



ANNO QUINQUAGESIMO NONO

# GEORGI III. REGIS.

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## Cap. xcvi.

An Act for enlarging the Term and Powers of Three Acts of His present Majesty, for repairing several Roads in the Counties of *Worcester*, *Stafford*, and *Salop*, so far as relate to the Road leading from *Pedmore* to *Holly Hall*, and other Roads therein mentioned; and for repairing another Road in the said Counties of *Stafford* and *Salop*, or one of them.

[14th June 1819.]

**W**HEREAS an Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act for amending and widening the Road from the Market-House in Stourbridge to Colly Gate in Cradley, and from Pedmore to Holly Hall, and from Colly Gate to Halesowen, and from the Turnpike Road on Dudley Wood to Rednall Green in the Parish of King's Norton, and from Carter's Lane to the Bell Inn at Northfield, in the Counties of Worcester, Stafford, and Salop*: And whereas another Act was passed in the Twenty-second Year of the Reign of His said present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act of the Second Year of His present Majesty, for amending and widening the Road from the Market-House in Stourbridge to Colly Gate in Cradley, and other Roads*

2 G.3 c. 78.

22 G.3. c. 95.

[Local.]

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therein

38 G. 3. c. 44.

therein mentioned, in the Counties of Worcester, Stafford, and Salop, so far as the same relates to the Roads leading from the Market-House in Stourbridge to Colly Gate, and from Pedmore to Holly Hall, from Colly Gate to Halesowen; and for opening a more commodious Communication with the Birmingham Turnpike Road; whereby the said Roads were divided into Two Districts, called 'The Stourbridge and Halesowen District,' and 'The Pedmore and Holly Hall District:' And whereas another Act was passed in the Thirty-eighth Year of the Reign of His said present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and altering and enlarging the Powers of Two Acts of the Second and Twenty-second Years of His present Majesty, for amending and widening the Road leading from Colly Gate in Cradley, and from Pedmore to Holly Hall, and other Roads therein mentioned, in the Counties of Worcester, Stafford, and Salop, so far as the same relate to the Road leading from Pedmore to Holly Hall; and for repairing several other Roads in the Counties of Worcester and Stafford; whereby certain other Roads therein mentioned were declared to be Part of the said District of Roads called the Pedmore and Holly Hall District, and directed to be repaired by the Trustees of the said District of Roads: And whereas the Public Carriage Road, in Length about One Mile, leading from Blackheath, in the Parish of Rowley Regis in the County of Stafford, through the Parishes of Rowley Regis and Halesowen, to or near to a Place called Hill Top in the Parish of Halesowen, in the Turnpike Road leading from Halesowen to Birmingham, is in some Parts in a ruinous State, narrow and inconvenient for Travellers and Carriages, and cannot be effectually amended, widened, and kept in Repair by the ordinary Course of Law; and it would be of public Utility if such Road was made Part of the District of Roads called the Pedmore and Holly Hall District, and was put under the Care and Management of the Trustees of such District of Roads: And whereas the Trustees appointed in or by virtue of the said Acts, for repairing the said District of Roads called the Pedmore and Holly Hall District, have proceeded to put the same in Execution; for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said District of Roads, which Money still remains due, with an Arrear of Interest, and cannot be repaid, nor can the said District of Roads be properly amended, improved, and kept in Repair, unless the Term of the said Acts be continued, and some of the Powers and Provisions of the said Acts be altered and enlarged, and the Tolls increased, so far as such Acts relate to the said District of Roads: 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, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, Clauses, Matters, and Things therein contained, (except such of them as are varied, altered, or repealed) as also the Tolls, Powers, Authorities, Provisions and Clauses in this Act contained, shall be and continue in full Force and Effect, and be executed and applied for and during the Term herein-after mentioned, for amending, widening, and keeping in Repair the said Roads in the said recited Acts mentioned, called the Pedmore and Holly Hall District; and for amending, widening and keeping in Repair the said public Carriage Road, leading from Blackheath, in the Parish of Rowley Regis in the County of Stafford, through*

Powers, &c.  
of former  
Acts conti-  
nued.

the Parishes of *Rowley Regis* and *Halesowen*, to or near to a Place called *Hill Top* in the Parish of *Halesowen*, in the Turnpike Road leading from *Halesowen* to *Birmingham* aforesaid; and which is hereby made and declared to be Part of the said District of Roads as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject to the Alterations and Amendments herein contained; and this Act and the additional Term hereby granted shall be subject and liable to the Payment of all Money now due and owing upon the Credit or on account of the said recited Acts or any of them, on account of the said District of Roads, or which shall hereafter be borrowed on the Credit of the said Acts and this Act on account of the said District of Roads, and of all Interest due, and to grow due for the same respectively.

