Anno tricesimo primo

Georgii II. Regis.

An Act for widening and repairing several Roads leading from the *Welch Gate* and *Cotton Hill*, in the Town of *Shrewsbury*, in the County of *Salop*.

WHEREAS the several Roads herein after mentioned and described; that is to say, The Road leading from the Welsh Gate in Shrewsbury, through Horton Lane, Yockleton, and Stretton, to Westbury, in the County of Salop; and from the said Welsh Gate in Shrewsbury, through Hanwood and Pontesbury, to Minsterley, in the said County of Salop; and from the said Welsh Gate in Shrewsbury, by the Pavement Gate, Cardeston, and Rowton, over Wattlesborough Heath, to Buttington Bridge, and from thence to the Town of Poole; and from the said Welsh Gate in Shrewsbury, to Montford Bridge, through Nescliff, over Knockin Heath, by the Finger Post, near Oswestry, to the Town of Oswestry; and from the said Finger Post, to Knockin, in the said County of Salop; and also from the Wem Road, on Corton Hill, in Shrewsbury, to Baschurch in the County of Salop, Preamble.

Salop, by reason of the Deepness of the Soil, and many heavy Carriages passing and repassing along the same, are, in the Winter Season, very ruinous and dangerous, and, in several Parts thereof, very narrow and incommodious, in so much that they cannot be effectually amended, widened, and kept in Repair, by the ordinary Means provided by the Laws now in being for repairing the Highways of this Kingdom, without the further Aid of Parliament; Therefore, to the Intent that the said Roads may, with all convenient Speed, be effectually amended, widened, and hereafter kept in good and sufficient Repair; May it 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,

Trustees Names.

That the Right Honourable Robert Lord Luxborough of Shannon, in the Kingdom of Ireland; the Honourable Edward Devereux, the Honourable Henry Knight, Sir John Astley, Sir Orlando Bridgman, Sir Richard Corbet, Sir Henry Edwardes, Sir Rowland Hill, Sir Charlton Leighton, Sir Watkin Williams Wynne, Baronets; Sir Thomas Whitmore Knight of the Bath, John Amler, George Ashby, John Ashby, Edmund Ashby, John Adams, Joseph Arndell, Samuel Adderton, Robert Atcherley of Marton, John Atcherley, Richard Atcherley, Robert Atcherley of Uppington, Henry Bridgman, George Bridgman, Francis Turner Blithe, Samuel Benion Barister at Law, Michael Brickdale, Arthur Blayney, Henry Blakeway, Edward Blakeway, Thomas Browne of Shrewsbury, Thomas Browne of Swinney, Thomas Browne the younger of the same, Vaughan Barret of Oswestry, Edward Browne of the same, Thomas Browne of Millington, William Berrington Doctor of Physick, Thomas Browne, Richard Baxter, William Bodvill, William Birch Basnett of Pentrepant, James Baxter of The Rock, Thomas Berrington of Moat Hall, Richard Betton, William Billingsley, Charles Bolas the elder, Thomas Botville, John Baxter of The Rock, Charles Bolas the younger, Henry Bowdler, Peter Blakeway, Richard Betton of Berwick, Richard Betton junior, Richard Basnett of Eardiston, Richard Basnett the younger of the same, William Boycott, Edward Corbett, John Corbet, Job Charlton of The Park, William Congreve, John Chambre of Petton, John Cotton Bookseller, James Cross, John Corbett senior, John Corbett junior, John Crofts of Oswestry, William Coupland of Poole, William Clapton, Isaac Clapton of Llandrinio, Samuel Cheeke, Vincent Corbet, Francis Chambre,

Richard Chambre of Burlton, Lieutenant Colonel Congreve, Stephen Denston of Grafton, George Dorsett of Oswestry, John Davies of Dysserth, John Davies of Trewylan, John Davies the younger of the same, George Devereux of Kefngwernfa, Edward Dyos of Garth, Richard Davies of Trewylan, Robert Devereux, John Denston, John Dickin of Poole, Francis Dorsett of New Quay, Godolphin Edwards, Thomas Edwardes, John Edwards Barrister at Law, Edward Elisha, John Edmunds, Edward Evans of Oswestry, Peter Edwards, John Edwards of Rorrington, Thomas Evans of Kefndu, John Edwards of Glynn, Humphry Edwards of Old Port, John Edwards of Machynlleth, Thomas Eyton, Humphry Edwards of Burgeddin, Robert Evans, John Evans of Llw-y-ngroes, Thomas Evans of Prescott, Samuel Ellesmere, Richard Edmunds of Poole, John Edmunds of the same, Thomas Eyton of Crigion, Lewis Edwards of Machynlleth, William Forrester, Brooke Forrester, George Forrester, Thomas Fownes, William Ford of Oswestry, Brice Fisher, Roger Finch, Edward Farmer of Dunston, John Farmer, Thomas Foulkes of Broniarth, Samuel Griffith, Lewis Gordon, John Gardner, Charles Gibbons, Francis Godolphin, John Griffiths of Bickton, William Griffiths, Calcot Griffiths of Llanfyllin, William Griffiths of Loppington, Thomas Hill, Samuel Hill, Noel Hill, Edward Herbert, Richard Hill, Thomas Hunt, Cheney Hart Doctor of Physick, Samuel Harwood, Thomas Harries, William Humphreys, Samuel Harrop, John Herbert of Cwmydolfa, Charles Gardner Humphreys, Charles Humphreys of Pennant, Samuel Holmes of Llang-y-niew, Edward Heward of Guilsfield, Thomas Hanmer of Maesgwyledd, Owen Hughes, Francis Hinckes, Edward Hanmer, William Hanmer of Marton, Richard Henley of Poole, Henry Hennings of Llangynog, Richard Jones, Abraham Jones, Edward Jeffreys, Richard Jenkins, Robert Jenkins, Thomas Jones of Llantifilio, William James of Oswestry, Humphrey Jones, John Jones of Fynnant, Price Jones of Glanhafren, Thomas Jones of Plaesnewydd, Thomas Jones of Carreghofa, John James, John Jones of Mytton, John Jones of Fynnant, Humphry Jones of Garthmill, John James of Sylvain, Edward Kynaston of Hardwick, Roger Kynaston of Shrewsbury, Thomas Kynaston of Maesbury, Edward Kynaston of Oswestry, Thomas Kinaston of Ruyton, Edward Kinaston, Edward Kinaston of Oatley, Charlton Leighton, Richard Lyster, William Lutwyche, Charles Lutwyche, Baldwin Leighton, Francis Leighton, the Reverend William Lloyd of Aston, John Lloyd of Shrewsbury, William Livesay, Thomas Loxdale,

Thomas Lloyd of Trefnant, Edward Lloyd of Llwynymaen, Edward Lloyd of Domgay, Edward Lloyd of Shrewsbury, William Lloyd of Montgomery, Richard Lloyd, Robert Lloyd of Oswestry, John Lloyd of Trawscoed, Edward Lloyd of Trevor, Edward Lloyd of Place Maddock, Edward Lloyd of Leaton, Joseph Lovet of Chirk, Lloyd of Fords, Robert Lathrop, Thomas Lee of Aston Roger, Scarlett Lloyd, Francis Lloyd of Crosemeare, Thomas Lloyd of Osbaston, Thomas Lloyd of Hendrehen, Humphry Lloyd of Llannerchrochwell, Robert More, Herbert Mackworth, William Morris Barister at Law, John Muckleston, James Mason, Henry Mostyn of Poole, George Morris of Pentrenant, Sampson Morris, Price Maurice of Lloran, Devereux Mytton of Guilsfield, John Mytton of Halston, James Mytton, Richard Mytton of Garth, Richard Mytton the younger of the same, William Mostyn of Bryngwyn, Humphry Mostyn of Poole, Richard Middleton of Chirk Castle, John Meredith, Richard Meredith, Edward Madocks, John Madocks, Richard Morhall, Richard Morhall junior, Thomas Maurice of Brin-y-gwallie, John Meredith of Munlin, Robert Moxon, William Nichols of Pool, Robert Nichols of Newnham, Thomas Newcomb, Charles Newcomb of Westbury, William Owen of Porkington, Robert Godolphin Owen of the same, John Oliver of Shrewsbury, Price Owen Doctor of Physick, Hugh Owen of Woodhouse, Richard Oakley, Richard Ward Offley, William Oswell, William Oswell the younger, Thomas Oswell, John Owens of Burgedin, John Powell, Henry Powys, Edward Powys, Thomas Powys, Richard Pryce Surgeon, Thomas Presland, Robert Phillips, John Povey, William Pritchard of Poole, William Powell of the same, Richard Powell of the same, Edward Price of Burgedin, Edward Price junior of the same, Edward Price of Gunley, Edward Pemberton, Robert Pemberton, Richard Peers, George Peers, John Peers, Richard Pritchard of Middleton, Richard Price Parry, Jenkin Parry, Humphry Parry, Henry Parry junior of Poole, Thomas Parry of Shrewsbury, Edward Payne of Pentrehelin, Robert Pigott, Walter Dryden Pigott, Robert Powell of Lloran, John Powell Price, John Pryce of Cofronydd, John Price of Gachowell, John Quinchant, John Rock, Thomas Rathbone of Oswestry, George Robinson of Brithdyr, Edward Rogers of Kynant, David Roberts of Oswestry, Edward Rogers of Eaton, John Reynolds of Bagley, John Richards of Owm, Richard Scott of Shrewsbury, Richard Scott of Betton, Humphry Sandford, John Severne, George Smyth, George Smyth the younger, Nicholas Smyth, Thomas Staunton, John Smith, Jonathan Scott, John Sexton, Bowen Southwell,

