufficient Number of Trustees to act, or to adjourn to another Day, Two Trustees being deemed sufficient for the Purpose of Adjournment only, or in case the said Trustees respectively at any Time assembled, shall not adjourn themselves, the Clerk or Clerks to the said Trustees respectively, shall adjourn the Meeting to such Time and Place as he or they shall think fit, not exceeding as to the Time the Space of Twenty-one Days after the Time of the last Adjournment, and shall give Notice thereof in Writing affixed on all the Turnpike Gates within the respective District where such Default shall be, or be left at the usual Residence of the said Trustees, or by public Advertisement, in both or either of the *Shrewsbury* Newspapers; and in case no Adjournment, Notice or Appointment of Meeting shall be made or given by the Clerk or Clerks to the said Trustees respectively, then it shall be lawful for any Five of the said Trustees respectively (although not assembled at a Meeting), to cause such Notice in Writing to be given in any or either of the Ways aforesaid, appointing the Trustees of such respective District to meet at such Time and Place as they the said Five Trustees shall think proper, not exceeding as to the Time Fourteen Days, and not being less than Seven Days from the Time of affixing or giving such Notice; and the respective Trustees shall at all their Meetings defray their own Expences; and all Orders and Determinations of the said respective Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise, except as herein particularly mentioned; and that no Order or Determination shall be made unless a Majority of the respective Trustees present at a Meeting (every Trustee composing such Majority not being personally interested in the Matter or Matters in question) shall concur therein, such Meeting not consisting of 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 Nine Trustees (not any of them being personally interested as aforesaid) shall be present; 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 respectively, to be by him fixed up at all the Turnpike Gates then standing within such respective District, or given as aforesaid, at least Fourteen Days previous to any Meeting, to be held for such Purpose; and that all such Trustees respectively 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): Provided nevertheless, that no

Mortgagee

Adjournment.

Trustees to bear their own Expences.

Trustees being Justices of the Peace may act as such.

Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by the said former Acts or this Act, or receiving Interest thereon for the same, shall on such Account only be deemed unqualified.

Mortgagees
not deemed
unqualified.

VI. And be it further enacted, That if after any Adjournment of the said respective Trustees, or their Clerk or Clerks, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees respectively, upon an Order in Writing signed by Five or more of the acting Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof by Writing affixed on all the Turnpike Gates then erected upon the said Roads, or by any other of the Ways aforesaid, of the Time and Place of such Meeting, which shall be mentioned in the Order of the said Trustees (such Time not being less than Seven Days after such Notice) and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees respectively at such Meetings shall be as valid and effectual, as they would have been made in case such Meeting had been then held in pursuance of Adjournment.

Manner of
Adjournment,

VII. And, for the better and more convenient Management of the Roads comprized in this Act, and the Application of the Tolls thereof, be it further enacted, That the same are hereby declared to be divided into Three distinct and separate Divisions and Districts, the First of which Divisions shall extend from the Town of *Shrewsbury* at the Place herein after mentioned (that is to say) in the *Abbey Foregate* in or near the same Town, within Two hundred and fourteen Yards or thereabouts of the Centre of the *English Bridge* from a certain Place where Two Iron Gates are placed, one on each Side of the Road, over a Sough or Culvert which crosses under the same Road at such Distance from the said Bridge to a certain Cottage at or near *Uckington*, belonging to the Right Honourable Lord *Berwick*, now in the Occupation of *Thomas Wood*; also from the Sign of the *Horseshoe* in *Uckington* to *Longnor Green*, and from the West End of *Atcham Bridge* to the *Cross Houses* upon the *Bridgenorth* Turnpike Road, and shall be called "The *Shrewsbury District*:" That the Second Division shall commence and extend from the said Cottage in the Occupation of *Thomas Wood*, to the Confines of the Parish of *Shiffnall*, at or near *Oaken Gates* in the Parish of *Wombridge*, and to the Road leading from *Shrewsbury* to *Newport*, at *Cotwall* and *Crudgington*, and from the *Shaw Birch* through *Hadley* and *Wombridge* to the *Oaken Gates* aforesaid, and shall be called "The *Wellington District*:" That the Third Division shall commence and extend from *Oaken Gates* aforesaid to the Turnpike Road leading from *Newport* to *Ivetsy Bank* near *Weston*, and from *Oaken Gates* aforesaid to the Town of *Shiffnall*, and shall be called "The *Shiffnall District*:" And that this Act, and all the Powers, Provisions, Authorities, Matters and Things herein contained relating to the said Roads generally, shall extend and apply and be applied to and be put in Execution within such separate Divisions, in such and the same Manner, to all Intents and Purposes, as is herein provided for the repairing, amending, and Management of the whole of the said Roads.

Roads divided
into Districts,

Money to be
borrowed,
and secured
by the Tolls
arising from
separate Dis-
tricts,

VIII. And be it further enacted, That all and every Sum and Sums of Money which have heretofore been borrowed under the Authority of the said recited Acts, or which shall hereafter be borrowed under the Authority of this Act, on account of the said respective Districts, shall be secured upon the Tolls to arise within that District for which such Sum or Sums of Money have been or shall hereafter be respectively borrowed, and that the Tolls to be collected within each of the said respective Districts, and the Money to be borrowed on the Credit thereof, shall be applied and disposed of for the Service of and carrying into Execution this Act, with respect to such District only, and that all Costs, Charges and Expences of obtaining and passing this Act, shall be paid by the said Trustees or any Five or more of them, out of the First Monies that shall come to their Hands by virtue of this Act, on account of the said respective Districts of Road, in the Shares and Proportions following; (that is to say) according, and in Proportion, to the Receipts in each District, agreeably to the last Year's Accounts, and in preference to any other Payment whatsoever, but that any additional Expence which shall be occasioned in the obtaining this Act, by Means of the Roads from *Crackley Bank* to the said Road at *Weston*, being comprized herein, shall be exclusively paid by the *Shiffnall* District.

Trustees may
sue and be
sued in the
Names of
their Treasu-
rer or Clerk.

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

Treasurer and
Clerk to be
reimbursed
Expences.