II. And be it further enacted, That so much of the said recited Acts as relate to the Qualification of Trustees acting for the said District of Roads shall be and is hereby repealed; and from and after the passing of this Act no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act for the said District of Roads, unless at the Time of his acting therein he shall be in his own Right or in the Right of his Wife in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person having such Estate of the clear Yearly Value of One hundred and fifty Pounds above Reprizes, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed before One or more of the said Trustees an Oath, or (being one of the People called *Quakers*) an Affirmation in the Words or to the Effect following; (that is to say),

Qualification  
of Trustees  
by former  
Acts re-  
pealed.

‘ I *A. B.* do swear, [or, being one of the People called *Quakers*, do solemnly affirm] That I am truly and *bonâ fide*, in my own Right or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or am the Heir Apparent of *A. B.* who to the best of my Knowledge is entitled to a Real Estate of Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred and fifty Pounds above Reprizes, or that I am possessed of a Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds.  
So help me GOD.’

And if any Person not being qualified as above-mentioned shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, 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 by Action of Debt or on the Case, or by Bill, Suit or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Effoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that  
such

such Person hath acted as a Trustee in the Execution of the said recited Acts and this Act: Provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of the said recited Acts and this Act, as far as relates to the said District of Roads, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Additional Trustees not exceeding Twelve.

III. And be it further enacted, That it shall be lawful for the said Trustees appointed by or in pursuance of the said Acts or any Five or more of them, at a Meeting to be holden for that Purpose (of which Notice shall be given in manner directed by the said recited Act passed in the Twenty-second Year of the Reign of His present Majesty, respecting the Appointment of new Trustees on Vacancies) to elect, nominate, and appoint any Number of other fit and proper Persons, not exceeding Twelve, to be Trustees for the Purposes of the said recited Acts and this Act, in addition to the Trustees by or in pursuance of the said recited Acts nominated and appointed for carrying the said recited Acts and this Act, as far as relates to the said District of Roads, and the Road by this Act directed to be repaired, into Execution.

Justices of the Peace may act as Trustees.

IV. And be it further enacted, That His Majesty's Justices of the Peace, acting for the several Counties of *Worcester*, *Stafford*, and *Salop*, shall be and are hereby appointed Trustees, and may act as such for the said District of Roads, in the Execution of the said recited Acts and this Act.

For repealing so much of Act of 2 G. 3. as authorizes Trustees to administer Oaths to Accountants.

V. And be it further enacted, That so much of the said Act passed in the Second Year of the Reign of His present Majesty, as requires any Officer or other Person to verify his Account on Oath, and as authorizes the Trustees for executing the said Act to administer an Oath to any Officer or Officers appointed or to be appointed by virtue of the said Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed, so far as relates to the said District of Roads by this Act directed to be kept in Repair.

Accounts to be kept of Receipts and Disbursements.

VI. And be it further enacted, That the Trustees acting in the Execution of the said recited Acts and this Act shall, and they are hereby required from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said District of Roads; and of the several Articles, Matters, and Things, for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls hereby or by the said recited Acts authorized to be collected on the said District of Roads, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors or any of them to inspect the same, or take such

such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered as any other Penalty can or may be recovered by virtue of the said recited Acts or this Act.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees acting in the Execution of the said recited Acts or this Act, or any of them, for the said District of Roads, to appoint or continue the Person who has been or shall be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or this Act or any of them, or to appoint or continue the Person who has been or shall be appointed Treasurer or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Acts or this Act or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said recited Acts or this Act, or any of them, every Person so offending, 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 at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Clerk not to be Treasurer, and vice versa.

VIII. And be it further enacted, That in all Actions, Suits, Bills, Plaints, Indictments, Prosecutions, Trials, or Proceedings at Law, to be had, brought, or defended in pursuance of the said recited Acts or this Act, the said Trustees for the said District of Roads, may sue and be sued in the Name of their Treasurer or Clerk, and no Action or Proceedings shall abate or be discontinued, by the Death or Removal of the Person in whose Name, or against whom the same shall be brought or defended, or by the Act of such Treasurer or Clerk, without the Consent of the said Trustees, but the Treasurer or Clerk to the said Trustees for the Time being shall always be deemed the Plaintiff or Defendant in every such Action or Suit: Provided always, that the said Treasurer or Clerk, in whose Name any such 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 the said recited Acts or this Act, on the said District of Roads, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action or Proceeding he shall be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant.

Actions to be brought in the Name of Clerk or Treasurer.