John

John Spencer, John Skrymsher, Samuel Symcox of Marton, Walter Stubbs, Richard Scott, John Scott, John Stevens of Brithdu, Samuel Simcocks of Llansanfraid, William Tayleur, William Thomas, Richard Tudor of Garth, David Thelwall of Blanyale, John Topp of Whitton, Thomas Thornes of Argoed, John Tomley of Middleton, John Thomas of Aston, Thomas Thomas of Llechwethgarth, Thomas Thomas of Garthychynion, Edward Tonge, William Thomas the younger, Joseph Venables of Oswestry, John Venables of the same, Edward Vaughan of Pool, Arthur Vaughan of Trederwen, Richard Vaughan of Shrewsbury, Edward Vaughan of the same, John Vaughan of the same, John Vaughan of New-Key, Evan Vaughan of New Town, John Vaughan of Bronyarth, Walter Waring, Rowland Wingfield, John Wingfield Doctor of Physick, Richard Woolley, Thomas Woolley, Philip Woolley, Thomas Wingfield of Shrewsbury, Thomas Wingfield of Alderton, John Whittingham, Arthur Weaver of Morvill, Richard Hill Waring of Hayes, John Whitfield Surgeon, John Windsor, Walter of Cruck-Meole, Francis Waring, Thomas Wright, Thomas Wynne, John Webster, Watkin Wynne, Richard Wood, John Wood, Richard Ward, William Watkin Williams Wynne, Robert Williams, Richard Williams, John Withers of Welch Felton, John Walcot, Charles Walcot, Joseph Waring, Henry Wynne of Dolearddyn, John Williams of Dolanog, John Williams junior of the same, Roger Wynne of Llanvechan, Lumley Williams of Poole, Thomas Worley of New Town, the Reverend Doctor William Adams, Thomas Amler, Roger Barnston, Richard Cotton, Samuel D'Elbeuf Edwards, David Davies of Poole, John Eyton of Westbury, Jukes Egerton of Trelydan, Thomas Gough, William Gorsuch, Doctor Rowland Hunt, Leonard Hotchkiss, John Hawkins, Hawkins the younger, Samuel Jones, John Jeffreys, Thomas Lyster, John Lloyd M. A. John Lloyd junior, John Lloyd of Trosporne, William Morgan of Poole, Charles Newling, Job Orton, William Oakeley, Thomas Owen of New Chappel, William Parry, William Powell, William Pugh, Salisbury Price of Myvod, Randle Parry of Guilsfield, John Skye of Oswestry, John Skye the younger, Thomas Trevor of Oswestry, Benjamin Wingfield, William Worthington, John Wingfield, Rowland Chambre, Robert Jeffreys, William Powell of Fitz, John Tomkins, Thomas Atcherley, Clerks; the Mayor, Recorder, Aldermen, Town Clerk, and Steward, of the Town of Shrewsbury, for the time being; the Mayor, Recorder, and High Steward of Oswestry, for the time being; and the Bailiffs, Recorder, and

and High Steward of Poole, for the time being; the Reverend David Lloyd of Llanymynech, John Lloyd of Knockin, David Lloyd of Llanyblodwell, William Wynne of Llanvechan Doctor in Divinity, Bryan Fausett, Adam Ottley, Herbert Oakley, Robert Roberts, George Strother, John Waring, Thomas Evans of Llandrinio, Doctor George Leigh of Loppington, Peter Leigh of Middle, Griffith Evans of Llansanfraid, David Evans of Llanervill, Samuel Edwards of Pentre, Nicholas Herbert, George Herbert of Park, Samuel Lloyd of Berriew, Richard Morris of Llangedwin, Roger Mostyn of Castle, William Owen of Montgomery, Thomas Richards of Llanfyllin, William Roberts of Whittington, Clerks; shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, amending, widening, turning, altering, repairing, and keeping in Repair, the said respective Roads; and likewise for putting in Execution all other Powers in and by this Act given.

Qualification of Trustees.

Provided also, and be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee, in any Case, in the Execution of this Act (except in swearing other Trustees) unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds, above Reprizes; or shall be possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand five hundred Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Two hundred Pounds; and unless the Person not being such Heir Apparent as aforesaid, shall take and subscribe the Oath following before any Two or more of the said Trustees (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Trusts and Authorities of this Act; which Oath shall be in the Words, or to the Effect following; that is to say,

Trustees to take the Oath following, before they act.

The Oath.

I *A. B.* do swear (or being a *Quaker* do affirm) that I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds, above Reprizes; or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Five hundred Pounds, after all my Debts are paid.

So help me God.

And

And if any Person deemed unqualified or incapable to act, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered in a summary Way before the Justices of the Peace at their Quarter Sessions, or before the Judge or Judges of Assize for the said County of Salop; and the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, 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; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in repairing the said Roads hereby directed to be repaired. Penalty on Persons acting if not qualified.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Nine or more of them, shall meet together at the Guildhall in the Town of Shrewsbury, on the Saturday Three Weeks next after the passing of this Act; and shall then choose a Clerk or Clerks to write their Orders and take Minutes, and make Entries of their Proceedings, and for other Purposes; and shall then adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places in or near the said Roads so to be repaired, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution; and shall also, if they see Cause, subdivide and distribute themselves, and the other Trustees not then present, to act separately between Shrewsbury and Westbury, and Shrewsbury and Minsterley, as also between Shrewsbury, and so much of the said Road as shall extend Ten Miles distant from the Welsh Gate in Shrewsbury, towards the several Towns of Poole and Oswestry, and between that Distance from Shrewsbury, and those Towns respectively, and from the Finger Post near Oswestry to Kockin; and also from Cotton Hill in the Town of Shrewsbury, to Baschurch, nevertheless not thereby to restrain the said Trustees, or any of them, from acting as such in any other Part or Place, for which they are appointed to put this Act in Execution; and if it shall happen that there shall not appear at any such Meeting, a sufficient Number of Trustees to act, or being a sufficient Number, shall neglect to adjourn, then and in such Case, the Clerk to the said Trustees, shall and may, by affixing or causing to be affixed, publick Notice in Writing, at or upon all the Turnpikes which shall be erected by virtue Times and Places of Trustees Meetings. In Default of a sufficient Number to act; Clerk to give Notice of another Meeting.

Use of this Act, or on the several Market-houses of Shrewsbury, Poole, and Oswestry aforesaid, at least Ten Days before the next Meeting, appoint such Trustees to meet at the House or Place where the last Meeting of the said Trustees was appointed to be held, or at some other convenient Time and Place near the said Roads, to be inserted in such Notice.

Notice of Trustees Meeting, in their Subdivisions, to be affixed on the Toll gates of such Division, &c.

Provided nevertheless, That if the said Trustees shall subdivide themselves in pursuance of this Act, it shall be sufficient to give such Notice of the Meeting of the Trustees for each Division, by fixing the same on the several Toll-gates of each respective Division only, for which the Meeting is to be, or on the Market-house of Shrewsbury, Poole, or Oswestry, nearest adjoining to such Division; and that the said Trustees, at their first and all subsequent Meetings, shall defray their own Charges and Expences.

Trustees to defray their own Expences.

Trustees not to act, but at a Meeting held in pursuance of this Act.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustees named or appointed, or which shall be named or appointed, in or by virtue of this Act, shall act or be impowered to do any Act in the Execution of the Powers hereby given to them, or either of them, except it be at a Meeting to be by them held in pursuance of this Act.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons, appointed, or to be appointed, a Trustee or Trustees, in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls and Monies by this Act made payable, such Person or Persons, from and after his or their accepting such Place or Places of Profit, and during the respective Time of his and their holding and enjoying the same, shall be incapable of acting as a Trustee or Trustees, in or under this Act, or in the Execution of the Authorities and Powers to them given.

Trustees who are in the Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That such of the Trustees, appointed or to be appointed, in or by virtue of this Act, as shall be in the Commission of the Peace for the Counties of Salop and Montgomery, or the Towns of Shrewsbury, Poole, or Oswestry, or any or either of them, may and is and are hereby authorized and impowered, to act as a Justice or Justices of the Peace, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

And, for continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any One or more

more of the Trustees herein before named, or any of the Trustees hereafter to be nominated and appointed by virtue and in pursuance of this Act respectively, shall die, remove, or refuse to act, it shall and may be lawful for such of the said Trustees for the time being as shall survive and remain, or any Nine or more of them, by any Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect, nominate, and appoint, One or more fit Person or Persons in the Room and Place of such Trustee or Trustees so dying, removed, or refusing to act; and such Person or Persons so elected, nominated, and appointed, shall be joined with such surviving or remaining Trustees in the Execution of all and every the Powers in them reposed by virtue of this Act: And Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees shall be given by the Clerk or Clerks to the said Trustees for the time being (which Clerk or Clerks the said Trustees, or any Five or more of them, are hereby impowered to elect, appoint, and remove) who is hereby required to fix, or cause to be fixed, such Notice in Writing, at or on all the Turnpike Gates which shall be erected by virtue of this Act, or upon the several Market Houses in Shrewsbury, Poole, and Oswestry, aforesaid, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and they are hereby authorized and impowered to act to all Intents and Purposes, in as full, large, and ample a Manner, as the said Trustees nominated by this Act are hereby authorized and impowered to act.

On Death or Removal of Trustees, others to be chosen.