Appointing
Officers;

X. And be it further enacted, That the said Trustees of each District, or any Five or more of them, present at the First or any subsequent Meeting, by any Writing under their Hands, shall and may continue or nominate and appoint one or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls, and also one or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, and such other Officer or Officers as the said Trustees, or any Five or more of them, shall think proper in each District; and from Time to Time remove such other Treasurers, Collectors, Receivers, or Surveyors, or other Officers, or any of them, as they shall see Occasion, and appoint others in the room of such of them as shall

and remove;

and others
appointed.

shall be removed, or shall die or become incapable of performing their Duty, and may and are hereby authorized and empowered, out of the Monies to arise by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers and Persons as shall assist them or any of them in or about the Execution of this Act; such Salaries, Rewards, and Allowances for their Attendance, Care, Labour and Service, as to the said Trustees or any Five or more of them in each District shall seem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees or any Five or more of them; deliver to such Trustees of each District, or to such Person or Persons as they or any Five or more of them shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected; or received; and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payment; and the Surveyor or Surveyors shall also deliver in Writing a correct Account of the Statute Duty done or compounded for by each Person within the preceding Twelve Months, and shall verify the Account upon Oath; if thereunto required by the said Trustees or any Five or more of them (which Oath any one of the said Trustees is hereby empowered to administer); and also such Officers and Persons shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees or any Five or more of them in each District shall appoint to receive the same; and if the said Officers or Persons shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees or any Five or more of them in each District, or to such Person or Persons as they or any Five or more of them shall appoint, within Ten Days after being thereunto requested by the said Trustees or any Five or more of them; or by such other Person or Persons, all Books, Papers, and Writings in their Custody or Power relating to the Execution of this Act; then and in every such Case, Complaint being made by the said Trustees or any Five or more of them in each District, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, such Justice may and is hereby authorized and required by Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him; and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint 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 in each District might have done; and if upon the Confession of the Officer or Officers, Person or Persons; against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by

Officers to
account.

Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justices at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Account and of the Articles thereof on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, or Writings as aforesaid, then and in either of the Cases aforesaid, the said Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County, Town, or Place where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the Trustees or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or any Five or more of them or to such Person or Persons as they shall appoint to receive the same (such Composition the said Trustees, or any Five or more of them, are hereby empowered to make) or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees or any Five or more of them: Provided always, that no Person who shall be committed for want of such Distress shall be detained in Prison for any longer Time than Six Calendar Months.

Treasurer to
give Security.

XI. And be it further enacted, That the said Trustees in each District, or any Five or more of them, shall take such sufficient Security from the Treasurer or Treasurers, Clerk or Clerks, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as they the said Trustees or any Five or more of them in each District shall think proper.

Turnpikes.

XII. And be it further enacted, That the said respective Trustees or any Five or more of them, shall and may continue and support, or build or erect, or cause to be built or erected, one or more Gate or Gates, Weighing Machine or Weighing Machines, on or across the said Roads within each of their respective Districts, or on the Sides thereof, and across any Way or Lane leading into the same; and also a Toll House or Toll Houses, with suitable Outbuildings and Conveniences, at or near each Gate or Turnpike, and may from Time to Time remove, alter, or discontinue the same or any of them, as they the said Trustees respectively, or any Nine or more of them shall think expedient; subject nevertheless to the Restrictions^m herein contained in that Respect; and that the respective Tolls following shall be demanded and taken at every such Gate or Turnpike of the Person or Persons attending any Horses, Cattle, or Carriage, by such Person or Persons as the said respective Trustees, or any Five or more

Toll Houses.

of

of them, shall from Time to Time appoint for that Purpose, before any such Cattle or Carriage shall be permitted to pass through the same, (that is to say)

For every Horse, Mare, Gelding, or Mule, drawing any Coach, Chariot, Chaise, Chair, or such like Carriage, Three-pence: Tolls:

For every Horse, Mare, Gelding, or Mule, drawing any Waggon, Cart, or such like Carriage, with the Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, Two-pence:

For every Horse, Mare, Gelding, or Mule, drawing any Waggon, Cart, or such like Carriage with Wheels of the Breadth of Six Inches or upwards, and under Nine as aforesaid, Three-pence:

For every Horse, Mare, Gelding, or Mule, drawing any Waggon, Cart, or such like Carriage, with Wheels of less Breadth than Six Inches, Four-pence:

For every Ass, or Ox, or other Neat Cattle, drawing any Carriage, Two-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny:

For every Ox, Bull, Cow or Heifer, One Halfpenny:

For every Calf, Pig, Sheep or Lamb, One Farthing:

And that a Half additional Toll shall be demanded, taken, and received on a *Sunday*, over and above the several and respective Sums above-mentioned: Half additional Toll on Sundays.

Which respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be vested in the said Trustees, and applied as herein-after is directed; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made either at the Gate where such Toll should be collected, or immediately after passing through the same, 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, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or their Loading, or any Carriage with its Loading, or sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be) and what shall remain unsold, upon Demand to the Owner thereof, after such Toll, and the reasonable Charge occasioned by such Seizure, Distress, and Sale, shall be deducted. Manner of Recovery.

XIII. Provided always, and it is hereby further enacted and declared, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes where the Tolls or Duties are or shall be taken, and who shall return the same Day through the same Turnpike or Turnpikes before Twelve of the Clock at Night, with the same Carriage, Horse, Gelding, Mare, Mule, or any other Sort of Cattle for which such Tolls or Duties have been paid, and to evidence such Payment shall produce a Note or Ticket (which Note or Ticket the Receiver or Collector of the said Tolls But one full Toll to be taken for passing but once in a Day. are

Application of
Tolls

are hereby required to give *gratis* on Receipt of the said Toll or Duty if demanded) shall be liable or compellable the same Day to pay the said Tolls or Duties more than once at such Turnpike or Turnpikes; which said respective Tolls shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall and may be demanded, levied, recovered, applied, and disposed of in the same Manner, and to and for the same Uses, Intents and Purposes, as in and by the said recited Acts are mentioned and declared with respect to the Tolls thereby granted, and to and for the same Uses, Intents and Purposes, as shall be by this Act mentioned and declared concerning the same.

In case of
Disputes con-
cerning Tolls
and Charges,
the Matter to
be settled by
a Justice

XIV. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to detain the same, or the Money arising from the Sale thereof (as the Case may happen) until the Quantity of the Tolls, or Charges of distraining or selling the Distress (as the Case shall happen) shall be ascertained by some Justice of the Peace for the respective County or Place, as the Case may require, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witness or Witnesses; and determine the Quantity of the Toll due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose upon the said Justice; all which Sums so determined or assessed, shall be paid to the said Collector before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Toll Collect-
ors competent
Witnesses.

XV. Provided always, and be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons acting by or under the Authority of the said Trustees, shall be and are hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation.

No Toll to
be taken for
crossing the
Roads only.

XVI. Provided always, That no Toll or Duty shall be taken at any of the Toll Gates erected or to be erected on the said Roads, or at any Gate or Side Bar, on any Part of the said Roads hereby directed to be repaired; for any Horse, Gelding, Mare, Mule, or any other Sort of Cattle, or Carriage, which shall only cross either of the said Roads.