IX. And be it further enacted, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails and Fences already erected, or hereafter to be erected on the said District of Roads by virtue of the said recited Acts and this Act, with the several Grounds, Conveniences and Appurtenances thereto respectively belonging

Toll Houses, &c. vested in Trustees.

[Local.]

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and the Materials of which the same shall consist, and all Materials, Tools, and Implements which have been or shall be provided, for repairing or improving the said Roads, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought, any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Mile Stones, Direction Boards, Posts, Rails and Fences, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials, Tools or Implements aforesaid; in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Mile Stones, Direction Boards, Posts, Rails and Fences, Tools or Implements, to be the Property of the Clerk for the Time being to the said Trustees.

Former Tolls  
to cease and  
New Tolls  
granted.

X. And be it further enacted, That from and after the First Day of *March* next after the passing of this Act, or as soon afterwards as the said Trustees shall think proper, the Tolls authorized by the said recited Acts or any of them to be collected within the said District of Roads, called the *Pedmore* and *Holly Hall* District, shall cease and be no longer paid or payable; and that instead thereof the following Tolls shall be demanded and taken at the several Turnpike Gates or Side Bars, erected or to be erected upon the said District of Roads; (that is to say),

Tolls.

For every Horse or other Beast, drawing any Coach, Chariot, Landau, Barouche, Sociable, Berlin, Chaise, Curricule, Phaeton, Hearse, Caravan, Chair, Gig, Taxed Cart, or other Carriage of the like Nature, in which there shall be more than One Horse or other Beast drawing, the Sum of Five-pence; and in which there shall be no more than One Horse or other Beast drawing, the Sum of Seven-pence:

For every Horse or Mule laden or unladen and not drawing, the Sum of Two-pence:

For every Ass laden or unladen and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Two-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Sheep, Lambs, or Swine the Sum of Seven-pence *per* Score, and so in proportion for any greater or less Number:

For every Horse or other Beast, drawing any Waggon, Wain, Cart or other Carriage of the like Nature, having upright cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Sole of the Breadth of Nine Inches, in which there shall be more than One Horse or other Beast drawing, the Sum of Three-pence, and in which there shall be no more than One Horse, the Sum of Sixpence:

For every Horse or other Beast, drawing any Waggon, Wain, Cart or other Carriage of the like Nature, having Wheels of the Breadth of Six Inches and less than Nine Inches, or which shall not be upright, and cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Sole, in which there shall be more than One Horse or other Beast drawing,

drawing, the Sum of Four-pence, and in which there shall be no more than One Horse or other Beast drawing, the Sum of Sixpence:

For every Horse or other Beast, drawing any Waggon, Wain, Cart or other Carriage of the like Nature, having Wheels of less Breadth than Six Inches, in which shall be more than One Horse or other Beast drawing, the Sum of Sixpence, and in which shall be no more than One Horse or other Beast drawing, the Sum of Nine-pence.

XI. And be it further enacted, That all Waggon, Carts or other Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Exemptions  
by 55 G. 3.  
not to be  
affected.

XII. And whereas in and by the said recited Act, passed in the Thirty-eighth Year of the Reign of His present Majesty it was enacted, that no Person should be liable to pay more than One-half Part of the Tolls by the therein recited Acts or either of them, granted for the passing and re-passing Four Times in the same Day, with the same Carriage, Beasts or Cattle, through any Gate or Turnpike which might be erected between the Lane or Road leading out of the said Turnpike Road towards *Cradley*, at a Dwelling House then belonging to *Joseph Penn*, and the Bridge erected across the *Dudley Canal* Navigation upon the said Turnpike Road, situate near *The Level*; and it was provided that such Exemption should not extend to any such Carriage, Beasts or Cattle, passing Five Times on the same Day through any such Gate or Turnpike, but that such Persons should be liable the Fifth Time of passing in the same Day, to pay the other Half of the said Tolls by the therein recited Acts or either of them granted; and also that any Person having paid such Half Toll as aforesaid, should be at liberty to pass through any other Turnpike or Toll Gate on the said Road between *Pedmore* and *Dudley*, on paying the remaining Half Toll; and in no case should more than One full Toll be taken for passing through all or any of the said Turnpikes and Toll Gates between *Pedmore* and *Dudley*, nor more than One full Toll between *Dudley* and *Blackheath*, and *Dixon's Green* and *Bumble Hole*, on the same Day: And whereas it is expedient that such Provision and Exemption should be repealed; be it therefore further enacted, That so much of the said recited Act as relates to the said Provision and Exemption shall be and the same is hereby repealed.

Repealing  
certain Ex-  
emptions in  
former Act.