10 Days Notice to be given of the Meeting for such Election.

And be it further enacted by the Authority aforesaid, That the said Trustees and their Successors, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, between the said Welsh Gate in Shrewsbury, and Westbury, and between the said Welsh Gate and Minsterley, as also between the said Welsh Gate and Poole, and between the said Welsh Gate and Oswestry, and at or between the Finger Post near Oswestry, and Knockin, and between the said Wem Road on Cotton Hill, in the Town of Shrewsbury, and Baschurch aforesaid, and on each and every of the said respective Roads, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any Part or Parts of the said Roads, and across any Lane or Way leading out of the same; and also a Toll-house or Toll-houses in, upon, or

Trustees may erect Turnpikes and Toll-houses on the several respective Roads;

and take the following Tolls thereat.

across the same Roads; and shall and may demand and take, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Sheep, Pig, Coach, Chariot, Landau, Berlin, Chaise, Hearse, Calash, Chair, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through any of the same Toll-gates or Turnpikes respectively, the several Tolls and Duties following; that is to say,

The Tolls.

For every Horse, Mare, Gelding, or Mule, drawing in any Carriage whatsoever, Three Pence.

For every Ass, Ox, or other Neat Cattle, drawing any Carriage whatsoever, Two Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, One Penny.

For every Ox, Bull, Cow, or Heifer, One Half penny.

For every Sheep, Calf, or Pig, One Farthing.

Tolls how to be paid.

But such Tolls or Duty shall be paid only Twice in every Day between Shrewsbury and Poole; and in like Manner between Shrewsbury and Oswestry; that is to say, Once on each Road between the said Welsh Gate in Shrewsbury, and so much of the said Road as shall extend Ten Miles distant from the Welsh Gate, towards the several Towns of Poole and Oswestry; and Once on each Road between that Distance from the said Welsh Gate in Shrewsbury, and the Towns of Poole and Oswestry aforesaid; and also Once between the said Welsh Gate in Shrewsbury and Minsterley; and only Once between the said Welsh Gate in Shrewsbury, and Westbury; and only Once between the Finger Post, near Oswestry and Knockin; and only Once between the Wem Road, on Cotton Hill, in the Town of Shrewsbury and Baschurch, for any of the Horses, Cattle, or Carriages aforesaid.

Trustees may erect Side Gates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and their Successors, or any Five or more of them, to erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of the said respective Roads, and upon, in, or across any Lane or Way leading out of the same, and there to take and receive such Tolls as are by this Act granted and made payable, so as the same do not extend to a Double Charge, in case of passing through any other of the Turnpikes which shall be erected by virtue of this Act.

If Ways but and take Tolls th reat; so as the same do not extend to a Double Charge.

And whereas there is a Lane called The Back Lane, leading out of the Road from Shrewsbury, to Poole and Oswestry,

Oswestry, at a Place called The Gorsy Bank, which returns into the Road leading from Shrewsbury, to Oswestry, at a Place called Rossall Gate; and likewise one other Lane or Passage, partly along the Bed of the River Severn, leading from the Watering-place between the Castle Gates of Shrewsbury and Cotton Hill, in the said Town of Shrewsbury, to a Place called The Flash, on the Road between Cotton Hill and Baschurch; and which, if not stopped up, the Payment of the several Tolls and Duties imposed by this Act, may be avoided or greatly lessened; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Meeting to be held pursuant to this Act, to authorize and impower the Surveyor or Surveyors of the Roads so intended to be repaired as aforesaid, to stop up the said Lane leading from The Gorsy Bank, to Rossal Gate aforesaid, and likewise the Lane or Passage, partly along the Bed of the River Severn, leading from the Watering-place between the Castle Gates of Shrewsbury and Cotton Hill, to The Flash, on the Road between Cotton Hill and Baschurch aforesaid, by such Ways and Means, and in such Manner, as the said Trustees, or any Five or more of them, shall think proper; saving nevertheless, to all and every Person and Persons whatsoever, their Heirs, Executors, Administrators, and Assigns, his, her, and their Right of Passage into, and through, the said Ways hereby intended to be stopt up, to go and return from, and for the Use and Enjoyment of, their Fields or private Property, by and through a convenient Gate or Gates to be erected in and upon the said Ways hereby intended to be stopt up by the said Trustees for that Purpose.

Trustees may authorize their Surveyor to stop up the *Back Lane* here described;

saving a Right of Passage to the Proprietors of the Grounds adjoining.

And whereas by an Act passed in the Twenty fifth Year of the Reign of His present Majesty for repairing the Roads from the Town of Shrewsbury through Ellesmere, in the County of Salop, and Overton in the County of Flint, to Wrexham in the County of Denbigh, several Tolls and Duties were made payable, and divers Powers were given for repairing the said Highways for the Term of Twenty one Years from the Fourteenth Day of April, One thousand seven hundred and fifty two: And whereas by another Act made in the Twenty ninth Year of the Reign of His present Majesty, for enlarging the Term and Powers granted by the said Act for repairing the said Highways; and for repairing and widening several other Roads therein mentioned; which Act was to have Continuance from and after the Expiration of the

Act 25 *Geo.* II.

and 29 *Geo* II.

Term granted by the said Act made in the Twenty fifth Year of the Reign of his present Majesty, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas many Doubts have arisen, whether the Trustees nominated and appointed by the herein before recited Acts for repairing the Roads from Shrewsbury to Wrexham, have any Power or Authority under the said recited Acts, to erect any Turnpike or Toll-house on that Road at Cotton Hill, as the same has been deemed to be situate in the said Town of Shrewsbury: Now, to the End that the Trustees for repairing the said Road from Shrewsbury to Wrexham, may be impowered to erect a Turnpike and Toll-house on that Road, at Cotton Hill in the Town of Shrewsbury, by Means whereof One Person may collect not only the Tolls and Duties arising at such Turnpike, but likewise the Tolls and Duties arising between Cotton Hill in the said Town of Shrewsbury, and Baschurch, and be accountable to the respective Trustees of each Road for the same; be it therefore enacted by the Authority aforesaid,

Trustees nominated in the recited Acts impowered to erect Turnpikes and Toll-houses on the Road on *Cotton Hill* in *Shrewsbury*;

That the Trustees appointed by, and that have been or shall be appointed in Pursuance of the before recited Acts for repairing the Highways from Shrewsbury to Wrexham, or any Five or more of them (or such Person or Persons as they, or any Five or more of them, shall authorize and appoint) shall have full Power and Authority, and they are hereby authorized and impowered to erect a Turnpike and Toll-house on that Road at Cotton Hill in the said Town of Shrewsbury; and shall and may demand and take thereat the several and respective Tolls and Duties in and by the said herein before recited Acts granted and made payable; and that the same shall continue to be paid to the Collector or Collectors, Receiver or Receivers, appointed or to be appointed by the said Trustees for repairing the Road from Shrewsbury to Wrexham, for and during the Remainder of the said Terms in and by the said recited Acts granted; any Thing therein or herein contained to the contrary thereof in any wise notwithstanding.

and take Tolls thereat during the subsisting Terms of the said Acts.

No Turnpike to be removed but by Order of five or more Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike which shall be erected or set up by virtue of this Act upon any Part or Parts, or on the Sides of the said respective Roads, shall at any Time after the same shall have been so fixed or set up, be taken down or removed to any other Place or Places on the said Roads, except by Order of the said Trustees, or any Nine or more of them, in Meeting assembled, of which Meeting Ten Days previous Notice shall be given in Writing

Writing by the Clerk of the said Trustees under his Hand, and affixed on all such Turnpike-gates as shall be erected in pursuance of this Act, or on the several Market-houses of Shrewsbury, Poole, and Otwestry; any Thing herein contained to the contrary notwithstanding.

Persons and Things exempted from Toll.

Provided always, and it is hereby declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, carrying any Quantity of Stones, Brick, Timber, Wood, Gravel, or other Materials for the Purposes of repairing the said several Roads only, or for amending any Highways whatsoever, or during the Months of May, June, July, August, and September, going or returning through any of the said Turnpikes for or with any Dung, Mould, Manure, or Compost of any Nature or Kind whatsoever (except Lime) for manuring Lands or Gardens; nor shall any Duty be demanded or taken by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying any Hay or Corn in the Straw out of the Field, to be laid up in Houses, Out-houses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which any of the said respective Roads hereby intended to be repaired do lie; nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Thing whatsoever, belonging to or employed by such Inhabitants respectively in Husbandry only, or manuring or stocking of Lands lying within such Parishes, Townships, or Places adjoining to the said Roads; nor shall any of the Tolls or Duties aforesaid be demanded or taken from any Person or Persons residing in the said Parishes, Townships, or Places, in which the said respective Roads hereby directed to be repaired do lie, who shall pass through the said Turnpikes or Toll-gates to or from their own Parish Church, Chapel, or other nearest Place of Religious Worship, tolerated by Law, on Sundays; or who shall attend the Funeral of any Person or Persons who shall die, and be buried in the same Parish they shall so respectively die; or for any Horses, Mares, Geldings, or other Cattle, going to or returning from Pasture or Watering-places belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants near to the said respective Roads, or for any Post-horse carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing, who are upon their March; or for Carts, Carriages, or Waggons attending them, laden with their Arms or Baggage; or for

Horses, Carts, or Carriages, travelling with Vagrants sent by legal Passes, passing or repassing through all or any of the Turnpikes which shall be erected or set up in the said respective Roads, in respect of their passing through such Turnpike or Turnpikes; nor shall any Tolls or Duties be taken by virtue of this Act for Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Caravans, Chairs, or Litters, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament on the Day or Days on which there shall be any Election of a Knight or Knights of the Shire to serve in Parliament for the several Counties of Salop or Montgomery.

Penalty on Persons making illegal Claims to Exemption from Tolls.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Ten Shillings, in Manner herein after directed.