Trustees may
erect Side
Gates.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to erect or cause to be erected one or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same, and there to receive and take any such Tolls as are by this Act granted and made payable, so as the same do not extend to a double Charge in any one District, in case of passing through any other of the Turnpikes which are or shall be erected by virtue of this Act.

Tolls may be
tried.

XVIII. And be it further enacted, That the said Trustees or any Nine or more of them in each District, may and are hereby authorized and empowered from Time to Time, as they shall think proper, to lessen, vary, or alter all or any Part or Parts of the Tolls hereby granted, at all, any, or
either

either of the said Turnpikes in each District; and to raise the same again so as they do not exceed the Tolls by this Act granted, and so as such Reduction or Alteration be with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due on the Credit of the Tolls in such District; but no such Reduction shall be made unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpike Gates then erected across the said Roads in such District; or in such Manner as herein-before mentioned, at least Fourteen Days before the Meeting for making such Reduction or Alteration; 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.

XIX. And be it further enacted, That if any Person or Persons whomsoever, owning, renting, or occupying any Tenement, Lands, or Grounds near to either or any of the said Roads, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, or Way, with any Carriage, Horse, Mare, Gelding, Mule; or any other Sort of Cattle on which a Toll or Duty is hereby laid; with an Intent to evade the Payment of the said Toll or Duty; or if any Person or Persons owning, going in or driving any such Carriage, or owning, riding or driving any Horse, Gelding, Mule, or other Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way, with an Intent to evade the Payment of the said Toll or Duty; or if any Person or Persons with the like Intent shall take off or cause to be taken off any Horse, Mare, Gelding, or other Cattle, from any Carriage; or shall take off or cause to be taken off any Horse, Mare, Gelding, or Mule, from any Chariot, Chaise, Calash, or Carriage, at or before the same shall be brought or come to any of the Gates or Turnpikes to be erected by virtue of this Act, with an Intent to evade or avoid the Payment of any of the Tolls hereby imposed; or if any Person or Persons liable to the Payment of any of the said Tolls, shall forcibly pass or attempt to pass any of the said Gates or Turnpikes without Payment thereof at such Gate or Gates; or if any Person or Persons shall give to, or receive of any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable) any Note or Ticket of the Day by this Act directed to be given by the Collector or Receiver of the said Tolls, whereby or by reason whereof the Payment of any or either of the said Tolls may be evaded or lessened, each and every Person and Persons, in all and every or any Manner or Manners aforesaid offending, being thereof convicted on the Oath of one or more Witnesses or Witnesses before the said Trustees or before any Five or more of them, or before any one, or more of His Majesty's Justices of the Peace for the Liberty or Division wherein any such Offence shall be committed (which Oath the said Trustees or any one or more of them, or the said Justice or Justices, is and are hereby empowered and required to administer, without Fee or Reward) shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds, to the Trustees or any Five or more of them, or to their Treasurer.

Penalty for Persons permitting private Passage;

and of Persons using the same;

or forcibly passing or attempting to pass the Gate without paying Toll, or giving or receiving Tickets to evade Payment of the Tolls.

XX. Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall authorize and empower the said Trustees or their Successors, or any of them, to repair or amend the Pavements or Causeways in the Streets of any Town through which

[Loc. & Per.]

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any

any of the Roads hereby intended to be repaired do lead; but that such Pavements and Causeways shall continue to be repaired and kept in Repair, by such Ways and Means as they have heretofore been repaired before the passing of this Act.

Exemptions.

XXI. And be it further enacted, That no Toll shall be demanded for any Waggon, Wain, Cart, Carriage, Horse, or other Beasts employed in carrying or conveying, or going to carry and convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Quantity of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing of the said Roads or amending any Highways whatsoever; for or with any Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up in the Outhouses or on the Lands of the Owners thereof; or for or with any Waggon, Wain, Cart, Carriage, Horse, or other Beasts employed in carrying or conveying, or going empty to carry or convey or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manures employed in Husbandry for manuring or improving Lands or Gardens, or for any Lime to be used as Manure, (except from the Twenty-ninth Day of *September* to the Fifth Day of *April* in every Year, between which Days the same Toll shall be paid for Carriages laden with Lime as is by this Act to be paid for Carriages laden with any other Things); or for any Horses or Cattle going to or returning from Pasture or Watering Places, provided the said Watering Place and Pasture do not exceed Two Miles, or going to or returning from being shod; or for any Person going to or returning from his or her proper Parochial Church or Chapel or other nearest Place of Religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person that shall die and be buried in any the same Parish they shall so respectively die; or for any Clergyman going to or returning from visiting any sick Person, or other his Parochial or Ministerial Duty on a *Sunday*, or on other Days on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, Carts, or other Things, that shall not pass One Hundred Yards at the least on any of the said Roads; or employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General either when employed in carrying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts or Waggon, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Field Officer of Infantry, and rode by them in going to or returning from the Place of Exercise, provided such Persons are in the Uniform of their respective Corps and have their Arms, Furniture and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Horses, Carts, or Waggon, employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle or Beast, drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of
the

the Shire to serve in Parliament for the said Counties of *Salop* and *Stafford*, on the Day or Days of Election, or on the Day before or Day after such Election shall begin or be concluded.

XXII. And be it further enacted, That for the better preventing Frauds and Collusions respecting Carriages carrying Overweights, if any Lessee or Lessees of the Tolls payable at the Turnpike Gate or Gates erected or to be erected by virtue of this Act; or any Collector or Collectors of the Tolls; or any Person or Persons to be appointed to the Care of any Weighing Machine or Machines erected or to be erected on the said Road by virtue of this Act, shall suffer or permit any Waggon, Cart, or other Carriage liable to be weighed at any such Machine or Machines, to pass through the Turnpike Gate or Gates erected or to be erected on the said Road by virtue of this Act, without weighing the same, or shall suffer or permit any such Waggon, Cart or other Carriage to proceed on the said Road, without having first paid the Tolls payable for such Waggon, Cart or other Carriage, and for all such Overweight or Overweights as such Waggon, Cart, or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Penalty on suffering Carriages with Overweight to pass without being weighed.

