

Second District divided into Two Divisions.

Recited Act so far as relates to the Road from Whitchurch to Ternhill repealed.

then next Session of Parliament, the Term, and alter and enlarge the Powers of Two Acts, passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, and in the Eighteenth Year of the Reign of His present Majesty, for repairing and widening the Road from the Bars at Boughton, within the Liberties of the City of Chester, to Whitchurch, and from thence to Newport, in the County of Salop, and several other Roads therein mentioned, so far as the said Acts relate to the Road leading from Whitchurch aforesaid, through Ternhill, to Newport aforesaid, being the Second District of Roads in the said Acts mentioned: And whereas by the said last-recited Act the District of Road thereby directed to be maintained in Repair, being the Road leading from Whitchurch through Ternhill to Newport, in the County of Salop, was divided into Two distinct and separate Divisions, and the First of such Divisions is therein described to extend from the Town of Whitchurch aforesaid to a certain Inn or Public House situate at Ternhill aforesaid, known by the Sign of the Queen's Head, then in the Occupation of John Swinchatt, and directed to be called the Whitchurch Division of the said District of Road, and which said Inn or Public House is now known by the Sign of the Hill's Arms: And whereas a considerable Sum of Money, borrowed on the Credit of the said recited Acts, and charged on the Tolls arising upon the said Road from Whitchurch to Ternhill, still remains due and owing, and cannot be repaid, nor can the said Road from Whitchurch to Ternhill be properly amended and kept in Repair, unless the Term and Powers of the said Acts, so far as they relate to the said Road from Whitchurch to Ternhill, are enlarged, and the Tolls increased: And whereas it would facilitate the Execution of the Purposes aforesaid if the several necessary Powers and Provisions were comprised in One Act, and if the said former Acts, so far as the same relate to the said Road from Whitchurch to Ternhill, were repealed; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Acts of the Thirty-third Year of the Reign of King George the Second, and of the Eighteenth and Forty-first Years of the Reign of His late Majesty King George the Third, so far as the same respectively relate to the Road from Whitchurch to Ternhill aforesaid, shall be and the same are hereby declared to be repealed; and that this Act shall from thenceforth commence and take effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending and maintaining in Repair the said Road leading from the Town of Whitchurch, in the County of Salop, to a certain Inn or Public House situate at Ternhill in the said County, and known by the Sign of the Hill's Arms; and this Act, and the Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the same Road, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and that all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said former Acts, so far as the same relate to the said Road, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed

directed to be appointed for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees for executing the said former Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Bargains, Contracts, Agreements or Notices, made, entered into, or given by the said Trustees for executing the said former Acts, with or to any Person or Persons, for any Purpose relating to the said Road, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said Acts.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Salop*, together with the Honourable and Reverend *Francis Henry Egerton*, Sir *John Hill* Baronet, Sir *Andrew Corbet* Baronet, Sir *Robert Hill* Knight, Sir *Francis Hill*, *William Clive*, *Rowland Hill*, *John Whitehall Dod*, *Samuel Yate Benyon*, *Thomas Hugh Sandford*, *John Barnes Watson*, *Richard Heber*, *Joseph Booth*, *Francis James Hughes*, *Reginald Heber* Clerk, *Mascie Taylor* Clerk, *William Cotton* Clerk, *Edward Neville* Clerk, *Robert Crockett* Clerk, *William Kent* Clerk, *John Collier* Clerk, *Henry Murball* Clerk, *John Murball* Clerk, *George Richard Downward* Clerk, *John Poole* Clerk, *George Corser*, *John Corser*, *George Naylor*, *Peter Beckett*, *Williams Hill Watson*, *William Wycherley Brookes*, *Joseph Hassall*, *John Whitfield*, *Joseph Lee*, *John Lee*, *John Ruscoe*, *Richard Corser*, *John Holland the Elder*, *John Brayne*, *Thomas Beckett*, *Edward Kirkpatrick*, *William Bromfield*, *William Churton*, *Joseph Brookes the Elder*, *Joseph Brookes the Younger*, *John Brookes*, *Richard Brookes*, *Peter Poole Taylor*, *John Edwards the Elder*, *John Edwards the Younger*, *William Hughes*, *William Griffiths*, *John Ravenshaw*, *Wright Jebb*, *Robert Harper*, *Humphrey Bateman*, *Thomas Joyce*, *Charles Moile*, *John Turner*, *John Kent*, *Thomas Prince*, *John Pritchard*, *Richard Reddrop*, *Robert Powell Grindley*, *John Murball*, *John Roe*, *John Bradbury*, *Samuel Worthington*, *William Churton*, *Edward Churton*, *John Gregory*, *Robert Pritchard*, *Andrew Wilkinson*, *Wood*, *Samuel Minor*, *Thomas Peplow*, *Samuel Parker*, *John Lowe*, *Joseph Walford*, *John Wilson*, *William Wilson*, *Robert Dawes*, *Samuel Minor*, *Ellis Francis*, *Daniel Whatmough*, *James Howell*, *Cornelius Venables*, *John Harper Evanson*, and *Thomas Hewitt*, and their Successors to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for amending and maintaining in Repair the said Road, and for otherwise putting this Act in Execution.

Appoint-
ment of
Trustees.

III. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Five in the Whole in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified as herein-after mentioned, shall be Trustees for the Purposes of this Act, and are hereby invested

Power to
appoint
additional
Trustees.

invested with the same Powers and Authorities for executing this Act as if they had been herein named.

On Death
or Refusal to
act other
Trustees to
be chosen.

IV. And be it further enacted, That when and so often as any of the Trustees herein named and appointed, (except the Justices of the Peace acting for the County of *Salop*), or to be elected and appointed by virtue of this Act, shall die, or become disqualified by Bankruptcy, Insolvency, or otherwise, or by Writing under his or their Hand or Hands, delivered to the Clerk to the Trustees acting in Execution of this Act, signify his or their Refusal to act, it shall be lawful for the surviving or remaining Trustees, or any Three or more of them, and they are hereby authorized and empowered to elect and appoint some other Person or Persons to be a Trustee or Trustees in the Room of any Trustee or Trustees so dying, or becoming disqualified, or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, or by any Three or more of the said Trustees, which Notice shall be published in some public Newspaper usually circulated in the Neighbourhood of the said Road, or affixed on all the Turnpike Gates then standing or being across the said Road, at least Fourteen Days previous to every such Meeting; and all and every Person and Persons who shall be so elected and appointed, and shall be duly qualified as hereinafter mentioned, shall be a Trustee or Trustees for the Purposes of this Act, and is and are hereby invested with the same Powers and Authorities for carrying this Act into Execution as if he or they had been herein named.

Qualification
of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation of Qualification herein-after mentioned), unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; nor until he shall have taken and subscribed an Oath, (or being a Quaker, until he [shall have made and subscribed an Affirmation) in the following Form of Words; and which Oath or Affirmation the said Trustees, or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized and empowered to administer; (that is to say),

Trustees
Oath or
Affirmation.

‘ I do swear, [*or*, being One of the People called *Quakers*,
‘ I do solemnly affirm,] That I truly and *bond fide* am, in my own Right
‘ [*or*, in the Right of my Wife], in the actual Possession and Enjoyment
‘ of [*or*, in the Receipt of Rents and Profits issuing out of] Freehold or
‘ Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly
‘ Value of One hundred Pounds above Reprizes, [*or*, am possessed of a
‘ Personal Estate alone, *or*, Real and Personal Estate together, of the
‘ Value of Four thousand Pounds, *or*, am Heir Apparent of
‘ who to the best of my Knowledge and Belief is seised of a Real Estate
‘ in

in Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, *as the Case may happen*;] and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act, passed in the Third Year of the Reign of King George the Fourth, intituled *An Act [here set forth the Title of this Act.]*

‘ So help me GOD.’

[*or, being a Quaker, omit the Words ‘ So help me God.’*]

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally interested other than as a Creditor, or while he holds any Place of Profit under this Act, or who shall sell any Ale, Beer, or Wine, or Spirituous Liquors by retail, or who shall be interested or concerned in any Contract, or who shall be Lessee or Farmer of the Tolls, or any Part or Parts thereof, under this Act; and if any Person, not being qualified as aforesaid, or not having taken and subscribed the Oath as aforesaid, or being a Quaker, not having made and subscribed the Affirmation as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution 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, together with full Costs of Suit, in any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided also, that if such of the Trustees hereby nominated, or to be appointed by virtue of this Act, as are or shall be in the Commission of the Peace for the County of *Salop*, shall not by reason of being such Trustees be deemed disqualified from acting as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be individually interested.