Penalty on Persons permitting private Passage;

And be it further enacted by the Authority aforesaid, That if any Person or Persons owning or occupying any Land, Tenements, or Ground, adjoining to or near any of the Roads hereby intended to be repaired, or any Turnpike to be erected in pursuance of this Act, shall permit or suffer any Person or Persons whatsoever, to pass through any Gate, Way, or Passage therein (not being a common Road) with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Beast or Cattle, Sheep, Lamb, or Pig, liable to any of the Tolls hereby imposed, whereby the Payment of the said Tolls, or any of them, shall be evaded or avoided; or if any Person or Persons shall thereby avoid the Payment of any of the said Tolls; or if any Person or Persons shall at any Time, during the Continuance of this Act, unload, lay down, deposit, or cause to be unloaded, laid down, or deposited, any Sort of Grain, Goods, Wares, or Merchandizes; or shall take off or carry away, or cause to be taken off or carried away, any such Grain, Goods, Wares, or Merchandizes, so unloaded, laid down, or deposited; or shall take off, or cause to be taken off, any Horse, Mare, Gelding, or Mule, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, or Litter, or any Horse, Mare, Gelding, Ox, or other Beast or Cattle, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall be brought, or come to any of the Gates or Turnpikes to be erected by virtue of this Act, with an Intent to evade or

or unloading Goods, &c. to avoid Payment of Tolls.

avoid

avoid the Payment of any of the Tolls hereby imposed; or shall conceal, or secrete any Goods or other Things, hereby charged with any of the said Tolls, or shall put or leave in any House or Place, any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, or any other Beast or Cattle, Sheep, Lamb, or Pig, with such fraudulent Intention as aforesaid; or if any Person or Persons liable to the Payment of any of the said Tolls, shall forcibly pass, or attempt to pass, any of the said Gates or Turnpikes, without Payment thereof at such Gate or Gates; or if any Person or Persons shall give to, or receive of, any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable) any Note or Ticket of the Day, by this Act directed to be given by the Collector or Receiver of the said Tolls, whereby or by reason whereof the Payment of any or either of the said Tolls may be evaded or lessened, every Person so offending in any of the Cases aforesaid, and being thereof convicted upon the Oath of One or more Witness or Witnesses before any Justice or Justices of the Peace, of and for the County Town or Place where the said Offence or Offences shall be committed (and which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer or Clerk for the time being, the Sum of Twenty Shillings, to be levied by Distress and Sale of the Goods and Chattles of the Person or Persons so offending as is herein declared and directed, One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety thereof shall go and be applied in the Repair and Amendment of the said Roads; and that it shall and may be lawful to and for the Toll-gatherer or Toll-gatherers at such Gate or Gates, or any other Person or Persons in his or their Aid or Assistance, to stop and apprehend any such Person or Persons so forcibly passing or attempting to pass any such Toll-gate, or evading or endeavouring to evade or avoid the Payment of any of the said Tolls, or abetting or assisting any other Person or Persons therein, and immediately to convey him, her, and them, before the said respective Justice or Justices of the Peace, in order to his, her, or their Conviction.

Penalty on giving or receiving Tickets, to evade Payment of the Tolls.

Toll-gatherer, &c. impowered to apprehend any such Offender.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons having paid the Tolls or Duties hereby directed to be paid at any of the said Gates or Turnpikes, erected by virtue of this

Tolls to be paid but Once a Day.

Act, through which such Person or Persons shall pass with any Coach, Berlin, Chariot, Landau, Calash, Caravan, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, Horse, Mare, Gelding, Mule, Ass, or any other Cattle, and producing a Note or Ticket that such Toll was paid; which Note or Ticket the Collector or Collectors, Receiver or Receivers, is and are hereby required, upon Demand, to give, shall be liable to pay the same for returning through the same Gate or Turnpike the same Day, or before Twelve of the Clock at Night, with the same Coach, Berlin, Chariot, Landau, Calash, Caravan, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, Horse, Mare, Gelding, Mule, Ass, or any other Cattle.

Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the several and respective Sum and Sums of Money so to be demanded, received, and taken, shall be demanded and taken in the Name of, and as a Toll or Duty; and the Money hereby so to be raised and collected, is hereby vested in the said Trustees; and the same and every Part thereof shall be paid, disposed of, or assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned and directed; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall from time to time nominate, to demand, take, and levy, the Tolls and Duties hereby granted and made payable of or upon any Person or Persons who shall, after Demand made thereof, neglect or refuse to pay the same, by Distress of any Horse or Horses, or any other Cattle, Goods or Chattles, upon which such Tolls or Duties are by this Act imposed, or by Distress of any other Goods or Chattles of such Person or Persons who ought to pay the same, and such Cattle, Goods and Chattles, to detain until such Toll or Duty, with the reasonable Charges of making and detaining such Distress, shall be paid, and after the Space of Three Days next after such Distress made, to sell the same, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges for making, keeping, and selling the same, shall be deducted and paid.

Tolls may be levied by Distress and Sale.

Distress may be sold after 3 Days to pay Trustees.

Charges of passing this Act, to be first paid;

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls or Duties which shall be collected at the several Turnpikes so to be erected in pursuance of this Act, or out of such Money as shall be advanced, lent, or borrowed upon the Credit thereof,

thereof, the Trustees for repairing the said Roads, and their Successors, or any Five or more of them, shall in the First Place pay and discharge all the Expences and Charges incident to, and attending the obtaining and passing this Act of Parliament, in such Manner and Proportions, as the said Trustees, or any Five or more of them, shall direct or appoint, having regard to the Toll collected at each Gate, so that the Part to be charged on each respective Road or Division, be proportioned, as near as may be, to the Toll it produces; and also the Charges and Expences of putting up and erecting such Turnpikes and Toll-houses, as they shall think proper to put up and erect, in pursuance of this Act; and that from and after paying the said Expences and Charges, then, and from thenceforth, the Money arising by the Tolls and Duties which shall be collected at any Turnpike or Turnpikes which shall be then, or hereafter, erected in pursuance of this Act, or which shall be borrowed on the Credit of the said Tolls and Duties, shall be laid out and applied for and towards the repairing the said respective Roads, and other necessary Charges attending such Repairs, in such Manner and Proportion, as the said Trustees, or any Five or more of them, shall, from time to time, direct or appoint, and in such Manner as is herein after mentioned; and to no other Use, Intent, or Purpose, whatsoever.

and of erecting Turnpikes and Toll-houses, &c.

Tolls, &c. to be afterwards applied in repairing the Roads.

Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall authorize and impower the said Trustees, or their Successors, or any of them, to repair or amend the Pavements or Causeways in the Streets of any Town through which any of the Roads hereby intended to be repaired, do lead; but that such Pavements and Causeways shall continue to be repaired, and kept in Repair, by such Ways and Means, as they have heretofore been repaired before the passing of this Act.

Trustees not to repair Pavements of Towns.

And be it further enacted by the Authority aforesaid, That the Right and Property of every Gate, Turnpike, and Toll-house, erected upon, across, or on the Sides of the said respective Roads, by virtue of this Act, shall, during the Continuance thereof, be vested in the said Trustees appointed to put the same in Execution, and their Successors; and that they, or any Five or more of them, are hereby authorized and impowered to dispose thereof, as they shall think proper; and in their Names, or in the Names of any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, for the time being, to bring Actions against any

Property of Turnpikes and Toll-houses vested in the Trustees.

any Person or Persons who shall disturb them in the Enjoyment of the Property thereof; or to prefer and prosecute Bills of Indictment against any Person or Persons who shall steal, take away, break down, or spoil, such Gates, Turnpikes, or Toll-houses, or any of them, or any Part of them, so to be erected as aforesaid.

Trustees, with Consent of the Creditors, may lessen the Tolls;

Provided always, and it is hereby enacted by the Authority aforesaid, That the said Trustees, and their Successors, or any Nine or more of them, are hereby authorized and impowered from time to time, in case it shall appear requisite and expedient, to lessen the several Tolls and Duties hereby granted and made payable, and to order and direct such Tolls and Duties so to be lessened and reduced, to be collected, received, taken, and laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to, or be with the Consent of, the several Persons who shall have advanced any Money on the Credit of the said Tolls, or any Person or Persons who at the Time of such Reduction, shall have any Money secured thereby.

Provided always, That if at any Time after such Reduction, or lessening of the Tolls aforesaid, the Tolls so reduced or lessened, shall not be found sufficient to answer the Purposes intended by this Act, that then it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to advance and raise the said Tolls, or any of them, to the Sum or Sums herein before by this Act directed to be taken and paid; any thing herein before contained to the contrary thereof notwithstanding.

and raise them again, if necessary.

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties hereby granted, shall take Place from and after the said Saturday Three Weeks next after the Passing of this Act; and shall continue and be paid (subject nevertheless to such Reduction as aforesaid) from thence, for and during the Term of Twenty one Years; and from thence to the End of the then next Session of Parliament.

Tolls may be assigned for Money borrowed.

And, forasmuch as the Money to be collected by the Receipts of the Tolls or Duties by this Act made payable as aforesaid, will not at present be sufficient for the speedy repairing of the said respective Roads; be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and are hereby impowered from time to time, by any Writing or Writings, without any Stamp to be impressed thereon, under their Hands and Seals, separately to assign over, or mortgage by separate and distinct Deeds or Instruments,

ments, for separate and distinct Sum or Sums of Money, the said Tolls and Duties arising by virtue of this Act, and to be collected at all and every the Gate or Gates, Turnpike or Turnpikes, to be erected between the said Welsh Gate in Shrewsbury and Westbury, and between the said Welsh Gate and Minsterley, as also between the said Welsh Gate in Shrewsbury, and so much of the said Road as shall extend Ten Miles distant from the said Welsh Gate there, towards the several Towns of Poole and Oswestry; and from and between that Distance from Shrewsbury and those Towns respectively, as also between the Finger Post near Oswestry, and Knockin; and likewise between the said Wem Road on Cotton Hill, in the Town of Shrewsbury, and Baschurch aforesaid, for the Term for which the said Tolls and Duties are hereby made payable, or for any Part of the said Term (the Costs and Charges of assigning or mortgaging the same, to be borne and paid out of such Tolls and Duties) as a Security for any Sum or Sums of Money to be separately and respectively borrowed as aforesaid, for that Purpose, to any Person or Persons who shall advance and lend the same, with such Interest as shall be agreed upon, not exceeding Five Pounds per Centum per Annum; which said Money so to be borrowed, shall be applied in the First Place to pay off the Charges and Expences of obtaining this Act of Parliament; and then shall be applied and disposed of, as the said Tolls or Duties by this Act are directed to be applied and disposed of; and to no other Use, Intent, or Purpose, whatsoever.