XXIII. And be it further enacted, That if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the said Road by virtue of this Act, or any Collector or Collectors, Person or Persons appointed to the Care of any Weighing Machine or Machines erected or to be erected on the said Road by virtue of this Act, shall have bargained, contracted, compounded, or otherwise agreed with any Owner or Owners, Driver or Drivers of any Waggon, Cart, or other Carriage liable to be weighed at the said Machine or Machines, either for the passing through any Turnpike Gate or Gates, or over any Weighing Machine or Machines erected or to be erected on the said Road, with Overweight, every such Bargain, Contract, Composition, or other Agreement, shall be and is hereby absolutely declared to be null and void, and of no Effect.

Declaring Contracts for passing with Overweight void.

XXIV. And be it further enacted, That if any Lessee or Lessees of the Tolls payable at any of the Turnpike Gate or Gates erected or to be erected on the said Road by virtue of this Act, or any Collector or Collectors, Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money in gross or otherwise is or are to be paid by any Person or Persons for the Carriage of Overweight in respect of any Waggon, Cart, or other Carriage liable to be weighed at the said Machine or Machines, each and every such Lessee or Lessees, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines, so bargaining, contracting, compounding, or otherwise agreeing as aforesaid, shall for each and every such Bargain, Contract, Composition or Agreement, forfeit and pay any Sum not exceeding Five Pounds.

XXV. And be it further enacted, That it shall and may be lawful for any Person or Persons from and after the Commencement of this Act, to

Waggons and other Carriages to be drawn by any

Number of
Horses not
exceeding
Five.

cause any Waggon or other Four-wheeled Carriage (although the Sole or Bottom of the Fellies of the Wheels thereof shall not be of the Breadth or Gauge of Six Inches) to be drawn by any Number of Horses or other Beasts not exceeding Five; and any Cart or other Two-wheeled Carriage (although the Sole or Bottom of the Fellies of the Wheels thereof shall not be of the Breadth or Gauge of Six Inches) to be drawn by any Number of Horses or other Beasts not exceeding Four, upon all or any Part of the said Roads intended to be included within this Act, with an increased Weight, in the following Proportions; (that is to say) Half a Ton to a Waggon and Five hundred Weight to a Cart, within any of the said Districts where there shall be a Weighing Machine at the Turnpike Gate so as to ascertain the Weight, paying for each and every Horse or other Beast so employed such Toll or Duty as is by this Act imposed upon any Horse or other Beast drawing in any Carriage; any Thing in an Act made in the Thirteenth Year of the Reign of His present Majesty for regulating the Turnpike Roads in this Kingdom contained to the contrary notwithstanding.

Penalty on
making Claims
illegally.

XXVI. And be it further enacted, That if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Power to de-
mise and let
Tolls.

XXVII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if they think fit, by Order in Writing to be entered by their Clerk in the publick Book of the said Trustees, demise and let the Tolls and Duties in each District to be collected at any Turnpike Gate or Gates, Toll Bar or Bars to be erected upon the said Road or Roads or any of them, for any Term not exceeding Three Years on each Demise, for the best Rent or Rents that can be got for the same, which Rent or Rents shall be applied and disposed of as the Tolls and Duties to be collected upon the said Roads are hereby directed to be applied in Divisions as aforesaid; provided, that before such Demise shall be made, One Calendar Month's Notice thereof at the least shall be affixed upon each of the Turnpike Gates or Toll Bars which shall be erected upon the said Roads in each District or Division as aforesaid, and that the Money which shall be so agreed to be paid for the said Tolls shall be made payable, and shall be paid to the said Trustees by equal Quarterly or Monthly Payments; and that the Person or Persons to whom the said Tolls shall be let shall give Security, with sufficient Sureties, to the Satisfaction of the said Trustees, for Payment of the same; and if on any letting, or Agreement for letting the said Tolls, or any Part or Parts thereof, any Default shall be made in Payment of the Money agreed to be paid for the same, contrary to the true Intent and Meaning of this Act, then that the said Trustees, or any Five of them, shall have the Power of making such Agreement void, and then and in either of the said 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 him and them, by the same Means and in the same Manner as by this Act is directed or provided for the accounting of the said Tolls by the
Collectors

Collectors thereof, or for Money had and received by any Person or Persons, and unaccounted for and unpaid, and for levying and recovering the same as aforesaid.

XXVIII. Provided always, and be it further enacted, That every Person or Persons who shall wilfully ride or drive any Horse, Gelding, Mare, Mule, Ass, Cattle, Sheep, or Pigs, or any other Beast, upon any Causeways made or to be made upon the said Roads for the Accommodation of Persons travelling on Foot, and shall be convicted thereof by his, her, or their own Confession, or by the Oath of one or more credible Witnesses or Witnesses, before any One or more of the Justices of the Peace for the Limit wherein such Offence shall be committed, every such Person so offending shall forfeit and pay such Sum of Money as such Justice or Justices of the Peace shall adjudge; not exceeding Twenty Shillings; the same to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices of the Peace before whom such Conviction shall be made; such Forfeitures to be applied in recompensing the Informer, according to the Discretion of such Magistrate or Magistrates, and in repairing such Foot Road or Way; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing any Part or Parts of the said Turnpike Roads within that District; and in case the Person or Persons so offending, and convicted, shall have no Goods or Chattels within the Jurisdiction of such Justice or Justices of the Peace, or in case such Penalty or Forfeiture shall not be forthwith paid, that then it shall and may be lawful for any one or more of such Justices as aforesaid, by Warrant under their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol of the said County of *Salop* or *Stafford*, for the Space of One Calendar Month, and shall not be sooner discharged, unless he, she, or they, shall pay the Penalty imposed by such Conviction.

Penalty on Persons riding or driving on Foot Roads.

Recovery:

Application

XXIX. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Road (or such other Person or Persons as he or they shall appoint) by Order of the said Trustees, or any Five or more of them, to make or cause to be made Causeways, and also Ditches or Drains in and upon or on the Sides of the said Roads, and also through any Grounds lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Parts of the said Roads (such Grounds respectively not being the Ground whereon any House stands, nor any Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a public Highway, whilst the old Road is repairing and 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 across 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 sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said

Surveyors to make Causeways, &c.

To make temporary Roads;

and erect Bridges.

[*Loc. & Per.*]

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Trustees,

Trustees, then it shall be lawful for the Justices of the Peace at their next General Quarter Sessions, or the Second General Quarter Sessions, or at any Adjournment thereof at the farthest, to be holden for the County where the Cause of Complaint shall arise, to hear, settle, adjudge, and finally determine the Recompence to be made to such Owners or Occupiers for the Damages they shall have sustained as aforesaid; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor, Common, or Waste Ground.

Trustees may
turn or widen
Roads, &c.