Penalty on Trustees acting not being qualified.

Acts of unqualified Trustees, before Conviction, to be valid.

Mortgagees may be Trustees.

Trustees being Justices may act as such.

VI. And be it further enacted, That the Trustees for executing this Act shall meet together at the *White Lion Inn*, in *Whitchurch* aforesaid, or some other convenient Place within the said Town, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then, and from Time to Time after, adjourn to and meet at such Times, and at such Place or Places within the Parish of *Whitchurch*, as they shall think proper; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place

Meetings of Trustees.

Adjournment.

[*Local.*]

If no Adjournment be made, the Clerk or Three Trustees may call a Meeting by Notice.

Powers of the Act may be executed by Three or more Trustees at a Meeting, and the Proceedings of the major Part of the Trustees present shall be as valid as if all Trustees had acted :
No Order to be revoked unless Five Trustees present, and the major Part concur.

Meetings on Emergencies.

appointed for a Meeting, then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk shall and they and he are and is hereby respectively authorized to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Twenty Days, nor sooner than Five Days from the Day of such last intended Meeting; and in case at any Time no Adjournment of any Meeting or intended Meeting shall be made as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Three or more of such Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees, by Notice to be inserted in some such Public Newspaper usually circulated in the Neighbourhood of the said Road, or affixed on all the Turnpike Gates on the said Road, appointing the Trustees to meet at such Time and Place within the said Parish of *Whitchurch* as the said Clerk or the said Trustees respectively giving such Notice shall think proper, not exceeding Twenty Days nor sooner than Five Days from the Date of advertising such Meeting; and all the Powers and Authorities by this Act given to the said Trustees shall and may be executed by or before the Majority of the Trustees assembled at some Meeting to be held in pursuance of this Act, the whole Number present not being less than Three, and the same shall be of as full force and effect as if executed or done by or before all the Trustees for executing this Act (except in such Cases where any such Power, Authority, Provision, Matter, or Thing is by this Act particularly directed or authorized to be executed or done by any other Number of Trustees, or in any other Manner); and at all such Meetings a Chairman shall or may be appointed, and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman) such Chairman shall have the decisive or casting Vote; and all Orders made under the Powers and Provisions of this Act, or of the said recited Acts, may be revoked or altered if occasion shall require, provided that no such Order shall be revoked or altered except at some Meeting where not less than Five Trustees shall be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three or more Trustees, although not assembled at a Meeting, shall give Notice in Writing to the Clerk, under their Hands, and also cause Notice to be published in some public Newspaper usually circulated in the Neighbourhood of the said Road, or on all the Turnpike Gates on the said Road, specifying that such Revocation or Alteration is intended to be moved for Fourteen Days at least previous to any Meeting to be holden for that Purpose; and the Trustees shall at their several Meetings pay their own Expences.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for the Clerk to the Trustees, by or under an Order in Writing signed by Three or more Trustees, or for any Three or more Trustees (although not assembled at a Meeting), to call a Meeting of the Trustees to be held at such Time and Place in the said Parish of *Whitchurch* as they shall think proper, by Notice, mentioning the Time and Place and Purpose of such Meeting, to be published in some public Newspaper circulated in the Neighbourhood of the said Road, or on all the Turn-

pike Gates then standing or being across the said Road, (such Time being not less than Five Days after Publication of such Notice); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an Adjournment.

VIII. And be it further enacted, That the said Trustees 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 all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings, so entered, shall be signed by the Chairman of the Meeting at which the same shall be made, or by the Trustees making the same; and the said Book or Books, and all Books of Proceedings of the Trustees in the Execution of the said recited Acts, kept according to the Directions or Provisions thereof, and made Evidence thereby, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Books to be kept of Proceedings of Trustees.

Books to be Evidence.

IX. And be it further enacted, That the said Trustees 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 Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book and Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, 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 said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

Penalty for Refusal of Inspection.

X. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers, may appoint another or others in his or their Stead; and every such Appointment shall be entered in the Book of the Proceedings of the Trustees, and the Entry shall be signed by the Trustees making the Appointment, or by the major Part of the Trustees present at the Meeting where the Appointment is made; and Fourteen Days Notice shall be published in some public Newspaper usually circulated in the Neighbourhood of the said Road, or on all the Turnpike Gates standing or being across the said Road, of every Meeting where any such Appointment shall

Appointment of Officers.

shall be intended to be made after the First Meeting of the said Trustees, specifying the Intention of appointing such Officer or Officers; and the said Trustees shall and may, and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the said Trustees shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail, or who shall be a menial Servant to any Trustee.

Persons selling Ale, &c. by retail, or being Servant to a Trustee, not to hold Places of Profit.

Old Officers to continue until new ones elected.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurer) appointed under and by virtue of the former Acts, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever as if he had been appointed by virtue of this Act.

Offices of Clerk and Treasurer not to be held by One Person.

XII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, 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 this Act, 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, together with full Costs of Suit, 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 Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Trustees may appoint temporary Collectors.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls hereby granted shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, it shall and may be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, to nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, or until removed by virtue of the Powers and Provisions of this Act, which Person or Persons so nominated and appointed shall have the like Power and Authority and be answerable

able and accountable in the same manner in all respects as if he or they had been nominated and appointed at a Meeting called and held in pursuance of this Act; and if any Collector or Receiver who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family or other Representatives of any Collector or Receiver who shall be discharged, or who shall die, or any other Person, shall refuse to deliver up the Possession of any Tollhouse or Building, with the Appurtenances, to be continued or erected or set up by virtue of this Act, for the Space of Three Days after Notice to quit shall have been left in Writing at such Tollhouse or Building, signed by any Three or more of the said Trustees (although not assembled at a Meeting), then and in any of the said Cases it shall and may be lawful to and for any Justice or Justices of the Peace for the County of *Salop*, upon Application made by the said Trustees, or by any Person by them appointed on their behalf, by Warrant under his Hand and Seal, or their Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any One of them, or their new appointed Officer, into the Possession thereof.

XIV. And be it further enacted, That each and every Clerk, Treasurer, Receiver, Collector, Surveyor, and other Officer, appointed under or by virtue of the former Acts, and who shall be appointed under or by virtue of this Act, shall from Time to Time, within Ten Days after being thereunto required, by Notice, signed by Three or more of the said Trustees, given to him or them, or left at his or their usual Place of Abode, deliver to the said Trustees, or to such Person or Persons as they for that Purpose shall appoint, a true and perfect Account, in Writing under his or their Hand or respective Hands, of all Monies which shall have been by him or them respectively had, collected, or received by virtue of the former Acts and this Act respectively, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and all such Officers or Persons shall and they are hereby respectively required, within Seven Days after so exhibiting their Accounts, or within such other further Time as the said Trustees shall order or appoint, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands to the said Trustees, or to such Person or Persons as they the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands, within the Time or in Manner aforesaid, if thereunto required by the said Trustees; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they or any Three or more of them shall appoint to take the same, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power in anywise relating to the Execution of this Act, or to the said Road, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County or Place where

Officers to
account and
pay over Bal-
ances.

the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, by the said Trustees, or by any Person or Persons by them authorized on their behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, or Person or Persons, to appear before him, and in case such Officer or Officers, or Person or Persons, shall not appear upon such Summons, (the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes to the Satisfaction of the said Justice being shown for such Non-appearance,) to issue a Warrant or Warrants for the Apprehension of such Officer or Officers, or Person or Persons; and it shall be lawful for such Justice, upon the Appearance of such Officer or Officers, or Person or Persons, upon such Summons, or upon his or their being apprehended and brought before such Justice by virtue of such Warrant, or upon his or their having absconded, 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 the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, or Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so had, collected, and received shall be in the Hands of such Officer or Officers, or Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, or Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, or Person or Persons, appearing, or being brought before the said Justice in manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said Road, then and in any of the Cases aforesaid such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall have been made by virtue of this Act in respect thereof, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make and receive,) or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof, to the said Trustees, or to such Justice; but no such Officer or other Person who shall be committed for default of Distress only shall

be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

XV. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office, and also shall or may take such Security from any Collector or Receiver of the Tolls, or other Officer acting in Execution of this Act.