XIII. And whereas great Injury has been done to some particular Parts of the said Roads within the said District by Horses and other Beasts and Carriages passing and repassing heavily laden many Times on the same Day, along such Parts of the said Roads, and through One or more of the Toll Gates or Turnpikes erected thereon, paying but One Toll for the same; and it would be for the Benefit and Advantage of the said Roads, if an additional Toll were to be demanded and taken for all Horses or other Beasts laden or drawing Carriages laden, on passing a Third Time on the same Day through any Toll Gate or Turnpike erected or to be erected on the same Roads; be it therefore enacted, That in case any Horse or other Beast laden or drawing a Carriage laden shall pass a Third Time in one Day

Regulating  
the Number  
of Tolls to  
be taken.

Day to be computed as aforesaid; through any Toll Gate or Toll Bar, or Side Gate or Side Bar, erected or to be erected as aforesaid upon or by the Sides of the said Roads, it shall be lawful for the said Trustees and any Collector or Collectors to be appointed by virtue of the said recited Acts or this Act, and they are hereby required to demand and take in respect thereof an Additional or Second Toll of the same Amount, as by this Act is authorized to be collected on such Horse or other Beast passing laden or drawing a First Time through such Toll Gate or Toll Bar, or Side Gate or Side Bar as aforesaid: Provided nevertheless, that in no case shall any Person be liable to pay more than Two Tolls in One Day, for the same Horse or other Beast passing through the same Toll Gate or Toll Bar, laden or drawing as aforesaid, any thing in this Act contained to the contrary notwithstanding: Provided always, that only Two full Tolls shall be demanded or taken upon the whole Line of Road, from any Person or Persons, for or in respect of the same Horse or other Beast, or Cattle, or Carriage, (except as to passing a Third Time laden or drawing a Carriage laden through the same Toll Gate or Toll Bar, or Side Gate or Side Bar, as aforesaid) in any one Day for passing and repassing through all or any of the said Toll Gates or Toll Bars, or Side Gates or Side Bars, erected or continued, or to be erected or continued on the said Road, (that is to say), One full Toll between *Dudley* and *Pedmore*, where the Road unites with the said *Stourbridge* and *Bromsgrove* Turnpike Road, and between the said Canal Bridge at or near the *Level* and *Holly Hall*, where it unites with the *Dudley* and *Brettell Lane* Turnpike Road; and One full Toll between *Dudley* and *Hill Top*, where the Road unites with the said *Halesowen* and *Birmingham* Turnpike Road, and between *Dixon's Green* and *Bumble Hole*, in the said Parish of *Dudley*.

Collectors to deliver Tickets gratis.

XIV. And be it further enacted, That the several Collectors of the Tolls by the said recited Acts or this Act or any of them authorized to be collected on the said District of Roads shall, on Receipt of such Tolls, deliver *gratis* to the Person or Persons paying the same, a Ticket or Tickets denoting such Payment, and specifying and naming thereon the Gate or Gates (if any) to be freed from Toll by such Payment.

Exemption from Toll.

XV. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages belonging to or conveying or attending His Majesty or any of the Royal Family; or for any Horse or other Beast drawing any Carriage, passing through any of the Toll Gates or Toll Bars erected or continued or to be erected by virtue of this Act, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials, to be used on or about the said District of Roads, or for repairing any of the Highways or Bridges in the Parishes, Districts, or Places, which are liable to perform Statute Duty upon any Part of the said District of Roads, or on returning empty, having been employed for that Purpose solely; or carrying or conveying Hay, Straw, or Corn in the Straw only, not bought, sold, or disposed of, but passing to be laid up or placed in the Outhouses, Barns, or Yards of the Owners thereof, in any of the said last-mentioned Parishes, Districts, or Places; or any Ploughs, Harrows, or other Implements of Husbandry, to be used in any of the same Parishes, Districts, or Places, or to be taken to any Place for the Purpose of the same being repaired, or to be brought back from such Place after the same shall have been repaired;



paired; or any Dung, Ashes, Compost, or Manure whatsoever, to be used in the Cultivation or manuring of Land, (Lime, Limestone, and Chalk, excepted); or for the Horses of any Clergyman going to or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or any other his Parochial Ministerial Duty; or from any Person or Persons residing in any of the said Parishes, Districts, or Places, who shall pass through any of the said Toll Gates or Toll Bars, to or from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated; or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Districts, or Places; or for any Horse, Mule, Ass, or other Beast or Cattle, kept within such Parishes, Districts, or Places, going to or returning from Work in cultivating Lands therein; or for any Horse or Beast, or Cattle, going to or returning from Water or Pasture; or for any Horse or Carriage of whatsoever Description 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 conveying, fetching, or guarding the same; or in returning back from conveying or guarding the same; or for the Horses of Officers and Soldiers on their March or on Duty; or for Carriages or Horses or other Beasts, employed in carrying the Arms and Baggage of such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; or for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all and every 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, and not otherwise; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance or Barrack, or other Public or Commissariat Stores belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast, employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; or for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the Counties of *Worcester*, *Stafford*, and *Salop*, or any of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, to be levied and recovered as any other Penalties can or may be recovered by virtue of the said recited Acts or this Act, or any of them.