Interest for Money borrowed not to exceed 5 *l. per Cent. per Ann.*

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls to be collected, before any Gate or Gates, Turnpike or Turnpikes, shall be erected by virtue of this Act, unless Twenty Days Notice in Writing shall be thereof first given, by affixing the same on the respective Market Houses of Shrewsbury, Oswestry, and Poole aforesaid, or after any Turnpike or Turnpikes shall be erected by Virtue of this Act, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpike-gates which shall be then erected by virtue of this Act, and also on the several Market-houses of Shrewsbury, Oswestry, and Poole respectively, at least Twenty Days before the borrowing such Money.

No Money to be borrowed on the Credit of the Tolls, unless Notice be given for that Purpose.

And be it further enacted by the Authority aforesaid, That Copies of all and every Assignment or Assignments so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers to the said Trustees; which said Book or Books

Assignments to be entered in a Book.

Books may be inspected *gratis*.

shall or may be seen and perused at all reasonable Times, by any Person or Persons whatsoever, without any Fee or Reward.

Assignments may be transferred, and the Manner of doing so.

And it is hereby also enacted by the Authority aforesaid, That all and every the Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Nine or more of them, as a Security for any Sum or Sums of Money to be lent or advanced by any Person or Persons whatsoever, on the Credit of, and for the Purposes mentioned in, this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words to be indorsed on the Back of his, her, or their Assignment, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, and all Benefit and Advantage thereof, and of his, her, or their Right, Title, and Interest to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever.

Separate Accounts to be kept of the Monies collected on the several and respective Roads; and the Monies to be separately applied to the Repair of such particular Roads only.

And be it enacted by the Authority aforesaid, That a separate Account shall be kept of the Tolls collected by virtue of this Act, at all and every the Gate or Gates, Turnpike or Turnpikes, which shall be erected upon, across, or on the Sides of that Part of the said Road hereby intended to be repaired and amended, which lies between the said Welsh Gate in Shrewsbury, and Westbury, and of the Money to be borrowed on the Credit thereof; and which Money so to be collected and borrowed, shall be paid, applied, and laid out, in the amending, widening, repairing, and keeping in Repair, that Part of the said Road only which lies between Shrewsbury and Westbury aforesaid, and for the other necessary Purposes of this Act relating thereto; and also that a separate Account shall be kept of the Tolls collected by virtue of this Act, at all and every of the Gate or Gates, Turnpike or Turnpikes, which shall be erected upon, across, or on the Sides of that Part of the said Road, by this Act intended to be repaired and amended, which lies between the said Welsh Gate and Minsterley aforesaid, and of all the Monies to be borrowed on the Credit thereof; and which Money so to be collected and borrowed, shall be applied and laid out in amending, widening, repairing, and keeping in Repair, that Part of the said Road only which lies between Shrewsbury and Minsterley aforesaid, and for executing the other necessary Purposes of this Act relating thereto; and also that a separate Account

shall

shall be taken of the Tolls collected by virtue of this Act at all and every the Gate or Gates, Turnpike or Turnpikes, which shall be erected upon, across, or on the Sides of that Part of the said Road hereby intended to be repaired and amended, which lies between Shrewsbury and so much of the said Road as shall extend Ten Miles distant from the Welsh Gate there, towards the several Towns of Poole and Oswestry, and the Money to be separately borrowed on the Credit thereof; and which Money so to be collected and borrowed, shall be separately paid, applied, and laid out, in amending, widening, repairing, and keeping in Repair, that Part of the said Road only which lies between Shrewsbury, and so much of the said Road as shall extend Ten Miles distant from the Welsh Gate there, towards the several Towns of Poole and Oswestry, and for the other necessary Purposes of this Act relating thereto: And also that a separate Account shall be taken of the Tolls collected by virtue of this Act, at all and every the Gate or Gates, Turnpike or Turnpikes, which shall be erected upon, across, or on the Sides of that Part of the said Road hereby intended to be repaired and amended, which lies between the Town of Poole, and the said Ten Miles on that Road distant from the said Welsh Gate in Shrewsbury aforesaid, and the Money to be separately borrowed on the Credit thereof; and which Money so to be collected and borrowed, shall be separately paid, applied, and laid out, in amending, widening, repairing, and keeping in Repair, that Part of the said Road only, which lies between the said Town of Poole, and the said Ten Miles distant from the said Welsh Gate, and for the other necessary Purposes of this Act relating thereto: And also that a separate Account shall be taken of the Tolls collected by virtue of this Act, at all and every the Gate or Gates, Turnpike or Turnpikes, which shall be erected upon, across, or on the Sides of that Part of the said Road hereby intended to be repaired and amended, which lies between the Town of Oswestry, and Ten Miles on that Road distant from the Welsh Gate in Shrewsbury aforesaid, and the Money to be separately borrowed on the Credit thereof; and which Money so to be collected and borrowed, shall be separately paid, applied, and laid out, in amending, widening, repairing, and keeping in Repair, that Part of the said Road only which lies between the said Town of Oswestry and the said Ten Miles distant on that Road from the said Welsh Gate, and for the other necessary Purposes of this Act relating thereto: And also that a separate Account shall be taken of the Tolls collected

lected by virtue of this Act, at all and every the Gate or Gates, Turnpike or Turnpikes, which shall be erected upon, across, or on the Sides of that Part of the said Road hereby intended to be repaired and amended, which lies between the Finger Post near Oswestry and Knockin aforesaid, and of the Money to be borrowed on the Credit thereof; and which Money so to be collected and borrowed, shall be paid, applied, and laid out, in the amending, widening, repairing, and keeping in Repair, that Part of the said Road only which lies between the Finger Post near Oswestry and Knockin aforesaid, and for the other necessary Purposes of this Act relating thereto: And also that a separate Account shall be taken of the Tolls collected, by virtue of this Act, at all and every the Gate or Gates, Turnpike or Turnpikes, which shall be erected upon, across, or on the Sides of that Part of the said Road hereby intended to be repaired and amended, which lies between the said Wem Road on Cotton Hill, in the Town of Shrewsbury, and Baschurch aforesaid, and of the Money to be borrowed on the Credit thereof; and which Money so to be collected, shall be paid, applied, and laid out, in the amending, widening, repairing, and keeping in Repair that Part of the said Road only which lies between the said Wem Road on Cotton Hill, in the Town of Shrewsbury, and Baschurch aforesaid, and for the other necessary Purposes of this Act relating thereto.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, in or along the respective Roads by this Act intended to be repaired, or any Part of them, any Tree or Trees, Piece or Pieces of Timber, otherwise than and except upon Wheels or other Carriages, every such Person for every such Offence shall forfeit and pay any Sum of Money, not exceeding the Sum of Twenty Shillings.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them may, and are hereby authorized and impowered, from time to time, to elect and appoint fit and proper Persons to be Collectors and Receivers of the Tolls by this Act made payable, and proper Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary or convenient; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time to remove and displace, and to elect and appoint others in the Rooms and Places of such

and displace them, and elect others.

of them as shall be so removed or shall die, Notice of the Time and Place of Meeting for that Purpose being fixed on the Turnpikes erected by virtue of this Act, at least Ten Days before such Elections; and may and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls aforesaid, to allow and pay to the several Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers who shall be appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or any or either of them, in or about the repairing or widening the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, in those Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable. Trustees to allow Officers Salaries.

And be it further enacted by the Authority aforesaid, That all and every the Collectors and Receivers of the said Tolls, and all and every the Clerks, Treasurers, Surveyors, and other Officers who shall be appointed as aforesaid, and all and every other Person or Persons who shall have or receive any of the Monies which shall be raised, collected, or received, by virtue of this Act, shall, from time to time, and as often as he or they shall be thereto required by the said Trustees, or any Five or more of them, produce, render, and give up to them the said Trustees, or any Five or more of them, full, true, and fair Accounts, in Writing, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what such Monies, and every Part thereof, hath or have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Monies as upon the Ballance of such Accounts shall appear to be in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting, or to account, as aforesaid, shall, if required, upon their several Oaths (which Oaths the said Trustees, or any Five or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein mentioned; and if any or either of the said Officers or Persons so accounting, or to account, as aforesaid, being required so to do, shall refuse or neglect to render and give up such Account or Accounts Officers to account upon Oath.