XXX And be it further enacted, That in case the said Trustees for putting this Act into Execution, or any Five or more of them, shall think proper to widen, turn, or alter any Part or Parts of the said Roads or any of them, for the better Accommodation of Coaches, Carriages, and Passengers, it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Grounds, or Hereditaments lying near or contiguous to any of the said respective Roads, and for the Loss or Damage the Owners, Proprietors, or Occupiers thereof, or any of them, shall or may anywise sustain by such widening, altering, or turning such Roads or any of them, and to pay for the same out of the respective Tolls and Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers or Persons interested as aforesaid, and the said Trustees, or any Five or more of them, and for the Costs attending such Purchase, all which Roads, when widened, turned, or altered, by virtue of this Act, shall be and remain Forty Feet wide at the least between and exclusive of the Ditches; and such Lands and Grounds, when so purchased as aforesaid, shall, by Order and Direction of the said Trustees, or any Five or more of them, be laid into and made Part of such Road, in such Manner as the said Trustees, or any Five or more of them, shall think convenient; with proper Drains, Ditches and Fences for that Purpose, and shall from thenceforth be esteemed and taken as a publick or common Highway, and as such shall be amended and kept in Repair by such Ways and Means, and in such Manner as other Highways are amended and kept in Repair by the Laws now in being; and after such Purchase shall be made as aforesaid, such Part and Parts of the old and former Road in lieu whereof such Lands or Grounds shall be purchased for such new Road as aforesaid, unless the same leads to some Village, Town or Place to which such new Road doth not lead, shall be vested in and shall and may be sold and disposed of by the said Trustees, or any Five or more of them, to any Person or Persons for the best Price that can be reasonably got for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing, widening, and amending the Roads by this Act directed to be repaired; and the Sale and Conveyance or Conveyances to be made of such Lands and Grounds comprized in the said old Road, being entered by the said Trustees or any Five or more of them, and inrolled amongst the Records of the Sessions of the Peace of the said County of *Salop* or *Stafford*, according to the Jurisdiction within which the same shall lie, shall vest the Property of the same Lands and Grounds in the Person or Persons to whom the same shall be so sold and conveyed, to all Intents and Purposes whatsoever.

XXXI. Provided

XXXI. Provided always, and be it enacted, That wherever the Course of any Part of the said Roads shall be altered by this Act, or Toll House discontinued, and a new Road opened and made in any adjoining Land, the Offer of the Purchase of such old Road or Toll House shall be first made to the Owner of such adjoining Land as shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road or Toll House, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act; and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyance of such old Road or Toll House, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road or Toll House, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the said County where such old Road shall lie, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such old Road or Toll House (as the Case may be); and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner: Provided nevertheless, that if such Owner shall be willing and consent to take such old Road or Toll House in Exchange for such new Road or Toll House, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person, by entering the same in their Books, and delivering to him a Copy thereof signed by any Five or more of the said Trustees; which Copy shall be a good and valid Title to the same, and be available in any Suit at Law or Equity.

Owners of the Land used in altering the Road to have the first Offer of the old Road.

XXXII. And, for the removing of all Difficulties which might otherwise obstruct such Contracts, be it further enacted, That it shall and may be lawful to and for all Bodies Politic and Corporate, and all Trustees, Executors, Administrators, Husbands, Guardians, and Committees, for and on the Behalf and in Right of any Infants, Females Covert, Idiots, Lunatics, and other Person or Persons being under any other legal Disability, who are or shall be seised or possessed of or interested in any such Lands, Grounds, or Hereditaments as aforesaid, to treat, contract, and agree with the said Trustees, or any Five or more of them, for the absolute Purchase thereof, or of any Part thereof, or for the Interest therein for the Purposes aforesaid, and to sell and convey the same for a fair and valuable Consideration, as Occasion shall require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes whatsoever, any Law, Statute, or Usage to the contrary notwithstanding; and that all Persons hereby so authorized

Bodies Politic, &c. empowered to make Contracts for Land, &c.

All such Contracts valid.

Where Per-
sons shall re-
fuse to treat;

Damage and
Recompence
to be settled
by a Jury.

Witnesses to
be examined
upon Oath.

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

rized to treat contract, or agree for the same, and all other Persons, are and are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing, at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments, through which any Part of such Roads is intended to be made, diverted, turned, or altered, shall for the Space of Thirty Days next after such Notice left or given, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of indifferent Men of the County in which such Lands or Hereditaments shall lie; and in order thereto the said Trustees or any Five or more of them, are hereby required and empowered, from Time to Time, as Occasion shall be, to summon and call before such Jury and examine upon Oath any Person or Persons whomsoever (which Oath any one or more of the said Trustees is and are hereby empowered to administer); and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all Ways and Means as well for their own as the said Jury's Information in the Premises; and after the said Jury have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order and adjudge and determine the Sum or Sums of Money, so assessed by the said Jury to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict and Inquisition of such Jury, which said Verdict or Inquisition and Judgement, Order, and Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant to the Sheriff of the respective County in which the said Lands or Hereditaments so to be taken shall happen to be, requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby empowered and required to draw, by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said

Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or for not giving a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, or appearing shall refuse to be sworn or examined, or to give Evidence so that no such Fine be more than Ten Pounds on any one Person for one Offence.

XXXII. And be it further enacted, That in case any Jury shall give in or deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property, of any Person or Persons in any Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, or any Five or more of them, in their several Districts out of the Tolls hereby granted, or out of the Money to be borrowed upon the Credit thereof; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest or Property in, or Loss or Damage as aforesaid, then that the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute: Provided always, that in all Cases where the Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Expences of
Jury how to
be borne.

XXXIV. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes aforesaid, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee, Executor, Administrator, Husband, Guardian, Committee, or other Trustees, for or in Behalf of any Infant, Lunatic, Idiot, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other legal Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds,

Application of
Compensation
if amounting
to 200 l.

[Loc. & Per.]

14 E

with

with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, to be purchased, in case such Purchase or Settlement were made.

Application of
Compensation
if less than
200l. and
amounting to
20 l.

XXXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments, so purchased, taken, or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid, at the like Option, to Trustees to be nominated by the Person or Persons making such Option, and be approved of by Five of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that

such Principal Money and the Dividends arising therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

XXXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy or Lunacy, of any Person solely entitled, then such Money shall be paid to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application of
Compensation
if less than
20 l.

XXXVII. And be it further enacted; That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them; or in case any Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees; or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of not
making out
Titles;

If Persons not
found, Pur-
chase Money
to be paid into
the Bank.

Subject to the
Order of the
Court of Chan-
cery on Mo-
tion or Peti-
tion.

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

Questions
arising as to
Titles, &c.

Estate

Estate, Right or Interest in any Lands, Tenements or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery to order reasonable Expences.