Treasurer,
&c. to give
Security.

XVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee without the Consent of the said Trustees, but that the Clerk or the Trustee in whose Name such Action shall have been brought shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant or Respondent, in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal or other Proceedings, he shall pay, bear, sustain, expend, or be put unto or become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Defendant, Informant, Appellant, or Respondent.

Trustees may
sue and be
sued in the
Name of
their Clerk
or a Trustee.

XVII. And be it further enacted, That it shall be lawful for the said Trustees to continue the Turnpike Gates already erected upon, across, or on the Sides of the said Road, or to remove the same, or any of them, or any Turnpike Gate or Gates hereafter to be erected upon, across, or on the Sides of the said Road, and to erect or cause to be erected any Turnpike Gate or Turnpike Gates in, upon, or across any Part of the said Road, and upon the Side or Sides of any Part of the said Road, and across any Lane or Way leading into the same, and upon any Common or Waste, upon or over, or by the Side of which the same may lead; and also to erect or provide, or cause to be erected or provided, a Tollhouse or Tollhouses at or near each Turnpike Gate, and from Time to Time to remove or alter the same, as they the said Trustees shall think meet or expedient, and also to take in and inclose Garden Spots to such Tollhouses, not exceeding One Eighth of an Acre for each Tollhouse.

For erecting
Turnpikes.

XVIII. And be it further enacted, That the Right and Property of, in, and to all the Turnpike Gates or Toll Gates, and other Gates, Bars, Chains, Rails, Fences, Causeways, Bridges, Toll Houses and other Houses and Buildings, and the several Conveniences and Appurtenances thereto, erected, made, or provided for the Purposes of the said Road, and now being upon or near the said Road, or which shall be continued, erected, made,

Toll Gates,
Houses, &c.
vested in
Trustees.

made, provided or authorized by virtue of this Act, and all the Materials thereof, and all Materials for building, making, or repairing the same, or for making, improving, or repairing the said Road, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees; and it shall be lawful for the said Trustees, and they are hereby empowered, to sell and dispose of the same Materials respectively as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall, without Right, keep Possession of any such House or Building, or the Appurtenances, or who shall break down or damage, steal or take away any such Turnpike Gate, Toll Gate, Side Bar, Causeway, Chain, Bridge, Toll House, or other House or Building, Conveniences and Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles or Things, or who shall disturb the said Trustees, or their Lessees, Collectors, Agents, or Servants, in the Possession thereof; and in all Actions, Indictments, and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of "The Trustees for amending and maintaining in Repair the Road leading from *Whitchurch* to *Ternhill* in the County of *Salop*," without naming or otherwise describing the said Trustees.

Power to
take Tolls.

XIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed Collector or Collectors by virtue of this Act, to demand and take the Tolls herein-after mentioned, at the Turnpike Gates or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Tolls.

For every Horse or Mule drawing any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of the Breadth of Six Inches or upwards, the Sum of Four-pence Halfpenny :

For every Horse or Mule drawing any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of less Breadth than Six Inches, the Sum of Sixpence :

For every Ox, Steer, or Bull drawing singly, and not in Pairs or Abreast, any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of the Breadth of Six Inches or upwards, the Sum of Four-pence Halfpenny :

For every Ox, Steer, or Bull drawing singly, and not in Pairs or Abreast, any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of less Breadth than Six Inches, the Sum of Sixpence :

For every Ox, Steer, or Bull drawing in Pairs or Abreast any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of the Breadth of Six Inches or upwards, the Sum of Three-pence :

For every Ox, Steer or Bull, drawing in Pairs or Abreast any Carriage, of whatever Name or Description, having the Sole or Bottom of the
Wheels

Wheels of less Breadth than Six Inches, the Sum of Four-pence Half-penny :

For every Ass drawing any Carriage, of whatever Name or Description, the Sum of Three Halfpence :

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Three Halfpence :

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 Three-pence *per* Score ; and so in Proportion for any greater or less Number : And

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Ten-pence *per* Score ; and so in Proportion for any greater or less Number.

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any Turnpike Gate or Toll Gate, or Side Bar, or Side Gate, or Chain, already erected and continued, or to be erected and continued by virtue of this Act, upon or across the said Road, or any Part thereof, or upon or across any Lane or Way leading into the same ; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

XX. Provided always, and be it further enacted, That for every Horse or other Beast drawing any Carriage employed in the Conveyance of Lime to be used as Manure for the Improvement of Land, where the Sole or Bottom of the Wheels of such Carriage shall be of the Breadth of Six Inches or upwards, the Sum of One Penny only shall be payable, demanded, collected, or received by virtue of this Act ; and that for every Horse or other Beast so employed, where the Sole or Bottom of the Wheels of such Carriage shall be of less Breadth than Six Inches, the Sum of Three Halfpence only shall be payable, demanded, collected, or received by virtue of this Act, any thing in this Act contained to the contrary notwithstanding.

Reduction of Toll for Lime to be used as Manure.

XXI. And be it further enacted, That upon the Payment of any of the Tolls granted or made payable by or by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free.

Tickets to be printed.

XXII. Provided always, and be it further enacted, That no Person or Persons having paid the Toll at any one of the said Turnpike Gates or Toll Gates, Side Bars, Side Gates, or Chains, shall afterwards be liable to pay Toll again for passing or re-passing at any Time or Times the same Day (to be computed as aforesaid), with the same Horse, Beast, Cattle, and Carriage, through the same or any other Turnpike Gate or Toll Gate, Side Bar, Side Gate, or Chain, in, upon, across, or on the Sides of the said Road.

Toll to be paid but once a Day.

Waggons,
&c. allowed
Privileges
and Exemp-
tions granted
by 55 G. 3.
c. 119.

XXIII. Provided also, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages (in respect whereof or of the Horses or Beasts drawing the same the Tolls hereby granted are made payable) having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late 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*, shall be entitled to have and enjoy the Privileges and Exemptions granted by the said Act in manner therein mentioned.

Exempting
Return
Chaises and
Post Horses.

XXIV. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike Gate or Toll Gate, Side Bar, Side Gate, or Chain erected or to be erected on the said Road, shall, on returning, without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike Gate or Toll Gate, Side Bar, Side Gate, or Chain, on the same Day.

Tolls may be
distrained for.

XXV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls by this Act granted or made payable, shall after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Collector or Collectors of such Tolls, by himself, herself, or themselves, or taking such Assistance of any other Person or Persons as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Bridles, Reins (except the Bridle or Reins apart from the Horse or Horses), Saddles, Harness, Gears, or Accoutrements of such Horse, Beast, or Cattle, or the Loading of such Horse, Beast, Cattle, or Carriage, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay the Toll as aforesaid; and if such Toll, or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner or Owners thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress and Sale, shall be deducted, to be ascertained and determined as herein-after mentioned in case of any Dispute concerning the same.

Disputes
concerning
Tolls to be
settled by a
Justice.

XXVI. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place in which

the Cause of Dispute shall arise, who upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any) after Payment of such Costs, and the reasonable Costs of such Distress and Sale, (to be ascertained and determined, in case of Dispute concerning the same, by such Justice) shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

XXVII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, Cart, or Carriage, through or by any private Land, Ground, Road, Lane, Passage, Way, Gate, or Place lying by the Side of or near to any Part of the said Road, (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants who may have occasion to pass to, into, or from the same Land or other Premises for the Use, Occupation, and Management of the same), for the Purpose of evading the said Tolls, or any of them; or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway) near to the said Road, or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or by such private Land, Ground, Road, Lane, Passage, Way, Gate, or Place, with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forge or counterfeit, or shall give or deliver to or receive from any Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of Toll shall be thereby evaded; or if any Person not having paid the said Toll shall offer or produce and use any such Ticket with Intent to evade or avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Road, or unload, wholly or in part, any Carriage, with Intent to evade the Payment of any of the said Tolls; or if any Person or Persons shall forcibly or wilfully pass through any Turnpike Gate or Toll Gate, with any Horse, Beast, Cattle, or Carriage, without Payment of the Toll, or of any Part thereof, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Persons
evading the
Tolls.