XVI. And be it further enacted, That no Person or Persons driving, or causing to be driven, any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat or other Public Stores, of or belonging to His

Exempting  
Stores from  
Overweight.

[Local.]

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Majesty,

Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Power to  
lessen Tolls  
in respect of  
Overweight.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at their Meetings, if they shall think proper, to mitigate or reduce any Additional Toll or Tolls, that shall or may at any Time or Times become due and payable for or in respect of any Waggon, Wain, Cart, or other Carriage, passing over any Machine or Engine erected or to be erected on the said District of Roads; and being of greater Weight with the Lading thereof than by Law is allowed, provided that no such Additional Toll shall at any one Time be mitigated or reduced to any Sum less than One Half Part thereof.

Power to  
lease the  
Tolls.

XVIII. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered, after giving Twenty-one Day's Notice in some Newspaper circulated in the Neighbourhood of the said District of Roads, and also by Notice to be affixed upon all the Turnpikes then erected upon or across the said Roads, by Writing under their Hands, or under the Hand of their Clerk for the Time being, from Time to Time to let and demise the Tolls granted by this Act, or any Part or Parts of such Tolls, and also the Additional Tolls for Overweight, to be collected or received, for any Term not exceeding Three Years at One Time, for the best Price that can be gotten for the same, payable at such Time, and to such Person or Persons, and under such Conditions, as the said Trustees or any Five or more of them shall think fit; the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security from the Person or Persons to whom any such Tolls shall be leased or demised, for Payment of such Rents, and Performance of the Covenants to be reserved and contained in such Lease or Leases, as the said Trustees shall think fit.

Trustees may  
bid Once.

XIX. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate or Gates shall be put up to let to farm, the Trustees may, if they think fit, appoint some Person to bid Once for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

Penalty on  
Lessees com-  
pounding for  
Overweight  
of Carriages.

XX. And be it further enacted, That if the Lessee or Farmer for the Time being of any of the said Tolls hereby granted, or any Person acting under him or her, shall, without the Concurrence of the Trustees acting in the Execution of this Act, compound for or agree to permit, or shall suffer any overweighted Waggon, or other Carriage, subject to a Forfeiture or Penalty by reason of the Weight thereof, to pass or repass through any of the Toll Gates, or over the Weighing Engines or Machines erected or to be erected, without demanding, taking, and keeping the full Fine or Penalty by Law inflicted, upon such overweighted

Waggon

Waggon or other Carriage, such Lessee or Farmer shall for every such Offence, forfeit any Sum not exceeding Ten Pounds, whereof One Half shall go to the Informer or Informers, and the other Half shall be applied in such manner as other Penalties are directed by the said recited Acts or this Act, to be applied.

XXI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in any wise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, or under any Lessee or Lessees of the said Tolls, shall not be incompetent on account of his or their being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

Collectors  
competent  
Witnesses.

XXII. And be it further enacted, That all and every Toll Collector being Lessee of the said Tolls, or appointed or continued either by the said Trustees, or by any such Lessee or Lessees to collect the Tolls payable at any Toll Gate or Turnpike to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed the whole Time he shall be upon Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act or the said recited Acts, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim Exemption; or shall refuse to permit or suffer, or shall hinder any Person or Persons from reading such Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, (all which Tickets the Collectors of the Tolls are hereby required to deliver gratis on the Receipt of such Toll, and such Tickets shall name and specify the several Gates freed by the Payment of such Toll or Tolls), or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Traveller or Travellers, Passenger or Passengers, then and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by the said recited Acts or this Act directed to be recovered and applied.

Name of Col-  
lector of  
Tolls to be  
painted on a  
Board.

Giving a false  
Name or re-  
fusing to give  
a Ticket.

XXIII. Provided always, and be it further enacted, That if any Dispute or Difference shall arise, concerning the Amount of any Tolls due, or the Charges occasioned by any Distress; it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the

Disputes  
about Tolls  
to be settled  
by a Justice.