XXXIX. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be raised by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Roads to be measured, and Mile Stones erected.

XL. And be it further enacted, That the said Trustees, or any Five or more of them, may if they think fit, in their different Districts, cause the said Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they shall think proper, and also shall cause to be set up such and so many Direction Posts as they may think necessary; and if any Person or Persons shall wilfully break, damage, or pull up any such Stones or Posts, or any Posts now or hereafter to be set up by the Order of the said Trustees on the said Footpaths, or shall in any Manner injure or damage the said Causeways, or shall obliterate or deface any of the Letters, Figures, or Marks on the said Mile Stones or Posts, and be thereof convicted before any Justice of the Peace for the County or Division wherein the Offence may be committed, by the Confession of the Party, or by the Oath of one credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; one Moiety whereof shall be paid to the Informer and the other Moiety shall be paid to the said Trustees, or to their Treasurer or Clerk, to be applied for the Purposes of this Act.

Penalty on Persons for disposing of Tickets or receiving

XLI. And, for preventing the committing of Frauds and Abuses in the said Tolls or Duties hereby granted, be it further enacted, That if any Person or Persons having paid the Duties or Tolls by this Act laid, and having

having a Note or Ticket, Notes or Tickets signifying the Payment of such Tolls or Duties, and which Tickets the said Trustees are hereby empowered to order where they shall see right in their different Districts, shall give or dispose of the same to any Person or Persons in order to avoid the Payment of the said Tolls or Duties, every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving or making use of the same, being thereof respectively convicted upon Oath before the said Trustees, or any Five or more of them, or before any One or more of the said Justice or Justices (which Oath the said Trustees, or any Five or more of them, or the said Justice or Justices, are and is hereby empowered and required to administer) shall respectively forfeit and pay any Sum not exceeding Three Pounds, to be levied, recovered, and disposed of as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Tickets to avoid Payment.

XLII. And be it further enacted, That the Right and Property of all the Turnpike Bars, Rails, and Fences, Toll Houses, Buildings, Machines, and Premises, already erected or provided by virtue of the said former Acts, or either of them, or to be erected or provided by virtue of this Act, and the Right and Property of the Materials provided for erecting, building and repairing the same or any of them respectively, and also all the Tolls, Materials, and other Requisites, got, provided or collected for any of the Purposes of the said Acts or this Act, shall be and are hereby vested in the said Trustees in their said several Districts, and they or any Five or more of them are hereby empowered to dispose thereof as they shall think proper; and to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them; or in the Name of their Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person or Persons who shall steal and carry away, break down, injure, or spoil the same, or any Part thereof, or disturb the Trustees, their Agents or Servants, in the Possession thereof, and lay the Property thereof in the Name of such Treasurer or Clerk.

Turnpike vested in Trustees.

XLIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest on the Credit of the Tolls arising by virtue of this Act, such further Sum or Sums of Money as they or any Five or more of them shall think fit in their several Districts, and may and are hereby empowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes or Toll Houses for collecting the same in each District (the Costs and Charges of such Mortgages to be paid out of such Tolls) as a Security to any Person or Persons, or their Trustees, who shall advance such further Sum or Sums of Money by the following Words, under their Hands, or by any other Words to the like Effect; *videlicet*,

Power of borrowing Money.

Power to demise or mortgage the Tolls.

BY virtue of an Act of Parliament made in the Forty-eighth Year of the Reign of His Majesty King George the Third, for [here set forth the Title of this Act] We, of the Trustees of the said Act, acting for the District [here state the District] in Consideration of the Sum of to the Treasurer of the said Roads in such District in Hand paid, Do grant, bargain, sell, and demise unto

Form of Security for Money to be borrowed.

his Executors, Administrators, and Assigns, all the Tolls arising upon the said Roads within the same District, and of the Turnpikes and Toll Houses for collecting the same, to be had and holden from this Day of _____ in the Year of our Lord _____ for and during the Continuance of the said Act, unless the same Sum of _____ with Interest at the Rate of _____ *per Centum* *per Annum*, shall be sooner repaid and satisfied.'

Mortgages to be entered in Books, &c.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of such District; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of this Act or of the said former Acts, or who shall be entitled to the Money thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest or Benefit, to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever by Indorsement, in the following Words, or Words to the like Effect:

Transfer.

I Do transfer this Mortgage [*or, a certain Mortgage*] with all my Right and Title to the Principal thereby secured, and all the Interest now due on the same, unto _____ his Executors, Administrators, and Assigns. Dated this _____ Day of _____ in the Year of our Lord _____
Witness, C. D. _____ 'A. B.'

Which said Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees or any Five or more of them shall appoint, not exceeding the Sum of Five Shillings; and such Transfer shall then entitle such Assignee, his, her or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons to whom the same shall be last transferred to make void, release or discharge the original Security, or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall, in Proportion to the Sum or Sums thereby secured, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Toll Houses in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Money, or the Dates of the Securities.

Old Mortgages may be called in and new ones granted.

XLIV. And be it further enacted, That the said Trustees or any Five or more of them shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said former Acts, or either of them, and give and execute another Mortgage or other Mortgages in stead and lieu thereof respectively, in Manner as herein-before is directed.

Surveyors may dig Gravel, &c. from Waste Grounds;

XLV. And be it further enacted, That the Surveyor or Surveyors of the said Roads, and such Persons as shall be employed by him or by the said

faid Trustees or any Five or more of them, are hereby empowered to cut, dig, gather, take and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the making or repairing of the faid Roads, out of or from any Common or Waste Ground, River or Brook; without paying any Thing for the same, such Surveyor or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Bank where such Materials shall be taken, or railing or fencing such Pits or Quarries so that the same may not be dangerous to Passengers and Cattle, and where there is not sufficient of any such Materials to be procured in any Waste Grounds, River or Brook, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, search for, cut, dig, gather, take or carry away all 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 a House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment for the Damage done to the Owners and Occupiers respectively out of the Grounds whereon or from whence the same shall be cut, gathered, taken or carried away, or upon, over or through which the same or any other Materials so cut, dug and gathered as aforesaid, shall be conveyed, such Equivalent in Money as the said Trustees or any Five or more of them shall adjudge reasonable; and in case of any Difference between the Trustees, Surveyor or Surveyors, or other Persons appointed and employed as aforesaid, and the Owners or Occupiers of private Lands or any of them, concerning such Payment and Damages as aforesaid, the Justices of the Peace at their next General Quarter Sessions, or the second General Quarter Sessions at the farthest, to be holden for the County or Division where the Cause of Complaint shall arise, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle and determine the Matter of such Payment and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners of the Ground.

XLVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons, under the Authority of this Act, to dig, gather, take, and carry away any Materials for making or repairing the said Roads, out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear before the said Trustees or any Five or more of them, or any Two or more Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees or any Five or more of them, or such Justices, shall, (if they think proper) authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Materials at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Trustees or such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his or her Agent had attended.

Notice to be given to the Occupiers of Lands before Materials are taken for repairing Roads.

XLVII. And

Penalty on
taking away
Materials, &c.
got by Order
of the Sur-
veyor.

XLVII. And be it further enacted, That if any Person or Persons shall take away any Materials which have been digged or gathered in any Lands, Fields, Wastes or Grounds, River or Brook, for the Purpose of making or amending the said Roads, or shall dig; get, or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads; before the Surveyor or other Workmen shall have discontinued working therein for the Space of Twenty-one Days, except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Owners to get Materials therein for his own private Use only and not for Sale, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees or
Surveyors may
remove An-
noyances, &c.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or their Surveyor or Surveyors, and such Persons as they shall appoint from Time to Time, to remove all Annoyances made on any Part of the said Roads, and to turn any Watercourse, 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 Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen or deepen such Watercourses or Ditches; or remove such other Annoyances in such Manner as any Five or more of them, or the Surveyor or Surveyors, shall require for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; and by and with the Consent of Two or more Justices of the Peace for the respective County or Place, acting in their Petty Sessions, signified under their Hands and Seals, and not otherwise, to cut down any Timber Trees; and that it shall and may be lawful for such Surveyor or Surveyors, at the proper Season of the Year to lop any Timber Trees, and to lop or top any other Trees, and cut down any Shrubs or Bushes growing in the said Roads, or in the Hedges, or Banks adjacent thereto, and to cut down or reduce all such Hedges to the Height of Four Feet; and to take, carry away, and sell the Wood so cut, and apply the Money arising therefrom in repair of the Road whereon or near whereunto 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 Twenty-one 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, or where the Occupier or Tenant shall reside, under the Hands of Five or more of the said Trustees; the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed by such 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; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such subsequent Offence, forfeit any Sum not exceeding Forty Shillings:

For prevent-
ing Annoy-
ances.

XLIX. And be it further enacted, That if any Person shall, without sufficient Cause, leave any Waggon, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Roads, without any Horse or other Beast

Beast of Draught yoked thereto or to draw the same, or shall knowingly or wilfully lay any Sort of Timber or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Roads or on the Sides thereof; or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads any Tree or Piece of Timber or Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads to the Prejudice thereof; or if any Person or Persons shall slaughter, singe, scald or dress any Beast, Swine, Calf, Sheep, Lamb or other Cattle, in or upon any Part of the said Roads, or hew or saw any Piece of Stone, Wood or Timber, or bind, make or repair (except in Cases of Accident) the Wheel of any Carriage; or (except in Cases of Accident) shoe, bleed or farry any Horse or other Beast in or upon any Part of the said Roads, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

L. And whereas divers Persons owning, renting or occupying Lands, abutting upon the Roads intended to be repaired by this Act, do frequently in ploughing such their Lands turn their Ploughs upon the said Roads, and thereby break up and very much damage the same; for Remedy whereof, be it further enacted, That if any Person or Persons whomsoever owning, occupying or renting any Lands abutting upon any Part of the said Roads directed to be repaired by this Act, shall either by himself or his, her or their Servant or Servants, directly or indirectly, after the passing of this Act, plough or cause his or their Ploughs to be turned in or upon any Part of the said Roads so intended to be repaired, every Owner or Occupier of such Lands, or his, her or their Servant or Servants shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Twenty Shillings, to be recovered and disposed of in such Manner as any other Penalties or Forfeitures are by virtue of this Act directed to be recovered, levied and disposed of.

Penalty on
Persons turning
Plough.

LI. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder or disturb, or cause, promote or encourage to be assaulted or interrupted, hindered or disturbed, any or either of the Collectors of the Tolls in the Execution of this Act, or any Surveyor or Surveyors, or other Person or Persons by them or either of them, or by the said Trustees or any Five or more of them, employed in the cutting, digging, taking or carrying off 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 down or carrying off any Tree Top, Lop or Overhangings, Ditches, Drains or Watercourses as aforesaid, or doing any other Act in or for the repairing, widening or altering, varying, turning, shortening or amending the said Roads, by virtue of the Powers of this Act given, or any of them, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds.

Penalty on
obstructing
Surveyors,
&c. and the
Collectors, &c.

LII. And be it further enacted and declared, That if it shall appear to the said Trustees or any Five or more of them, that any Lands, Tenements or Hereditaments, or any Rents, Profits, or Sum or Sums of Money, issuing out of any Lands, Tenements or Hereditaments,

Lands charge-
abl. to the
Roads to con-
tinue so,

[Loc. & Per.]

14 G

which

which now are or hereafter shall be liable or chargeable towards the repairing or amending the said Roads, or any Part thereof; by this Act directed to be repaired, such Lands, Tenements or Hereditaments, Rents, Profits, Sum or Sums of Money issuing as aforesaid, shall remain liable and chargeable, and the Possessors or Occupiers of such Lands, Tenements or Hereditaments, are hereby required and directed to pay such Rents and Profits to such Person and Persons as the said Trustees or any Five or more of them, shall appoint to receive the Tolls and Duties granted by this Act, and upon Default of Payment it shall and may be lawful to and for the said Trustees or any Five or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered and received, shall be applied from Time to Time for and towards amending the said Roads, and to no other Use, Intent or Purpose whatsoever.

Persons chargeable to the Highways to continue to.

LIII. And be it further enacted, That where any particular Part or Parts of the said Roads, or any Bridges, Drains or Sewers, lying in and upon the said Roads hereby intended to be repaired, have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politic or Corporate, by Reason of the Tenure of any Lands, Tenements or Hereditaments, or by the said Counties of *Salop* or *Stafford*, or any Division, Ward or Township therein, or otherwise howsoever, all and every such Part or Parts of the said Roads, Bridges, Drains or Sewers, so lying in and upon the said Roads, shall from Time to Time be maintained and kept in Repair by such Person or Persons, Body Politic or Corporate, and in such Manner as the same were respectively maintained and kept in Repair, before the passing of this Act.