XXVIII. And whereas Persons frequently draw or carry Iron, Ironstone, Lead, Coals, Wood, Goods and Things, in Carriages to or near

For punish-
ing Persons
laying Goods
the

near the
Turnpikes,
&c.

the Turnpike Gates or Bars, and there unload and lay down the same in large Quantities, and upon a future Day draw or carry away the same through the Turnpike Gate or Bar, without being subject to the Payment of Toll more than once for passing several Times through such Gate or Bar; be it therefore enacted, That from and after the passing of this Act no Iron, Ironstone, Lead, Coals, Wood, Goods, or other Things, shall be unloaded from any Carriage, and laid down within Five hundred Yards of any of the Turnpike Gates or Bars belonging to the said Road, or within Thirty Yards of the Centre of the said Road, and be afterwards reloaded and drawn or carried along the said Road, or any Part thereof, with Intent to evade the Payment of Toll, through any Turnpike Gate or Bar, upon Pain that the Owner or Owners of every such Carriage, or the Driver or Drivers thereof, shall forfeit and pay for the First Offence any Sum not exceeding the Sum of Twenty Shillings, and for the Second and every other subsequent Offence any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in manner hereinafter provided for the Recovery and Application of Penalties and Forfeitures.

Collectors of
Tolls and
others not
incompetent
Witnesses.

XXIX. And be it further enacted, That in all Cases of Dispute, Suit, or Litigation, touching or in anywise relating to the Tolls by this Act granted, or to the Execution of this Act, no Person, being a Trustee or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of, or other Person employed by, the said Trustees, or any of their Officers, nor any Inhabitant of any Township, Parish, or Place through or into which the said Road or any Part thereof doth or shall pass, shall be incompetent to give Testimony or Evidence therein by reason of his or her being such Trustee, Collector, Clerk, Treasurer, Surveyor, Officer, or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid.

General
Exemptions
from Toll.

XXX. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning therefrom; nor for any Horses, Cattle, or Carriages 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 such Mails or Expresses, or in returning therefrom; nor for any Horses, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, Inspection,
or

or Review, (provided that such Persons be dressed 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); nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *Salop*, during the Time of such Election or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying any Person in Custody under a legal Warrant; nor from any Rector, Vicar, or Curate going to officiate or returning from officiating at his proper Parish Church, or other Place of Divine Worship, or on other his Parochial or Ministerial Duty, or visiting his sick Parishioners; nor from any Person or Persons going to or returning 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 *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Person who shall be buried in any Parish, Township, or Hamlet, in which any Part of the said Road lies; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose of carrying or conveying Grass, Hay, Sainfoin, Fodder, or Straw, or Corn in the Straw only, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, or Yards, or on the Lands of the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage, used or employed for the Purpose of carrying or conveying Hedgewood which shall be grown, cut, and used in any such Parish, Township, or Hamlet; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry, or Things used therein, belonging to any Inhabitants or Occupiers of Lands in any such Parish, Township, or Hamlet, or any Mould, Dung, Marl, Soil, Ashes, Compost, or Manure (save and except Lime), for manuring or improving any Lands; nor for any Cattle, Horses, or Farming Stock going to or from Lands or Grounds in the Occupation of any Person or Persons to other Lands or Grounds in the Occupation of the same Person or Persons within any such Parish, Township, or Hamlet; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing, or going to or from Water or Pasture, or going to be or returning from being shod or farried; nor for any Horse, Beast, or Cattle, or for any Waggon, Wain, Cart, or other Carriage, used or employed for the Purpose only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Gravel, Sand, Stones, Bricks, Timber, Wood, or other Materials for making or repairing the said Road, or any other Highway or public Road within any such Parish, Township, or Hamlet, or for building or rebuilding, enlarging or repairing any present or future public Bridge or Bridges or Causeway or Causeways on the said Road; nor for any Horse, Cattle, Beast, or Carriage going no more than One hundred Yards upon the said Road; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of

Penalty on
fraudulently
taking Be-

nefit of
Exemptions.

any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Carriages for
His Majesty's
Service not to
be weighed.

XXXI. Provided always, and be it further enacted, That no Person owning or 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 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 or other Cattle drawing the same, whilst so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its 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, for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls may be
lessened, &c.

XXXII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, from Time to Time as they shall think proper, to lessen or reduce, and again to raise and advance, all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken; and so that Notice specifying the Intention of reducing or altering the Tolls and the Time and Place of holding the Meeting or Meetings for the Purpose, shall have been published in some public Newspaper usually circulated in the Neighbourhood of the said Road Twenty-one Days at least before the Time of holding any Meeting for the Purpose; and provided that no such Reduction be made without the Consent of the Persons who shall then be entitled to Five Sixth Parts of the Money which shall then be due upon the Credit of the Tolls; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be
compounded
for.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound for any Term not exceeding One Year at any one Time, with any Person or Persons, for any Horses, Beasts, Carriages, or Cattle travelling on the said Road, for all or any of the said Tolls to be paid in respect of such Horses, Beasts, Carriages, or Cattle; and such Composition Money shall be paid in advance monthly, or otherwise, and in Default of such Payment the Composition or Agreement with the Person so making Default shall from thenceforth be void; and all such Composition Money shall be applied in the same Manner as the Tolls are directed to be applied by this Act.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the best Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable monthly in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions, Provisoes, and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let; or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves, or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same for such Letting, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding; Provided always, that Notice specifying the Intention of letting the Tolls shall be published in some public Newspaper usually circulated in the Neighbourhood of the said Road, Twenty-one Days at least before the Time of holding any Meeting for the Purpose; and the Rent or Money arising by such Letting shall be applied in manner directed by this Act.

Tolls may be leased.

XXXV. Provided always, and be it further enacted, That all and every Leases and Lease, or Letting of the Tolls arising on the said Road, granted and made, or agreed upon by the Trustees for executing the said former Acts, and the several Covenants thereof, shall, notwithstanding the Repeal of the said Acts, remain and continue in full Force and Effect until the Expiration of the Term thereby respectively granted or agreed for, or until any other legal Determination of any such Lease or Letting, and the same, and the respective Grantees, shall be subject to the Powers and Provisions of this Act, in the same Manner as if such Leases or Lease, or Letting, had been granted or made, or agreed upon by the Trustees for executing this Act, and as if the Trustees granting, making, or agreeing upon the same had been Trustees for executing this Act.

Present Leases to continue in force.

XXXVI. And be it further enacted, That during such Time as the Tolls arising on the said Road, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the purposes of collecting such Tolls, during so long Time only as such Lessee or Lessees, Farmer or Farmers, shall duly and regularly

Lessees, or Persons appointed by them, may collect Tolls.

gularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise; and that such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, farmed, or let, in the like Manner and with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed or continued by virtue of this Act may by virtue of this Act demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed or continued by virtue of this Act is subject or liable to.

Enabling Trustees to take Possession of Toll-houses when let to farm.

XXXVII. And be it further enacted, That in case all or any of the Tolls arising on the said Road shall be demised or let to farm to any Person or Persons in any manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case such Lease, Agreement, or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the said County of *Salop*, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, or Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Agreement, or Contract for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Lease, Agreement, or Contract had never been made; and it shall and may be lawful for the said Trustees, in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Agreement, or Contract had been made relative thereto.

XXXVIII. And

XXXVIII. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls, shall demand and take or cause to be demanded and taken from any Person or Persons, any Toll not authorized to be taken, or a greater or less Toll than is authorized to be taken under the Authority of this Act, such Lessee, Farmer or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and his Contract for renting the Tolls shall be vacated, if the said Trustees shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard shall be of Opinion that the Offender had probable Grounds for such Demand or Taking, it shall be lawful for such Justice either to mitigate the said Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on Collector, &c. taking greater or less Toll than allowed.

XXXIX. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either under this Act, or by the Trustees for executing the same, or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required, on each and every Day previous to his entering on Duty for Collection of the said Tolls, to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House, or Turnpike Gate or Toll Gate, 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 during the whole Time he shall be upon such 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 refuse to permit or suffer, or shall in anywise hinder, any Person or Persons from reading such Christian or Surname, or shall refuse to tell his 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 printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate at which such Toll has been paid, and also the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike Gate or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing Toll Collectors from misbehaving, &c.