Sale

Sale thereof as the Case may happen, until the Amount of the Tolls due, and the Charges of seizing, distraining, keeping, and selling the same (as the Case shall happen), shall be ascertained by One or more Justice or Justices of the Peace for the County where the Cause of such Dispute shall arise, who upon Application to him or them made for that Purpose is and are hereby authorized and required to examine the Matter upon Oath of the Parties, or other Witness or Witnesses, and to determine the Amount of the Tolls due; and it shall be lawful for such Justice or Justices to assess and award such Costs and Charges to be paid by either of the Parties to the other of them as he or they shall think reasonable; and in case of Non-payment of the Tolls and Costs and Charges so ascertained upon Demand, the same shall and may by virtue of a Warrant under the Hand and Seal of such Justice or Justices, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same.

Power to sell  
the present  
Toll Houses.

XXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, absolutely to sell and dispose of any Toll House or Toll Houses now standing on any Part of the said District of Roads, or on the Sides thereof, or hereafter to be erected by virtue of this Act, and the Ground whereon the same shall stand, with the Out-houses, Gardens, and Appurtenances, and also any small Strips of uninclosed Land on any Part of the said District of Roads, or on the Sides thereof, (when they shall be considered by the Trustees unnecessary for the Purposes of this Act), to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale to convey the said Toll Houses, Out-houses, Gardens, Lands, and Appurtenances, to the Purchaser or Purchasers thereof, as an Estate or Estates of Inheritance in Fee-simple; and the Purchaser or Purchasers of the same, his, her, or their Heirs or Assigns shall, on Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts, and free from all Incumbrances whatsoever; and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof, or of any Part thereof.

First Offer to  
be made to  
the Owners  
of the adjoining  
Lands.

XXV. Provided always, and be it enacted, That whenever the Course of the said District of Roads shall be altered, under the Authority of the said recited Acts or this Act, or any Toll House, Garden, or Land discontinued, or a New Road opened and made, the Offer of the Purchase of such Toll House, Garden, and Land, or such Old Road, shall be first made to the Owner of the Land adjoining thereto; and in case such Owner shall be desirous of becoming the Purchaser of such Old Road, Toll House, Garden, and Land, and cannot agree with the 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 and in such case, the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Lands to be taken in pursuance of the said recited Acts or this Act, or any of them is directed to be settled and ascertained by the said recited Acts, *mutatis mutandis*; and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by  
the

the Jury to be the Value thereof; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by the said recited Acts is directed with respect to Purchases made by the said Trustees, *mutatis mutandis*; and in case such Owner shall refuse to pay such Money upon Demand, made thereof by the Treasurer or Clerk to the Trustees, and Tender of the Conveyances of such Old Road, Toll House, Garden, and Land, the same shall and may be recovered by the said Trustees by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such Old Road, Toll House, Garden, and Land, 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 or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Division, or Place where such Old Road, Toll House, Garden, and Land 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, Toll House, Garden, and Land, (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.

XXVI. And be it further enacted, That all and every Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed upon, or ascertained or assessed, to be paid for any Lands or Hereditaments taken or used for the Purposes of the said recited Acts and this Act, or any of them, shall be paid out of the Tolls or out of the Monies to be raised by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Case may be) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, then upon depositing the same in the Bank of *England*, in the Manner by this Act directed; and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn such Road through or over such Lands or Hereditaments; and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments as the said Trustees shall think fit; and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title in and to such Lands and Hereditaments, and every Part thereof.

Money agreed upon or assessed, how to be paid and tendered.

XXVII. Provided always, and be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said District of Roads under the Powers of the said recited Acts or this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line or Course thereof, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds any such Deviation shall be made.

Deviation from the present Line of Road, not to exceed 100 Yards without Consent.

XXVIII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be

Application of Money when amounting to 200l.

[Local.]

purchased

purchased for the Purposes of this Act of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, 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 *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 or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or 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 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 and Hereditaments, which shall be so purchased, taken, or used stood settled or limited as aforesaid, 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 meantime, and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, 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 meantime, 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 or Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where less  
than 200l.  
and above  
20l.

XXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed 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 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 herein-before directed, or otherwise the same shall be paid, at the like Option to Two Trustees, to be nominated by the Person or Persons making

making such Option, and approved of by Five or more of the said 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 manner herein-before directed; so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall not exceed 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 and Hereditaments so purchased, taken, or used for the Purposes of this Act in such manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then 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.

Not exceeding 20l.

XXXI. 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 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 in case such 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 or Hereditaments, be not known or discovered, then and in every such case it shall and may be lawful 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 Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments, subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, 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 Public Funds, and 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 such Sum or Sums of Money into the Bank as aforesaid.

In Cases where a good Title is not made out, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery.