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

LIV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Money to arise by virtue of this Act to the Parties or Persons respectively entitled to the same, or to their Agents, after deducting such Proportion of Expences as aforesaid (if any be); and upon Payment thereof into the Bank of *England* in the Manner by this Act directed as the Case may be, it shall be lawful for the said Trustees or any Five or more of them, their Surveyors, Workmen, or Agents to enter upon and take Possession of such Lands or Hereditaments, and to lay out and make, widen, divert, or turn such Road or Roads in and upon, through and over such Lands or Hereditaments, and to do all and every Act, Matter and Thing with relation to such Lands or Hereditaments, as the said Trustees or any Five or more of them shall think fit; and the said Trustees or any Five or more of them shall cause such Parts of the said Road or Roads as shall be made, widened, diverted, or turned through any private Grounds to be ditched, or otherwise fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter a common Highway, and shall be kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting the former Road, unless

Lands purchased to be made Part of the Road, and kept in Repair as such. Old Roads to be sold.

unless leading over some Moor or Waste Ground, or to some Village, Town or Place to which such new Road doth not lead, shall be vested in and may be sold and conveyed by the said Trustees or any Five or more of them in Manner herein-before mentioned; but this Act shall not extend to the taking down any Dwelling House or other Buildings, or to take in any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Park, Paddock, Walk or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof.

Buildings or
Gardens not
to be injured.

LV. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, or any Part thereof, shall remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Salop* or *Stafford*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, Yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draught, or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and in such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or

Persons charge-
able to Statute
Work to con-
tinue so.

Justices to
determine
Differences
touching
Statute Work.

refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose by any Surveyor of the said Trustees, shall, for every Day of his or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beatt or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid as if such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Declaring
who shall be
Teamholders.

LVI. Provided also, and it is hereby further declared and enacted, That every Person or Persons who shall rent, hire or occupy any Lands, Tenements, or Hereditaments, of the Yearly Value of Fifty Pounds, shall be deemed and taken as a Teamholder, and shall do and perform such Work in and towards the repairing the Highways, of the said several Parishes, Hamlets and Places in which they respectively live, or hold or occupy such Lands, Tenements or Hereditaments, or Persons keeping Teams are obliged to do.

Trustees may
compound for
Statute Work.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Roads shall lie and be situate, for a certain Sum of Money by the Year, or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in Advance, on or before the Tenth Day of *May* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees to
compound
with Travel-
lers.

LVIII. And be it further enacted by the Authority aforesaid, That the said Trustees or any Five or more of them may and are hereby authorized

authorized from Time to Time, as they shall see convenient, to compound or agree by the Year, or otherwise, with any Person or Persons using to travel through the Turnpike or Turnpikes erected or to be erected on the said Roads, for the Payment of any Sum or Sums of Money in lieu of the Tolls by this Act directed to be paid for the Passage of any Cattle or Carriages whatsoever, which they the said Trustees or any Five or more of them shall agree upon, which said Money shall be instantly paid to the said Trustees, or any Five or more of them, and shall be applied in repairing the said Roads in respect whereof such Composition shall be made.

LIX. And be it further enacted, That the said Trustees or any Five or more of them may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the making, repairing, widening, altering, turning, or amending the said Roads or any Part or Parts thereof, or for the erecting of any Building to be made, or doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order made at any Meeting by the said Trustees or any Five or more of them, shall be binding to all Parties who shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Trustees may contract for repairing the Roads.

LX. And be it further enacted, That all Penalties, Forfeitures and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof is not herein otherwise directed shall, upon Proof of the Offences respectively before any One Justice of the Peace for the respective Division or Place (as the Case may be) or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Parties offending, or by the Oath of One or more Witnesses or Witnessess, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwise directed to be applied by this Act) shall be from Time to Time paid to the Treasurer or Treasurers of the said Trustees, and applied in the Repairs of the said Roads; and in case sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, thereto remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties and Forfeitures how to be recovered and applied.

LXI. And be it further enacted, That if any High Constable, Petty Constable, Headborough, Tything Man, or other Person whatsoever duly authorized for that Purpose, shall wilfully, knowingly, or contemptuously

Constables, &c. to execute the Orders of the Trustees.

[Loc. 5 Per.]

14 H—I

neglect

neglect or refuse to obey and execute any Summons or other Precept in Writing under the Hands and Seals of any Five or more of the said Trustees for putting this Act in Execution, every such High Constable, Petty Constable, Headborough, Tything Man, or other Person so authorized, offending in the Premises, shall for each or every such Offence forfeit and pay any Sum not exceeding Forty Shillings, One Moiety to the Informer, and the other Moiety thereof to the said Trustees, or to their Treasurer or Treasurers, to be applied for and towards the amending and repairing the Roads in this Act mentioned, to be levied on such Person or Persons in the same Manner as the other Penalties and Forfeitures are in and by this Act directed to be levied; and the said Trustees or any Five or more of them may and are hereby empowered to direct the Treasurer for the Time being to reimburse such Constable or other Officer or Officers for his or their Loss of Time, Trouble, or other necessary Expences in the due Execution of his or their Duty in pursuance of this Act, such Sum or Sums of Money as such Trustees shall think fit, out of such Tolls or Duties as shall be collected by virtue of this Act.

Trustees may
reward Con-
stables.

LXII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words (as the Case shall happen) or in any Form of Words to the same Effect:

Form of
Conviction.

BE it remmbered, That on the _____ Day of _____ in the _____ Year of His Majesty's Reign, A. B. is convicted before _____ of His Majesty's Justices of the Peace for the County of _____ [specifying the Offence, Time and Place when and where the same was committed, as the Case shall be]. Given under our Hands and Seals the Day and Year aforesaid.

If Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

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

Notice of
Appeal to be
given.

LXIV. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, and that where any Distress shall be made for any Sum or Sums of Money to be levied by this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Proceedings
not to be
quashed for
want of Form,
&c.

LXV. And be it further enacted, That all Orders and Proceedings of the said Trustees, at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered and signed by a competent Number of the Trustees (as the Case shall require) or by their Clerk by their Order, shall be deemed to be Originals, and which said Book or Books and also the Book or Books to be kept for registering the aforesaid Mortgages, shall be admitted as Evidence in all Courts whatsoever.

Proceedings
to be entered
in Books.

LXVI. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act until after Seven Days Notice shall be given to the Clerk or Treasurer to the said Trustees, nor after a sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid, brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, and if the same shall appear to be so done, or that such Action or Suit was brought before Seven Days Notice thereof shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or shall be brought after the Time limited for bringing the same as aforesaid or in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for Recovery of the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases of Law.

Limitation of
Actions.

General Issue

LXVII. And

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

Term and Continuance.

LXVIII. And be it further enacted, That this Act shall commence and take place on the said Second *Monday* next after the passing thereof, and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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