Penalty on obstructing Collectors.

Arrears and Property belonging to former Trustees vested in the Trustees named in this Act.

XL. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property, real or personal, and all Choses in and Rights of Action, either at Law or in Equity, vested by or under the said former Acts, or any of them, in the Trustees for executing the same; so far as relates to the said Road by this Act directed or authorized to be maintained in Repair, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and are hereby enabled to recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act, or such Arrears of Tolls or Rents, or other Monies so due to the Trustees under the said recited Acts, or any of them, as aforesaid, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name or Names of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees for executing this Act; and that all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act, and the Monies, when recovered, shall be paid over to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

Power to borrow Money and to assign Tolls.

XLI. And be it further enacted, That the said Trustees may, and they are hereby authorized and empowered, from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted or authorized to be taken on the said Road, such Sum or Sums of Money as they or any Five or more of them shall think necessary; and they are hereby also authorized and empowered, either at any Meeting or Meetings, or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators or Assigns, as shall advance and lend the same; which Mortgages shall be signed and sealed by the said Trustees, or any Five or more of them, and be in the following Form, or in Words to the like Effect; (that is to say),

Form of Mortgage.

‘ **BY** virtue of an Act passed in the Third Year of the Reign of His
 ‘ Majesty King George the Fourth, intituled *An Act* [here insert the
 ‘ *Title of this Act*] We, _____ of the Trustees of the said Road,
 ‘ whose Names are hereunto set and Seals affixed, in Consideration of
 ‘ the Sum of _____ by _____ paid to the Treasurer of the
 ‘ said Trustees, do hereby grant, bargain, sell, and demise unto *A. B.*
 ‘ his [her or their] Executors, Administrators and Assigns, such Propor-
 ‘ tion of the Tolls arising by virtue of the said Act, and of the Turnpikes
 ‘ and Toll Houses for collecting the same, as the said Sum of
 ‘ doth or shall bear to the whole of the Monies owing and secured on the
 ‘ Credit thereof; to be had and holden from the Date hereof for and
 ‘ during the Continuance of the said Act, unless the said Sum of
 ‘ _____ with Interest at the Rate of _____ *per Centum*
 ‘ *per Annum*, shall be sooner paid and satisfied. Given under our Hands

‘ and Seals this Day of in the Year of our
 ‘ Lord One thousand eight hundred and .’

And Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls unless Notice of the Intention of borrowing the Money shall be affixed upon all the Turnpike Gates on the said Road, or published in some public Newspaper usually circulated in the Neighbourhood of the said Road, at least Twenty-one Days before the borrowing of such Money; and all and every Person or Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said former Acts, or who shall be entitled to the Money secured by any such Mortgage or Assignment, may from Time to Time transfer his, her, or their Right or Title to the Principal and Interest thereby secured, and all his, her, or their Interest therein, or any Part thereof, to any Person or Persons whomsoever, by signing before One credible Witness an Instrument, whether indorsed upon such Mortgage or Assignment, or not so indorsed, but separate, in the following Form, or in Words to the like Effect; (that is to say),

Copies of Mortgages to be entered in a Book.

‘ I being entitled to the Sum of
 ‘ secured to Executors, Administrators and
 ‘ Assigns, by virtue of a Mortgage or Assignment, dated the
 ‘ Day of in the Year of our Lord One thousand eight
 ‘ hundred and under the Hands and Seals of
 ‘ of the Trustees acting in Execution of an Act passed in the Thirty-third
 ‘ Year of the Reign of King *George* the Second; [*or*, of an Act passed in
 ‘ the Eighteenth Year of the Reign of His late Majesty King *George* the
 ‘ Third; [*or*, of an Act passed in the Forty-first Year of the Reign of
 ‘ His late Majesty King *George* the Third; [*or*, of an Act passed in the
 ‘ Third Year of the Reign of His Majesty King *George* the Fourth, [*as*
 ‘ the Case may be] [*here insert the Title of the Act*], upon the Credit of the
 ‘ said Act, do hereby transfer, assign, and set over all my Right and
 ‘ Title in and to the same, and all the Principal and Interest Money now
 ‘ due and owing thereon, unto Executors, Administrators and
 ‘ Assigns. Dated this Day of in the
 ‘ Year of our Lord One thousand eight hundred and
 ‘ Witness *C. D.*’ ‘ *A. B.*’

Form of Transfer;

All which Transfers shall be produced and notified to the Clerk to the said Trustees within Fourteen Days after the Date thereof; and such Clerk shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Dates and Names, Additions and Places of Abode of the several Parties, and Amount of the Sum transferred, for which Entry the said Clerk shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may in like Manner assign and transfer again, and so *totes quoties*; and it shall not be in the Power of any Person or Persons, except the Person or Persons to whom the same shall be last transferred, to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

which must be entered with the Clerk.

XLII. And

Power to cancel old Mortgages and give new ones.

XLII. And be it further enacted, That the said Trustees 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 recited Acts, or any of them, and give and execute another Mortgage or other Mortgages of the Tolls hereby granted, instead and in lieu thereof respectively; and also shall and may give and execute any Assignment or Mortgage of the Tolls to arise by virtue of this Act, to any Person or Persons to whom any Sum or Sums of Money may have become due and owing under and by virtue of the said recited Acts, or which may hereafter become due under this present Act, in manner and transferable as herein-before is mentioned.

An Action of Ejectment may be supported by One Mortgagee.

XLIII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses and Buildings, 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 Tolls, Toll Gates, Buildings and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application of the Tolls and Money to be borrowed.

XLIV. And be it further enacted, That out of the Monies already received by virtue of the former Acts, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall in the First Place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied, in the Second Place, in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the said former Acts for the Purposes of the said Road, and which by virtue of and under the Powers of this Act may be borrowed on the Credit of this Act, and in erecting Turnpikes and Toll Houses, and in amending, turning, altering, and keeping in repair the said Road, and in otherwise putting this Act into Execution; and lastly, in repaying the Principal Monies already borrowed by virtue of the said Acts, or to be borrowed by virtue of this Act.

Road may be amended, altered, &c.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to amend the said Road, and to turn or alter the Course or Path of any Part or Parts of the said Road, in, upon, over, or through any private Lands or Grounds, and lay into the said Road any Lands or Grounds of any Person or Persons (not being a House or other Building, or Part of any Garden or Yard adjoining to any House, or any Orchard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House), making Satisfaction to the Owners thereof, and Persons interested therein, for the same,

Or

or for the Damage they may sustain thereby ; and also through any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds ; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Road or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Road or Alterations in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act ; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds : Provided always, that nothing in this Act contained shall authorize the said Trustees to repair any of the Streets in the Townships of *Whitchurch* or *Dodington*, in the said County of *Salop* : Provided always, that the said Roads or Alterations shall not exceed Forty Feet in Width, except where the same has been or shall be made over the Common or Land called *Prees Higher Heath*, Part whereof, in the Parish of *Prees*, has been lately inclosed, in which case the same shall for ever remain of the Width the same now is on such Part of the said Common as is now inclosed, and shall or may, on such Part of the said Common as is not inclosed, be made of any Width not exceeding Sixty Feet.

XLVI. Provided always, and be it further enacted, That the said Trustees, in turning or altering any Part of the said Road, shall not deviate more than One hundred Yards of Three Feet each from the present Line thereof, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made ; and provided also, that the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

Deviation not to exceed One hundred Yards from the present Line, without Consent. Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owner.

XLVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Parties or Persons who shall be Owners of or interested in any private Lands, Tenements, or Hereditaments to be taken or made use of in the Execution of this Act, or who shall sustain any Loss or Damage by means thereof, for the Purchase of such Lands, Tenements, or Hereditaments, and for the Compensation to be made for the same, or for such Loss or Damages as aforesaid ; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, or Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their

Trustees may contract for the Purchase of Land.

Corporations and incapacitated Persons empowered to sell, &c.

Infants, Wards, Cestuique Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to treat, contract, and agree with the Trustees for executing this Act, for the Compensation to be made for such Property or Interest, or for any Loss or Damages as aforesaid, and to sell and convey unto the said Trustees any such Lands, Tenements, or Hereditaments, or any Part thereof, for any of the Purposes of this Act; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

When Persons neglect or refuse to treat,

Damages to be settled by a Jury.