Officers not making Account and Payment,

counts as aforesaid, or to produce and deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they, or any Five or more of them, shall direct or appoint, then, and in either of the Cases aforesaid, the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the Names of the said Trustees, or in the Name or Names of any Five or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies which shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice or Justices of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live or reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them, and, upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done; and if, upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justice or Justices is and are hereby authorized to administer) it shall appear to such Justice or Justices that any of the Monies which shall have been collected or raised, by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, or spent or embezelled by him or them, such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons,

Justices upon Complaint to enquire into the Default;

and levy the Balance by Distress and Sale;

can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices at the Time or Place by him or them appointed for that Purpose, upon Notice thereof in Writing being delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively; or if appearing, shall refuse or neglect to deliver to the said Justice or Justices such Account or Accounts of the Receipts and Payments, as aforesaid, and to verify the Truth of such Accounts, and the Items and Articles thereof upon Oath as aforesaid, or to produce or deliver up to the said Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County where such Officer or Officers, Person or Persons, shall live and reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all Money which shall appear to be in their respective Hands, and the reasonable Charges of such Commitment, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby to them stipulated to be paid; which said Compositions and Money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive.

and, for want of Distress,

may commit the Offender to Gaol;

until he shall conform,

or compound with the Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorized and required to take such Security or Securities from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and their Successors, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons who shall, by the said Trustees, or any Five or more of them, or by the

Surveyors may dig Gravel, &c. in Waste Grounds, &c.

Surveyor

Surveyor or Surveyors, or either of them, be employed or appointed for that Purpose, may, and is and are hereby authorized and impowered, to cut, dig, and gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper for repairing of Roads, in, upon, out of, or from, any Waste or Common Ground or Grounds, Quarry, River, or Brook, in any Parish, Town, or Place, in, adjoining to, or lying near, the respective Roads aforesaid, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied, in repairing the said Roads, without paying any thing for the same; they the said Trustees or Surveyors, or other Persons, filling up the Pits, and levelling or sloping the Ground from which such Materials shall be taken, or railing, fencing, or otherwise securing the same, in such Manner, as that such Pits do or shall not remain dangerous to any Person, Cattle, or Carriage whatsoever; and if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, proper and sufficient for that Purpose cannot conveniently be had or found, in or upon such Waste or Common Ground or Grounds near the said respective Roads, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, and from, the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Roads; such Lands, Fields, and Grounds, or either of them, not being a Yard, Garden, Orchard, Meadow, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue of Trees, for the Ornament of any House; they the said Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some or One of them, having an Order from the said Trustees, or any Five or more of them, for so doing; and paying, or offering to pay, upon Demand, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages, for the cutting, digging, gathering, taking, and carrying away, the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, and other Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable; and in

without paying for the same; levelling the Pits;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds,

making Satisfaction to the Owners of the Grounds.

case of any Difference concerning the same, the Justices of the Peace at their next General Quarter Sessions for the respective Counties of Salop or Montgomery, or at their Second General Quarter Sessions at the farthest, and upon Fourteen Days Notice in Writing to be given by the 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, shall hear and finally determine the same in the respective Counties where such Dispute shall arise. Justices to determine Differences.

And for obviating and deciding any Disputes or Questions that may arise what is, or ought to be, deemed a Meadow in the Construction of the foregoing Clause, it is hereby further enacted, That no Ground where such Materials are to be found, shall be deemed a Meadow, that hath been ploughed within the Memory of Man. Ground that has been ploughed in the Memory of Man, is not to be deemed a Meadow.

And be it further enacted, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors to be by them so appointed, or any other Person or Persons to be by them appointed or employed, may, and is and are hereby authorized and impowered, from time to time, to remove and prevent all Annoyances, Nuisances, and Obstructions, upon or in any Part of the said respective Roads hereby intended to be repaired; and to turn any Water-courses, Sinks, or Drains, running into, along, or out of, the said Roads, or otherwise, to the Prejudice thereof; and to open, scour, or cleanse, any Water-course or Water-courses, Ditch or Ditches, adjoining to the said Roads, or any of them, and to make the same as deep and convenient as shall be reasonable and necessary; and to dig or cut, or cause to be digged or cut, any reasonable and sufficient new Drains or Ditches in, through, or across, any Ground or Grounds, Lands, or Places, adjoining or contiguous to the same Roads, or any of them, or any Part or Parts thereof; and to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part or Parts of the said Roads, or any of them; and to make, erect, or build, any Bridge or Bridges, Arch or Arches of Stone, Brick, or Timber, in, or across, or near, the same Roads, or either of them, or any Part or Parts thereof; and also to make, or cause to be made, any Ditch or Ditches, Trench or Trenches, in such Manner, and at such Place or Places, as the said Trustees, or any Five or more of them, or as such Surveyor or Surveyors shall judge necessary, for the better amend- Surveyors may remove Annoyances, turn Watercourses, cleanse Ditches, &c. cut Drains, &c. make Causeways,

ing and keeping the said Roads in good Repair; and also to make, or cause to be made, a Road or Way through, over, and along any Ground or Grounds adjoining or contiguous to any narrow or ruinous Part or Parts of the said Roads, for the Use of all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Parts of such Roads, are repairing or widening, and till such Times as it shall be convenient and safe for Passengers with Horses and Carriages to travel and go along the said respective Roads so hereby intended to be repaired; making such reasonable Satisfaction to the Owners or Occupiers of such Ground or Grounds respectively, through which any such Drain or Drains, Trench or Trenches, shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, or through, over, or along, which any such temporary Road or Roads shall be made, for the Damages which such Owners or Occupiers shall or may respectively sustain thereby, as shall be adjudged by the said Trustees, or any Five or more of them; and in case any Tree or Trees, Bush or Bushes, shall be growing or standing in or upon any Part of the said respective Roads, or in the Hedges, Lands, or Banks, adjoining thereto, which shall not be topped or lopped, cut down, or removed (as shall be thought most proper by the said Trustees, or any Five or more of them) within Ten Days after Notice in Writing, under the Hands of the said Trustees, or any Five or more of them, or under the Hand or Hands of the Surveyor or Surveyors of the said respective Roads for the time being, to be given to, or left for that Purpose at the House of the Owner or Occupier of the Land, Hedges or Bank on which such Tree or Trees, Bush or Bushes, shall be growing, that then, the said Surveyor or Surveyors shall and may lop, top, or cut down and remove the same, as shall be thought most proper, and make Sale thereof, or of any Part thereof, as he or they shall think fit, to defray the Charges of such lopping or topping, cutting or removing, and Sale, rendering the Overplus (if any shall be) to the Owner or Occupier thereof, if demanded; and if, after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the County, Town, or Place, where such Offence was committed (which Oath the said Trustees, or any Five or more of them, or the said Justice

and make a temporary Road;

making Satisfaction to the Owners of the Ground.

the Owners neglecting to remove the same after Notice.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

of Justices is and are hereby impowered and required respectively to administer, without Fee or Reward, shall for every such Offence, forfeit and pay to the said Trustees or to their Clerk or Treasurer for the time being, the Sum of Twenty Shillings, to be recovered, levied, and disposed of, in manner herein after mentioned.

Owners of Lands neglecting to remove Annoyances, after Notice given,

And be it further enacted by the Authority aforesaid, That if any Person or Persons to whom any Hedge or Hedges, Tree or Trees, belong, standing or growing in or by the Side or Sides of any of the said several Roads hereby directed to be repaired, the Limbs or Branches whereof do or shall hang over the said Roads, or any Part or Parts thereof, to the Prejudice or Annoyance of the same; or if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain or Watercourse, lying in, or leading into, or out of the said Roads, or any of them, or any Part thereof, shall not in a proper Manner cut the Over-hangings of such Hedge or Hedges, Tree or Trees, and every of them, and well and sufficiently scour and cleanse such Ditches, Drains, and Watercourses, and every of them, or cause the same to be done within the Space of Seven Days next after Notice in Writing shall be given to him, her, or them, respectively, for that Purpose, or left at his, her, or their respective Place or Places of Abode, by Order of the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors to be by them appointed in pursuance of this Act, or either of them; that then, and in either of such Cases, the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, may and are hereby authorized and impowered to cause such Over-hangings to be cut, and such Ditches, Drains, and Watercourses to be scoured and cleansed, and to pay for the cutting, scouring, and cleansing the same; and to take and carry away, and dispose of, such Over-hangings, as they shall think fit: And if the said Person or Persons upon Demand thereof to be made upon him, her, or them respectively, either in Person, or in Writing, to be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors, shall not repay him or them the Money by him or them so paid; the same Sum of Money, and every Part thereof, upon Proof of the cutting the said Over-hangings, or cleansing or scouring such Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof, as aforesaid, by the Oath of One Witness, before the said Trustees, or any Five or more of them, or before any Justice of the Peace, for the County, Town, or Place, where such Offence or Default shall be committed

Surveyors may cause the same to be done.

committed (who are and is hereby authorized and required to administer the same gratis;) may and shall, by Warrant under the Hands and Seals, or Hand and Seal of such Trustees or Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons; the Overplus of the Money to be raised by such Distress and Sale, to be paid to the Owner or Owners of such Goods and Chattles (if any) upon Demand, the said Money, and the reasonable Charges of such Distress and Sale, being first deducted.

and levy the Charges by Distress and Sale.