XXXII. Provided always, and be it further enacted, That when 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 Privity of the Accountant General of the Court of Chancery in pursuance of

Where any Question shall arise as to the Title to Money.

of this Act; for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands 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 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 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 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 or Hereditaments, or to some Estate or Interest therein:

Court may order reasonable Expences to be paid by the Trustees.

XXXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands 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 or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court 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 out of the Monies to be received 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.

Trustees may contract for repairing Roads.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for repairing any Part or Parts of the said District of Roads, or for doing any other Work in pursuance or in Execution of the said recited Acts or this Act, in such Manner, and for such Term, Sum or Sums of Money, annually or otherwise, or for such Considerations as the said Trustees shall think proper.

An Action of Ejectment may be supported by One Mortgagee.

XXXV. And be it further enacted, That if any Mortgagee or Mortgagees of the Toll Gates, Bars, Chains, Toll Houses and Buildings, erected or to be erected by virtue of the said recited Acts or this Act, on the said District of Roads, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses and Buildings, or the Tolls authorized to be collected thereat, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof due to him, her, or them; it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said



faid Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

XXXVI. And be it further enacted, That so much of the said recited Acts as authorizes the said Surveyors, by order of the said Trustees, to get Materials for repairing the said District of Roads shall be and the same is and are hereby repealed; and it shall and may be lawful for the Surveyor or Surveyors of the said Road, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, Chalk, Furze, Heath or other Materials for making or repairing the said Roads, out of any Waste or Common Ground, common River or Brook, in any Parish, Town or Place adjoining the said Road, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks from whence such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, common River or Brook, then and in such Case, the Surveyor or Surveyors, or other Persons as aforesaid may, by Order of any Two Justices of the Peace for the County in which the Land may be situated, search for, dig, gather, and take away any such Materials in and out of the Lands, Fields or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to any House, or a Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of the Materials, and for the Damage done to the Owners and Occupiers of such Grounds, where and from whence the same shall be dug, gathered and carried away, or over which the same, or any other Materials for making or repairing the said Roads shall be carried, as the said Justices shall adjudge reasonable.

For getting  
Materials to  
repair the  
Roads.

XXXVII. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any Person or Persons acting under the Authority of this or the said recited Acts or any of them, to dig, gather, get, take, or carry away any Materials for repairing any Part of the said District of Roads, out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owners or Occupiers thereof first had and obtained for that Purpose, and until Ten Days previous Notice in Writing, signed by the Surveyor of the said Road, shall have been given to the Owners or Occupiers of the Premises from whence such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owners or Occupiers, to appear before any Justice or Justices of the Peace acting in and for the County or Place in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier, or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Persons to dig, gather, get, take and carry away such Materials in such Manner as is directed by the said recited

Notice to be  
given before  
Materials  
taken.

Acts or any of them, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices may, upon Proof on Oath of the Service of such Notice, and which Oath any one of such Justices is hereby empowered to administer, make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyor.

XXXVIII. And be it further enacted, That if any Person or Persons shall take and carry away any Materials which shall have been dug or gathered, for the Purpose of repairing or amending the said District of Roads, or if any Person or Persons shall, without the Knowledge and Consent of the said Trustees, 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 said Surveyors or their Workmen shall have discontinued therein for the Space of Twenty-eight Days, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale) all and every such Person and Persons so offending, shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

XXXIX. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said District of Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for Two or more Justices of the Peace for the said Counties of *Worcester*, *Stafford*, or *Salop*, within their respective Jurisdictions, and they are hereby empowered and required, upon Application made to them for that Purpose 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 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 to their Treasurer; 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 Seven 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 Draughts or otherwise, and also the Amount of the respective Sums to be paid, which List of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, 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 such Justices shall

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 on 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 Surveyor or Surveyors of such Parishes or Places respectively, to be by him or them paid over to the said Trustees or their Treasurer at such Time or Times as 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 the said recited Acts authorized or directed to be recovered; and each and every Person, who shall neglect or 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, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject 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 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 to the said Trustees, such Surveyor is 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 shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team and 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, or shall refuse or neglect to collect or pay such Composition or any Part thereof, in manner aforesaid, every such Surveyor so offending, shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

XL. 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, Body Politic or Corporate, for the Statute Work to be by them done on the said District of 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 are 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 of any Part of the Statute

Trustees  
may com-  
pound for  
Statute  
Work.

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 to the said Trustees, in advance, on or before the First Day of *October* 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.

Gates not to open towards Foot or Horse Roads.