XLVIII. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons as aforesaid, 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 such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Premises, shall, for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Compensation or Damages to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Salop*; and in order thereto, the Trustees for executing this Act are hereby empowered and required, from Time to Time as Occasion shall be or require, 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 shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own Information, as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of, ascertained, and assessed such Compensation or Damages, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to such Parties or Persons according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all other Per-

sons whomsoever; and for the summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants, under the Hands of any Five or more of them the said Trustees, to the Sheriff of the County in which such Lands, Tenements, or Hereditaments lie, requiring him to impanel, summon, and return Twenty-four Persons, qualified to serve on Juries, to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees 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 so returned, the said Sheriff, or his Deputy or Deputies, or 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 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 who shall be summoned and returned on such Jury, and who shall not appear, without showing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give 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, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without any reasonable and sufficient Excuse, or appearing shall refuse to be sworn or examined, or give Evidence, so that no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for One Offence.

Trustees to issue their Warrant to the Sheriff to summon the Jury.

XLIX. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Compensation or Satisfaction for any such Right, Interest, or Property, or for any such Loss or Damage, than what shall have been agreed to and offered by or on Behalf of the said Trustees before the impannelling of the Jury, as a Compensation or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then and in such case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said County of *Salop*, not interested in the Matter in question (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Ten Days after the

How Expences of the Jury shall be paid.

the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, (unless such Treasurer shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Salop*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by or on Behalf of the said Trustees, before the impanelling of the said Jury, as a Compensation and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County of *Salop*, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

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

L. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Compensation, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, 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 require) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons or their Agents, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to turn or alter such Roads through or over such Lands, Tenements, or Hereditaments, and to do all and every such Acts, Matters, and Things, with relation to such Lands, Tenements, or Hereditaments, as the said Trustees shall think fit, according to the Directions of this Act; and such Parts of the said Road as shall be diverted or turned through any private Grounds shall be sufficiently ditched and fenced by the said Trustees from the adjoining Lands; and all the Lands, Tenements, and Hereditaments

ditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall for ever thereafter, to all Intents and Purposes, be deemed a common Highway, and shall be repaired and kept in Repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in Repair, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments; and the Land constituting Part or Parts of any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or waste Ground, or to some Village, Town, Hamlet, or Place to which the new Road does not lead, shall be vested in the said Trustees, and sold as herein-after mentioned, or shall and may be shut up and discontinued, or left unrepaired: Provided always, that no such former Road shall be so shut up, or any Part thereof sold as aforesaid, until a Certificate shall have been obtained by the said Trustees, or their Surveyor or Surveyors, under the Hands and Seals of any Two of His Majesty's Justices of the Peace for the County of *Salop*, certifying that such old Road is become useless and unnecessary, according to the true Intent and Meaning of this Act; and in case the said Justices shall refuse such Certificate, then such Part or Parts of the said former Roads for which no such Certificate can be obtained as aforesaid, shall remain open as a common Highway, and the said Trustees shall be and are hereby discharged from the Care and Management thereof.

Old Roads may be shut up.

LI. And whereas, by reason of the Purchases which the said Trustees are empowered and authorized to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road, they may happen to be seised of some Piece or Pieces of Ground over and above what are or shall be necessary for effecting the Purposes of this Act, or of some Piece or Pieces of old Road as aforesaid; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of overplus Ground, or of such Piece or Pieces of old Road (not being Common or Waste Land) as aforesaid, either together or in Parcels, and either by public Sale or private Contract, as they shall think fit, and to convey the same for the best Price that can or may be reasonably had or gotten for the same, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of overplus Ground or old Road as aforesaid, shall first offer such overplus Ground for Sale to the Person or Persons whose Lands or Premises shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master Ordinary or Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Salop*, who are hereby respectively empowered to take such Affidavit, by some Person or Persons no way interested in the Premises, stating that such Offer was made by and on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was

Trustees empowered to sell Lands not wanted.

When Pieces of Land are to be sold, the First Offer to be made to the original Proprietor, &c.

In case the Persons cannot agree, the Value to be determined by a Jury.

refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of overplus Ground or old Road, and he, she, or they, and the said Trustees, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Piece or Pieces of overplus Ground or old Road shall be applied by the said Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and every Conveyance of such Piece or Pieces of overplus Ground, being executed by any Five or more of the said Trustees, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof, in any Manner they may think proper; and all Conveyances of such Piece or Pieces of old Road, being executed by any Five or more of the said Trustees, and enrolled with the Clerk of the Peace for the said County of *Salop*, shall be good and effectual in Law to all Intents and Purposes.

Application of Compensation Money if amounting to 200*l*.

LII. 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 to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestui-que Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money 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 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 and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes,

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 or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High 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 or Interest 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 so to be purchased, in case such Purchase or Settlement was made.

LIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, 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 or amount 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, Idiocy, Lunacy, or other Incapacity, 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 such Option, and approved of by Three or more 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 and Produce arising thereon and therefrom may be applied in any manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where less than 200*l.* and amounting to 20*l.*

LIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-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 this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees,

Where less than 20*l.*

mittees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

LV. 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, taken, or used under or by virtue of the Powers 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 the 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 be lawful for the said Trustees, 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 there, 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 High 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 said 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 therein 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 of *England* as aforesaid.

In case of disputed Titles.

LVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money 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, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or 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 High 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

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.

LVII. 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, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, 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 be lawful for the said High 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, 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.

Court may order reasonable Expences to be paid by Trustees.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees, or for the Surveyor or Surveyors of the said Road, acting under the Authority of the said Trustees, and all such Persons as he or they shall appoint, to search for, cut, dig, gather, get, and take away any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, Earth, or other Materials for amending or improving and keeping in Repair the said Road, or any Part thereof, and any Footways and Paths on the Sides thereof, out of any Waste or Common, or out of any common River or Brook, in any Parish, Town, Village, Hamlet, or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Township, Hamlet, or Place, 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 where 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 a sufficient Quantity of such Materials, proper in the Judgment of the said Trustees for the Repair of the said Road, cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such case the said Surveyor or Surveyors, or other Persons as aforesaid, may by Order of any Justice or Justices of the Peace for the County or Place in which the Lands, Fields, or Grounds shall lie or be situate, (as the Case may be), search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate, in any Parish, Township, Hamlet, or Place in which any Part of the said Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being the Ground whereon any Dwelling House stands, nor a Garden, Orchard, Yard, Lawn, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Value of such Materials, and also for the Damage done to the Owners and Occupiers of any such Lands, Fields, or Grounds, where and from whence the same shall be dug, gathered, and carried

For getting Materials to repair the Road.

away, or over which the same or any other Materials for amending, improving or repairing the said Road shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any Justice or Justices of the Peace acting in and for such County or Place as aforesaid, on Ten Days Notice thereof being given by the said Trustees, or such Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families or Servants (as the Case may be), shall and may adjudge and determine to be reasonable; provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away within the Distance of One hundred Yards of any Bridge, Mill, Millweir or Dam, nor to injure any Building or Highway, on any Account or Pretence whatsoever.

Notice to be given before Materials taken.

LIX. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road out of or from any inclosed Land or Ground, until Notice in Writing, signed by Three or more of the said Trustees, or by such Surveyor or Surveyors, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Justice or Justices of the Peace acting in and for the said County of *Salop*, to show Cause why such Materials shall not be had from such Land or Ground; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, get, take, and carry away such Materials; 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 herself, or his or her Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath he, they, or any of them is and are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his or her Agent had attended.

Penalty on taking away Materials raised by Surveyors.