And be it further enacted by the Authority aforesaid, That in case the said Trustees appointed or to be appointed, to put this Act in Execution, or any Nine or more of them, shall at any Time or Times hereafter, during the Continuance of this Act, think proper to enlarge, turn, alter, widen, or exchange, any Part or Parts of the said respective Roads, or any Way or Path in, to, or out of, the same, or to make any new Road or Roads contiguous or near to the said Roads hereby directed to be repaired, or any of them, for the better Accommodation of Coaches, Carriages, and Passengers; or to erect and build, or cause to be erected and built, any Toll-house or Toll-houses, for the better and more effectual collecting the several Tolls and Duties by this Act made payable; that then it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered from time to time, during the Continuance of this Act, to treat, contract, and agree, with the several Owners or Occupiers, or other Persons, interested in any Lands or Grounds, Tenements or Hereditaments, lying contiguous or near to the said Roads, for the Purchase or Exchange thereof, or by Way of Annual Rent for the same, or otherwise, as the said Trustees, or any Nine or more of them, shall think fit, or for the Loss or Damage they, or any of them, shall or may any Ways receive, by such widening, enlarging, turning, exchanging, or altering such Road or Roads, Way or Path, or by erecting or building such Toll-house or Toll-houses, as aforesaid; and out of the Tolls hereby granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, Tenements, and Hereditaments, or for such Loss and Damage, such and so much Money or Annual Rent, as shall be agreed upon between the said Trustees, or any Nine or more of them, and the said Owners or Occupiers, or other Persons, interested therein, as aforesaid, together the Costs and Charges attending such Agreement, Purchase, or Exchange; and such Lands and Grounds, Tenements and Hereditaments,

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

Hereditaments, when purchased, exchanged, or agreed for, as aforesaid, shall, by the Order and Direction of the said Trustees, or any Nine or more of them, be laid into, and made Part of, the said Roads hereby intended to be repaired; and the same shall be for ever thereafter, to all Intents and Purposes, deemed and taken to be Part of the said Roads, and to be a Publick and Common Highway, and kept in Repair as such, by such Ways, and in such Manner, as the old or former Roads were or ought to be amended and kept in Repair by this Act, or any other Law now in being; and after such Purchase, Exchange, or Agreement made, and such new Roads or Buildings, which it shall be thought necessary to erect for the Purposes aforesaid, on any of the Lands or Grounds so to be purchased, exchanged, or agreed for, as aforesaid, shall be made and compleated, the Lands and Grounds comprized in, and constituting the old or former Roads, in lieu whereof the Lands or Grounds, Tenements, or Hereditaments, for such new Roads or Buildings shall be purchased, exchanged, or agreed for, as aforesaid, shall be and are hereby vested in the said Trustees, and shall and may be sold, exchanged, or disposed of by them, or any Nine or more of them, to such Person or Persons as shall be willing to purchase or exchange for the same for the best Price or Terms that can be reasonably had or got for the same; and the Money arising from such Sale, Exchange, or Disposal, shall be applied and disposed of for the repairing, amending, widening, and keeping in Repair, the Roads hereby directed or intended to be amended, widened, and kept in Repair; and the Sale, Exchange, Conveyance or Conveyances to be made of the said Lands and Grounds being executed by the said Trustees, or any Nine or more of them, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

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

and esteemed as publick Highways.

Old Road may be sold.

Money arising by Sale thereof how to be applied.

And whereas it may happen, that some Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Infants, Femes Covert, or others, may be seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which the said Trustees shall think necessary or proper to take in or add to the said Roads, either for widening, enlarging, turning, altering, or amending the same; and they may be willing to treat and agree with the said Trustees for the Sale, Exchange thereof, or yearly Rent, but may be incapable of selling, exchanging, or disposing thereof by reason of their respective Disabilities; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for any such Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, and all Feoffees in

Bodies Politick, or Corporate, &c. impowered to sell Lands, &c.

Trust, Executors, Administrators, Guardians, or other Trustees, for or on Behalf of any Infants, Femes Covert, Cestuique Trusts, and all and every other Person and Persons whatsoever, as is, are, or shall be seised or possessed of, or interested in, such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Nine or more of them, for Satisfaction to be made them for the same respectively, or for any Part thereof, or for their respective Interests therein, and to sell, exchange, or convey the same to or with the said Trustees, or any Nine or more of them, for the Purposes aforesaid, as Occasion shall be or require; and that all such Contracts, Agreements, Sales, Exchanges, and Conveyances, so to be made, and all and every other Sales, Conveyances, Exchanges, and Assurances, to be made or executed to or with the said Trustees, or any Nine or more of them, in pursuance of this Act, for the Purposes aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; and the several Lands, Grounds, Tenements, and Hereditaments therein or thereby sold, exchanged, or conveyed, and every Part thereof, and the Fee simple and Inheritance thereof, shall be and is and are hereby vested in the said Trustees and their Heirs, for the Purposes aforesaid, without any Fine or Recovery, or further or other Assurance, any such Incapacity or Disability in the Party or Parties executing such Sales, Exchanges, Conveyances, or Assurances, or any Estate, Tail, Remainder, or other Trusts, Use, or Limitation, affecting such Lands, Grounds, Tenements, or Hereditaments, or any Law, Statute, Custom, or Usage to the contrary thereof in any wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations, Bodies Politick, Corporate, or Collegiate, and all other Persons whatsoever, shall be, and they are hereby indemnified for what they shall do therein by virtue of this Act.

Where Persons refuse or neglect to treat, &c. for the Sale of such Lands;

And it is hereby further enacted, That if any such Owner, Proprietor, or Occupier of, or Body Politick, Corporate, or Collegiate, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, shall, upon Twenty Days Notice in Writing, to be to him or them given for that Purpose, or to be left at the Dwelling-house or last Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, or Hereditaments, so intended to be taken

in

Bodies Politick, or Corporate, &c. impowered to sell Lands, &c.

in or added to the said Roads as aforesaid, or into which such Way, Path, or Road shall be so turned or altered as aforesaid, shall, by the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree with the said Trustees, or any Nine or more of them, in the Premisses, or shall, by reason of Absence, be prevented from treating; that then, and in every or any of the said Cases, the said Trustees, or any Nine or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of some One, or all of the Parishes or Places in or near which the said several Roads lie (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer gratis) what Damages such Owners, Proprietors, or Occupiers of, or any other Person or Persons interested or concerned in, such Lands, Grounds, Tenements, or Hereditaments, shall or may suffer or sustain for or by reason of the taking thereof into the said respective Roads, or any of them; and what Recompence or Satisfaction they shall respectively have for or on Account thereof: And the said Trustees, or any Five or more of them, are hereby authorized and required, from time to time, during the Continuance of this Act, as Occasion shall require, to summon or call before them all or any Person or Persons whatsoever, they shall think necessary or proper to be examined as a Witness or Witnesses touching the Premisses, and shall examine him or them before the said Jury upon Oath (which Oath the said Trustees, or any Five or more of them, are hereby authorized and required to administer gratis) and they shall also order and cause the said Jury to view the Place or Places in Question, if there be Occasion, and use any other lawful Ways or Means, as well for their own as the said Jury's Information in the Premisses; and after the said Jury shall have inquired of, ascertained, and settled, such Damages and Recompence, they the said Trustees, or any Nine or more of them, shall thereupon hear, adjudge, and determine the Sum or Sums of Money to assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of the said Lands, Grounds, Tenements, or Hereditaments, or other Person or Persons interested therein, according to such Inquisition and Verdict of the said Jury; which said Verdict of Inquisition, and Judgement, Order, and Determination to had and made, shall be final and conclusive, to all Intents and Purposes, to and against all Parties or Persons whatsoever claiming any Right, Title, or Interest whatsoever, of in, or to the said Premisses, or any

the Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined on Oath;

Where Persons refuse or neglect to treat, &c. for the Sale of such Lands;

Verdict of the Jury to be binding and conclusive.

any Part thereof, in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Bodies Politick, Corporate, and Collegiate, and all and every other Person and Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and other Person and Persons any ways interested in such Lands, Grounds, Tenements, or Hereditaments, shall thereby and from thenceforth be, to all Intents and Purposes, divested of all Right, Title, Interest, Property, or Claim, of, in, to, or out of, the same: And, for the summoning and returning of such Jury or Juries, the said Trustees, or any Nine or more of them, are hereby impowered to issue their Warrant or Warrants under their Hands and Seals to the Sheriff of the County where such Lands, Grounds, Tenements, or Hereditaments, shall respectively lie; thereby commanding him to impanel, summon, and return Twenty four indifferent Persons to serve on each such Jury, and to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant respectively shall be appointed; which said Sheriff, or his Deputy or Deputies, is and are hereby respectively required thereupon to impanel, summon, and return such Twenty four Persons accordingly, out of their respective Bailiwicks or Liberties within or near the several Parishes, Townships, or Places, in which the said Roads hereby intended to be repaired and widened do lie, without Fee or Reward; and out of the Persons so impanelled, summoned, and returned, or such of them as shall appear upon such Summons, the said Trustees, or any Nine or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned, to attend such Service, to make up the Number of Twelve.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

Provided always, and it is hereby declared and enacted, That all the Persons concerned shall, from time to time, and at all Times, have their lawful Challenges against any of the Jurymen so to be summoned in pursuance of this Act, in such and the like Manner as any Party to an Action brought, or to be brought, or depending in any of His Majesty's Courts of Record at Westminster, may, or by Law can do; and the said Trustees, or any Nine or more of them, acting in the Premisses, are hereby impowered, from time to time, to impose any

Jury may be challenged.

reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies respectively, making Default in the Premisses, as also on any of the Persons to be summoned and returned, and not appearing on such Jury or Juries, or, after having appeared, for refusing to be sworn; or, after having been sworn, for refusing, or not giving his or their Verdict upon the Matter in Question, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and likewise to impose any Fine or Fines on any Person or Persons required, and refusing to give Evidence or Testimony before such Jury as aforesaid, touching the Premisses.

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

Provided also, and it is hereby further enacted, That no such Fine shall exceed the Sum of Five Pounds for every respective Offence; and that the same Fines, when imposed, shall be levied, recovered, and applied in such and the like Manner, and for such and the like Purposes, as the other Penalties and Forfeitures are by this Act directed to be levied, recovered, and applied.