XLI. And be it further enacted, That no Gate of any Park, Paddock, Field, Yard or Inclosure whatsoever, shall be made to open into or towards any Part of the said District of Roads, or be suffered to continue so to open, except the Hanging Post thereof be Thirty Feet at least from the Centre of such Part of the said Roads, and the Occupier or Occupiers of every Park, Paddock, Field or Inclosure, having any Gate opening contrary to the Directions of this Act, shall within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Gate to be hung in the Manner hereby directed whenever the same shall be practicable; but in every case in such a Manner as that no Part of the Gate when open shall project over any Part of the said Roads or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Roads is hereby authorized to cause such Gate to be so hung, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County in which such Gate shall have been erected, and upon Conviction thereof, upon the Oath of One credible Witness, pay to such Surveyor, such Sum as the said Justice or Justices shall direct, to defray the Expence of making such Alteration and hanging such Gates, and shall also forfeit and pay a further Sum not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made as aforesaid.

Nuisances by leaving Carriages, &c.

XLII. And be it further enacted, That if any Person or Persons shall leave any Carriage, in, upon, or on the Side of any Part of the said District of Roads, (except in case of Accident), longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught, harnessed or yoked thereto, and then such Carriage shall be placed as near to the Side of the said Roads as conveniently may be; or shall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on the Side or Sides thereof, between the said Roads or the Fences on the Sides thereof; or shall plough up, dig up, or break up any of the Soil between any Part of the said Roads, and such Fences as aforesaid; or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except the same be done at such Times, and under such Regulations as the Trustees or their Surveyor shall direct and order; or shall deface, pull down, or damage, any Mile-stone Direction Post or other Post erected or to be erected upon the said Turnpike Roads or the Footpaths thereof; or shall draw or cause to be drawn upon any Part of the said Roads, any Tree, or Piece of Timber, Stone, Iron or other

other Thing, otherwise than upon Wheel Carriage or Carriages, or shall suffer any Part of any Tree or Piece of Timber, Stone, Iron or other Thing which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads to the Prejudice thereof; or shall slaughter, singe, scald, or dress any Hog, Pig, Swine, or other Beast or Cattle, or hew or saw any Timber, Wood, or Stone, or bind, make, or repair (except in Cases of Accident) the Wheels of any Carriage, or shoe, bleed, or farry any Horse or other Beast in or upon the said Roads; or if any Person shall make or assist in making any Fires commonly called Bonfires, or shall set fire to, or let off or throw, any Squib, Rocket, Serpent, or Firework whatsoever, or play at Foot-ball, Bowls, or any other Game, to the Annoyance of any Passenger or Passengers, or fly Kites, or bait or assist in baiting any Bull, Bear, Badger, or other Beast, or ride lead, or drive any Beasts, Cattle, or Swine, along or upon any Part of the Footpaths or Causeways, or cause any Damage to be done to any Footpath or Causeway, with any Carriage or Horse or other Beast; or if any Person shall turn or suffer any Horse, Mule, Ass, Beast, or Swine, to be turned or to run loose or stray on, or to be or remain upon the said Roads to graze or to depasture on the Sides thereof; or if any Person who shall drive any Carriage upon the said Roads shall ride on the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the said Road, and also keep on the same Side himself; or if any Person shall after having blocked or stopped any Waggon, Cart or other Carriage, in going up any Hill or rising Ground, shall not immediately afterwards take away or remove from the said Roads, the Stone or other Thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage; or if any Person shall in any other manner wilfully prevent any other Person or Persons from passing him, her, or them, or any Carriage under his, her, or their Care upon the said Roads, or shall carry any Bar or Rod of Iron across the Back of any Horse, Mule, or Ass passing along the said Roads; every Person so offending shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and every such Offender may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person who shall see any such Offence committed, and shall be delivered to a Constable or other Peace Officer, who shall convey such Offender before a Justice of the Peace to be dealt with according to Law.

XLIII. And be it further enacted, That the Costs, Charges and Expences of obtaining and passing this Act, together with lawful Interest for the Money which shall be advanced from Time to Time for that Purpose, shall be paid and defrayed by the said Trustees out of the Money now remaining in the Hands of the Treasurer of the said District of Roads, or out of the first Money which shall be collected from the Tolls upon the said District of Roads; and the same Charges shall be paid in preference to all other Payments whatsoever.

Expences of  
obtaining  
the Act.

XLIV. 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.

Public Act.

[Local]

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XLV. And

Term and  
Continuance  
of this Act.

XLV. And be it further enacted, That the Term granted by the said recited Acts shall on the First Day of *March* next after the passing of this Act cease and determine, so far as relates to the said District of Roads, and the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained), and this Act, shall thenceforth be put in force and be executed with respect to the said District of Roads 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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