LX. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered in any Land, Field, Ground, Waste or Common, River or Brook, for the making or Repair or Use of the said Road, or for any of the Purposes aforesaid, or shall get, raise, take, or carry away any Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Roads, or any of the Purposes aforesaid; before the said Surveyor and Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his or her own private Use only, and not for Sale), every

Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

LXI. And be it further enacted, That it shall be lawful for the said Trustees, or for the Surveyor or Surveyors of the said Road, acting under the Authority of the said Trustees, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances made or occasioned on any Part of the said Road, by any Carriages, or any Timber, Wood, Stone, Ashes, Dung, Filth, Rubbish, Straw, or other Matter or Thing being placed or left thereon; or by any Pig-sties, Hovels, Sawpits or other Pits on the Side of the said Road, within Thirty Feet from the Centre thereof; and to turn or divert any Watercourses, Gutters, Sinks, Conduits, or Drains running into, along, or out of the said Road, to the Prejudice thereof, into the adjoining Ground, the same not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, Avenue to a House, or a Nursery for Trees; and to open, scour or cleanse, widen, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road, or any Part thereof, and to make the same as deep and large as such Surveyor or Surveyors shall think necessary; and also to prune, cut or lop, at proper Seasons of the Year, any Shrubs or Bushes, or Branches of Trees growing on the said Road, or in the Hedges, Fences, or Banks adjacent thereto, within Thirty Feet from the Centre thereof (unless the same be an Ornament or Shelter to any House or other Building, or be in any Garden, Orchard, Yard, Park, Paddock, planted Walk, Avenue to a House, or Nursery for Trees), and to take and carry away the Prunings or Loppings thereof, and to cut and reduce all such Hedges to the Height of Four Feet above the Level of the Road, in case the Person or Persons to whom any such Carriages, Timber, Stone, Dung, or other Matter or Thing, or such Pig-stie, Hovel, or Pit, shall belong, or occasioning such Nuisances and Annoyances, shall neglect to remove the same within the Space of Seven Days after receiving Notice from the Surveyor so to do, or in case the Owners or Occupiers of the Lands shall neglect to turn, divert, open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to prune, cut, or lop such Shrubs, Bushes or Branches, or to remove such Prunings, Cuttings or Loppings, or to reduce such Hedges, in such Manner as the Trustees or Surveyor or Surveyors shall require, for the Space of Seven Days next after Notice in Writing given for those respective Purposes, under the Hand or Hands of the said Trustees, or such Surveyor or Surveyors, or so near to such Time as the proper Season will allow for such reducing of Hedges, or cutting or lopping of Branches, the Charges whereof (to be settled by any Justice of the Peace for the County or Place where the same shall occur, by Writing under their or his Hands or Hand), shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain or Watercourse, or to prune, cut, or lop such Shrubs, Bushes or Branches, or to cut or reduce such Hedges, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be recovered, levied, apportioned, applied, and disposed of in such Manner as the Penalties, Forfeitures, and Fines are by this Act directed to be recovered, applied, and apportioned.

For removing Annoyances and Nuisances.

LXII. And

For preventing Encroachments on the Side of Road.

LXII. And be it further enacted, That if any Person shall from and after the passing of this Act encroach, by making or causing to be made any Dwelling House or other Building, Wall, Hedge, Ditch, or other Fence, on any Part of such Road (except Turnpike Houses and Appurtenances thereto, erected by Order of the said Trustees), or continue Six Days after Service of Notice on them to remove the same, as next hereinafter mentioned, any Dwelling House or other Building, Wall, Hedge, Ditch, or Fence already made, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, after Six Days Notice in Writing to remove the same shall have been given by the Surveyor or Surveyors of the said Road to the Person or Persons making or occasioning such Encroachment, to cause such Dwelling Houses, Buildings, Walls, Hedges, Ditches or other Fences, to be pulled down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace, in and for the said County of *Salop*, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Gates not to open towards the Road.

LXIII. And be it further enacted, That from and after the passing of this Act, no Gate of any Park, Paddock, Field, or Inclosure whatsoever, now standing or hereafter to be made, shall remain placed, or be placed so as to open or swing into or towards any Part of the said Road, except the respective Hanging-posts shall be so far removed from the Centre of the said Road, that no Part of such Gate respectively, when opened, shall swing or hang over any Part of the said Road, or any Footpath belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, by or from any Surveyor of the said Road, cause such Gate to be hung in such a Manner as that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in case of the Neglect or Default of any such Occupier or Occupiers, then the Surveyor of the said Road shall and may and he is hereby authorized to cause the Gate and Hanging-posts to be removed, and to be placed and hung according to the Directions of this Act; 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 or Place where the Gate shall be situate, and upon Conviction upon the Oath of One credible Witness, of the giving of such Notice, and of such Neglect or Default, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration, and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Five Pounds, for his, her, or their Neglect or Default therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

LXIV. And

LXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or for the Surveyor or Surveyors of the said Road acting under the Authority of the said Trustees, and such Person or Persons as he or they shall appoint or employ, to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways upon or along any Part of the said Road, in such Manner as they shall think proper; and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto, (such Ground not being the Site or Ground whereon any House or Houses stand, nor being at the Time used as a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), and to rebuild and keep in Repair all Bridges, Culverts, and Arches upon the said Road, or across any Ditches, Watercourses, or Drains on the Sides thereof, and to erect and build any new Bridge or Bridges, or Culverts or Arches upon the said Road where necessary; and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road, (such Grounds respectively not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle and Carriages, as a public Highway, whilst such narrow or ruinous Part of the said Road be repairing or widening, and until such Time as the same shall be made convenient for Passengers or Carriages to pass along the same, making such Recompense to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of *Salop*, on Ten Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Power to
make Cause-
ways and
Drains.

LXV. And be it further enacted, That it shall be lawful for the said Trustees to cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place; and the said Trustees shall and they are hereby required also to cause to be set up and maintained Direction Posts and Boards on the Principal Side-openings of the said Road, with proper Inscriptions thereon, denoting to what Place or Places such Side Roads respectively lead, and the Distances to such Places respectively; and the said Trustees may, if they shall see fit, also order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected and maintained by the Side or Sides of the said Road, in order to promote the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act, and shall from Time to Time cause all such Inscriptions as aforesaid to be cleansed and kept legible, and shall also cause proper Tables of the Tolls by this Act granted and made payable to be affixed and put up in the Front or on some other conspicuous Part of the several Toll Houses to be erected by virtue of

Road to be
measured,
and Mile-
stones and
Direction
Posts, &c.
to be set up

this Act, and to be kept clean and legible; and the said Trustees shall and they are hereby required to cause the Name of the Gate to be painted in legible Characters, each of the Letters of every such Name 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, at the Top or Head of such Tables of Tolls.

Persons, &c.
before liable
to Repairs to
continue so.

LXVI. And be it further enacted, That all and every Person and Persons, Counties, Towns, Parishes, Townships, Hamlets, Villages and Places, and the Inhabitants thereof respectively, and Bodies Politic, Corporate and Collegiate, and the Members thereof, who heretofore hath or have used, or of right ought to repair any Part of the said Road, or any Bridge, Watercourse, Drain or Sewer in or upon the same, or to pay any Sum or Sums of Money for or towards the Repairs thereof, by reason of the Tenure of any Lands, Tenements or Hereditaments, or otherwise howsoever, shall, notwithstanding this Act, be subject and liable to such Repairs, or to the Payment of such Sums of Money, in the same Manner as he, she, or they and every of them would have been in case this Act had not been passed.

Statute
Labour.

Justices to
determine
Differences
concerning
Statute
Work.

LXVII. 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 Road, or any Part thereof, shall still remain liable thereto as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road, or any Part thereof lies, 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 Road by the Inhabitants of the respective Parishes, Townships, Hamlets, Divisions, or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, Division or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors for every such Parish, Township, Hamlet, Division 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, Township, Hamlet, Division 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 Lists 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 Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road 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 Road, as the said Trustees, or their Surveyor or Surveyors, by their Order, 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 every such Parish, Township, Hamlet, Division or Place, for the Time being, 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 by any such Surveyor or Surveyors, 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 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 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 who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge 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 or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Divisions or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, 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, to be recovered, levied, apportioned and applied as other Penalties and Forfeitures imposed by this Act may be recovered, and are herein-after directed to be apportioned and applied.

LXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or their Surveyor or Surveyors, by their Order, to compound and agree with any Person or Persons, Bodies Politic, Corporate or Collegiate, for the Repairs or Statute Work to be by him, her, or them done on the said Road, 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, Townships, Hamlets, Divisions, or Places in which the said Road lies, or with the Surveyor

Trustees may
compound
for Statute
Work.

veyor or Surveyors of such Parishes, Townships, Hamlets, Divisions or Places, for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or their Surveyor or Surveyors by their Order, shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants or Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees, in advance, on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants, Occupiers, or Surveyors of such Parish, Township, Hamlet, Division or Place, shall not be permitted to compound for that Year.

Trustees may contract for altering or repairing the Road, &c.

LXIX. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint, shall and may, and they and he are and is hereby empowered, to contract with any Person or Persons for amending, altering, turning, widening, improving or repairing the said Road, or any Part or Parts thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen, or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding on the said Trustees and their Successors, and upon all other Parties who shall sign the same, and the Executors and Administrators of such other Parties; and that Actions and Suits shall and may be maintained thereon by the said Trustees, and Damages and Costs recovered against the Party or Parties, or Person or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for amending, altering, turning, widening, improving, or repairing the said Road, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Penalty for certain Offences.

LXX. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, break, injure, or damage any Turnpike Gate or Turnpike Gates, or any of the Posts, Boards, Milestones, or Tables of Tolls on any Part of the said Road, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon; or if any Person or Persons shall wilfully pull up, break, injure, or damage any other Posts, Rails or Fences, now or at any Time hereafter to be placed or put up by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Road, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents; or if any Person or Persons shall wilfully injure or damage any Causeway or Causeways on or adjoining any Part of the said Road,

Road, or shall break or damage the Fence or Fences on the Side or Sides of any such Causeway or Causeways, or break, throw down, injure or damage any Posts, Rails, or Pales thereon, or wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches now erected or hereafter to be erected across the said Road, or otherwise damage any such Causeway, Bridge or Arch, or wilfully or carelessly cause any such Damage to be done; or if the Driver of any Waggon, Wain, Cart or other such Carriage, or any other Person, shall wilfully or carelessly pull up, break, or damage any Post or Stone to be erected for the Security of any such Causeway, or wilfully or carelessly drive the Wheel of any Carriage against the same; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (Mill Stones excepted), otherwise than upon a Wheel Carriage; or shall suffer any Tree or Piece of Timber which shall be conveyed upon a Wheel Carriage to drag upon any Part of such Road to the Prejudice thereof; or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift or Soil, from off any such Causeway, or any other Part of the said Road; or if any Person or Persons shall ride upon any Footway or Footways, Causeway or Causeways, or any other Way or Ways already made or to be made upon or near the said Road for the Use of Passengers on Foot or on Horseback, or shall wilfully drive any Waggon or other Carriage upon or along any such Footway or Causeway, or any Part thereof, or lead or drive any Horse or other Cattle, Sheep, or any Swine, or any Cart or Carriage thereon; or if any Person shall turn loose any Horse, Ass, Beast, Sheep or Swine, upon the said Road, or suffer any Horse, Ass, Beast, Sheep, or Swine to be turned loose, or to wander or stray, or to be or remain upon the said Road, to graze or depasture on the Sides thereof; or if any Person or Persons driving any Swine upon the said Road shall suffer the same to root up and damage the said Road, or any Part thereof, or the Fences, Hedges, Backings or Copse on either Side thereof; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart or other Carriage, upon the said Road, and meeting another Coach, Chaise, Waggon, Cart or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on the Left or near Side of the said Road; or if any Person shall in any manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall in or upon any Part of the said Road, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress or cut up any Beast, Swine, Calf, Lamb or other Cattle, or cause or permit any Blood to run from any Slaughter House, Building, Butcher's Shop or Shambles, into any Part of the said Road; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, on any Part of the said Road, or within Eighty Feet of the Centre of the said Road; or shall play at Football or any other Game on any Part or Parts of the said Road, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart or other such Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Road, either with or without any Horse or

Beast of Draught harnessed or yoked thereto, or in case the same shall not during such loading or unloading be placed as near to the Side of the Road as conveniently may be; or if any Person shall erect or place any Tent, Camp, Awning or Hut on the Sides of the said Road, or any Part thereof; or make any Fire or Fires on the Sides of the said Road, or any Part thereof; or if any Person shall lay or place any Dung, Manure, Soil, Timber, Planks, Bricks, Stones, Tiles, Hay, Straw, or other Thing, on any Part of the said Road or Causeways; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage on going up a Hill or rising Ground, leave, or suffer to be or remain on the said Road or any Part thereof, the Stone or other Thing with which such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if any Person driving any Horse or other Beast on the said Road, conveying Iron in Bars or Rods, or other Matter or Thing, shall place such Bars or Rods, or other Matter or Thing, so that the Ends thereof shall project more than Twenty-four Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Road, shall not by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Road; every Person offending in any of the Cases aforesaid shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence; and every such Offender shall also pay to the said Trustees, or their Treasurer or Treasurers, or One of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and such Satisfaction or Damages shall and may be levied and recovered in like manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Cattle
straying.

LXXI. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any kind, shall at any Time be found wandering, straying, or lying about the said Road, or any Part thereof, or by the Sides thereof (except on such Parts of the said Road as lead or pass through or over any Commons or uninclosed Lands), it shall and may be lawful to and for any Surveyor of the said Road for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the common Pound of the Parish, Township, or Place where the same shall be, or in such other Place as the said Trustees shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days after such impounding, it shall and may be lawful to and for such Surveyor, or Person or Persons impounding the same, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Overplus of the

Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

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

Punishment
of Persons
guilty of
Pound-
breach.

LXXIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such case such Overplus shall

In case of
Nonpayment
of Compensation
for
Materials,
Damages or
Injury done
by the said
Trustees, &c.
the same to
be levied by
Distress of
the Goods of
such Trustees
or their
Treasurer.

shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Recovery of Penalties and Forfeitures,

and Application thereof.

LXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Salop*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is in every such case hereby fully authorized to administer) be levied (in case of Non-payment) 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); and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road; and in case such Penalties, Forfeitures, and Fines respectively shall not upon Conviction be paid forthwith, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; and if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, 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 for the said County of *Salop*, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

LXXV. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or Officers,) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said County of *Salop*, near to the Place where the Offence or Offences shall be committed, and such Justice and Justices shall and is and are hereby required to proceed and act with

with respect to such Offender or Offenders according to the Provisions of this Act.

LXXVI. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and 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, or in any other Form of Words to the same Effect, as the Case may happen; (that is to say),

County of (to wit.) One thousand eight hundred and victed before of the Peace for the said County, by virtue of an Act passed in the Third Year of the Reign of King George the Fourth, intituled <i>An Act,</i> <i>et cetera, [here set forth the Title of this Act, and specify the Offence, Time</i> <i>and Place when and where the same was committed, as the Case may be.]</i> Given under our Hands and Seals [or, my Hand and Seal] the Day and Year first above written.	}	BE it remembered, That on the Day of in the Year of our Lord A. B. is con- of His Majesty's Justices of the Peace for the said County, by virtue of an Act passed in the Third Year of the Reign of King George the Fourth, intituled <i>An Act,</i> <i>et cetera, [here set forth the Title of this Act, and specify the Offence, Time</i> <i>and Place when and where the same was committed, as the Case may be.]</i> Given under our Hands and Seals [or, my Hand and Seal] the Day and Year first above written.	Form of Conviction.
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LXXVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may within Fourteen Days next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace for the County or Place where the Cause of Appeal shall arise, unless such Complaint shall arise within Twenty-eight Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants in either Case first giving or causing to be given Fourteen Days Notice in Writing preceding either such Sessions, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees, or other the Respondent or Respondents, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be), with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the 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 Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may if they see cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the Justices may at such Sessions, or at any subsequent

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

[Local.]

Sessions,

Sessions, by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction for the said County of *Salop*, for any Time not exceeding the Term of Three Calendar Months, or until Payment of such Costs.

Proceedings
not to be
quashed for
want of
Form.

LXXVIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed, set aside, or vacated for want of Form, or be removed or removable 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 virtue of this Act, the Distress itself shall not be deemed 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 such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought.

Limitation
of Actions.

LXXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act until Fourteen Days Notice thereof shall be given to the Clerk to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Four Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his and 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 shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County or Place, 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 Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

General Issue.

Treble Costs.

LXXX. And be it further enacted, That this Act shall be deemed Public Act. 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.

LXXXI. And be it further enacted, That this Act shall commence Commence-
ment and
Continuance
of this Act. upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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