Fine not to exceed 5*l.*

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, Consideration, Recompence, or Satisfaction, so to be agreed for, ascertained, or assessed, as aforesaid, shall be, and is and are hereby charged and chargeable upon all the Monies to be raised, received, or borrowed, for the Purposes of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their respective Agents; and upon Payment or Tender thereof to them, and their Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk to the said Trustees for the time being, for the Use of the Person or Persons so intitled thereto, and after Twenty Days Notice thereof given to such Person or Persons to receive such Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Nine or more of them, their Surveyors, Workmen, and Agents, and to take into, and add to the said Roads, such Grounds or Lands, Tenements or Hereditaments, and to ditch and fence out the same, and to do all and every such Act, Matter, and Thing, with Relation thereto, as the said Trustees, or any Nine or more of them, shall think fit; and the said Grounds, Lands, Tenements, and Hereditaments, so taken in, or to be taken in, ditched, and fenced, as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth become and be, and shall be deemed and taken to be, a Publick and Common Highway, and Part of the said Roads; and for ever thereafter shall be repaired and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as other

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

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

and esteemed as publick Highways.

Highways and Roads are by Law repaired, and kept in Repair.

Buildings, &c. not to be injured by this Act.

Provided always, and it is hereby declared and enacted, That the Power and Authority hereby given to the said Trustees as aforesaid, for widening, enlarging, exchanging, turning, or altering the said respective Roads, or any of them, shall not extend to the taking in, or pulling down, injuring or damaging, of any Dwelling-house, Out-house, or Building, Yard, Garden, Orchard, Plantation, Nursery or Walk of Trees, Park, Paddock, or Avenue to any House, other than and except any Cottage or Cottages, with their Appurtenances, which now are, or during the Continuance of this Act, shall or may stand, or be erected too close or near to the said Roads hereby intended to be widened, exchanged, turned, or altered, or shall or may be otherwise incommodious thereto; and which the said Trustees, or any Nine or more of them, are hereby also authorized and impowered to contract for, purchase, and take in, or down, for the Purposes aforesaid, on making or tendering Satisfaction or Recompence for the same to the Owners or Occupiers thereof, to be ascertained, assessed, or settled, in Manner aforesaid.

Trustees not to act where interested.

Provided also, That no Person or Persons shall sit or act as a Trustee or Trustees under this Act, in any Case relating to the contracting for, purchasing, or exchanging of any Lands, Ground, Tenements, or Hereditaments, so to be taken into the said Roads, or any of them, where he or they is, are, or shall be concerned in Interest.

Bodies Politick, &c. liable to the Repair of the Roads, to continue for

Provided also, and it is hereby further declared and enacted, That if any Counties, Towns, Parishes, Hamlets, or other Places, or the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, or any other Person or Persons whatsoever, who before the passing of this Act hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or upon any other Account whatsoever (other than and except by the Laws now in being for the Repair of the common Highways of this Kingdom) to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridges, Drains, and Sewers, being in and upon any Part or Parts of such Roads, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with the repairing and keeping in Repair, such Part or Parts of the same Roads, Bridges, Drains, and Sewers, in the same Manner as he or they, or any or either of them, hath or have heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes, Hamlets, and Places, in which the said several

Roads

Roads lie, and all and every Person or Persons whatsoever by the Laws and Statutes of this Realm obliged or liable to work in the Highways for the Repair thereof, commonly called Statute-work or Labour, shall still be subject and liable to do the same Work, and shall, and is, and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act intended to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants or Persons shall respectively live, or hold any Lands or Tenements, at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors to be by them authorized, shall direct or appoint; and that every Inhabitant of the said respective Parishes, Hamlets, or Places, or any other Person or Persons, who shall there rent, hold, or occupy, any Lands, Tenements, or Hereditaments, except Dwelling-houses in Shrewsbury, of the yearly Value of Fifty Pounds, shall be deemed and taken as a Team-holder, and shall do and perform such Work in and towards the repairing the Highways of the said several Parishes, Hamlets, and Places, in which they respectively live, or hold or occupy such Lands, Tenements, or Hereditaments, as Persons keeping Teams are obliged to do.

Persons, &c. chargeable to the Repair of the Highways, to continue to.

Persons renting 50 *l. per Ann.* deemed Team-holders.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, by their respective Surveyor or Surveyors, yearly, and every Year, during the Continuance of this Act, by Writing under the Hand or Hands of such Surveyor or Surveyors, to summon the Surveyors of the Highways for the respective Parishes, Hamlets, or Places wherein any Part of the said Roads hereby intended to be repaired do lie; or where there shall be no such Surveyors, the Churchwardens and Overseers of the Poor of such Parishes, Hamlets, or Places, to bring in Writing, under their respective Hands, before the said Trustees, or any Five or more of them, upon Oath, according to the best of their Knowledge, within Seven Days after such Summons (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer) a List of the Names of all and every such Inhabitants and others within their respective Parishes, Hamlets, and Places, liable to do their Statute-work or Labour in or upon their respective Highways, distinguishing in such Lists the Team-holders, and hereby deemed Team-holders, from the Labourers therein.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

And be it further enacted by the Authority aforesaid, That if such Surveyor or Surveyors, and in case of none such,

Penalty on Surveyors neglecting to deliver in such Lists, &c.

such, then such Churchwarden or Churchwardens, Overseer or Overseers of the Poor of the said several Parishes, Hamlets, or Places, in which the said several Roads hereby intended to be repaired do lie, shall not deliver in such Lists of such Inhabitants or other Persons within their said Parishes, Hamlets, or Places, to the Person or Persons, or by such Time or Times, and in such Manner, as is herein before directed, such Surveyor or Surveyors, Churchwarden or Churchwardens, Overseer or Overseers of the Poor, shall forfeit and pay for every such Default the Sum of Five Pounds; and if any or either of such Inhabitants, or other Persons within such Parishes, Hamlets, or Places, so liable to, and not doing, such Statute-work or Labour in or upon their said respective Roads, at such Times and Places, and in such Manner, as they shall, by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors for the time being, be directed or appointed to do by virtue of this Act, every such Inhabitant or other Person so making Default, shall, for every such Neglect or Default, forfeit and pay the several and respective Sums herein after mentioned; that is to say, Every such Inhabitant or other Person who shall keep, or, by virtue of this Act, shall be deemed to keep a Team, for every Day's Work the Sum of Ten Shillings; and for every other Inhabitant or Person not keeping, or by virtue of this Act, not deemed to keep a Team, for every Day's Work the Sum of One Shilling and Six Pence for such their Neglect; to be recovered, levied, and disposed of, in Manner herein after mentioned and directed.

and on Persons not performing Statute-work.

Provided also, That if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said respective Roads, or any of them, are found idle and negligent, or shall not properly perform such Statute-work as aforesaid, the Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove and discharge such Person or Persons, and it shall be deemed and taken as if such Person or Persons had not come, or sent any Team, Draught, or Cart, to work on the said Roads, and he, she, or they shall be subject and liable to the respective Forfeitures afore mentioned, as if he, she, or they, had neglected or refused to do or perform the said respective Day's Work, so to be ordered and appointed as aforesaid.

Persons found idle to be discharged, and forfeit.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time

Trustees may compound with Parishes, &c.

time to time, during the Continuance of this Act, to compound and agree with any of the Parishes, Townships, or Hamlets, to which the said respective Roads do belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads, for a certain Sum of Money, or otherwise by the Year, as the said Trustees, or any Nine or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Township or Townships, Hamlet or Hamlets, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, chargeable as aforesaid, in case such Parishes, Townships, or Hamlets, or the Possessors or Occupiers of Lands, Tenements, or Hereditaments, shall, at the Time of making such Composition, pay down such Sum as the said Trustees, or any Nine or more of them, shall think reasonable to be paid, in lieu of such Statute or other Work which they are or shall be respectively liable to or chargeable with, but not otherwise.

Surveyors paying the Composition money, how to be reimbursed.

Provided always, and be it enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, or Hamlet, for which any such Composition shall be made for any Statute or Day's Work as aforesaid, shall pay the Composition-money, all and every such Surveyor or Surveyors shall and may be reimbursed the Composition he shall so pay, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the said Highways.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and they are hereby impowered from time to time, as they shall see convenient or think fit, to compound or agree by the Year, or otherwise, with any Person or Persons using or travelling through the said Turnpike or Turnpikes with any Coach, Berlin, Landau, Chariot, Calash, Caravan, Chaise, Chair, Waggon, Wain, Cart, or other Carriage (except Persons travelling with Waggons, Wains, or Carts, for Hire) or with any Horse, Mare, Gelding, Ass, or Mule, for any Sum or Sums of Money to be paid at the Time of compounding, in like Manner as is before directed for Parishes or Persons compounding with the Trustees in lieu of such Statute-work as they are liable to do.

Provided always, and be it further enacted, That the Inhabitants of the Mansion House, called Berwick, in the

Parish of Saint Mary in the Town of Shrewsbury, now in the Possession of Thomas Powys Esquire; and likewise the Inhabitants of One other Messuage at Berwick aforesaid, now in the Possession of Thomas Bickerton; and likewise the Inhabitants of One other Messuage, called Almond Park, in the Parish aforesaid, now in the Possession of Samuel Elsmere; shall, during the Continuance of this Act, be permitted to pass and repass with their Horses, Beasts, and Carriages (except with Timber, or for Hire) through any Turnpike or Turnpikes that, by virtue of this Act, shall be erected or set up in, upon, or across, any Part of the Road hereby intended to be repaired, which lies between the aforesaid respective Messuages and Cotton Hill, in the Town of Shrewsbury, upon Payment of the Sum of One Pound and Ten Shillings per Annum in the following Proportions; that is to say, The Sum of Twenty Shillings to be paid annually by the said Thomas Powys, and the Sum of Five Shillings apiece by the said Thomas Bickerton and Samuel Elsmere, or such other Person or Persons who, during the Continuance of this Act, shall inhabit and dwell in any of the before-mentioned Messuages; and, upon Payment of those Sums respectively to the Treasurer or Treasurers to be appointed by virtue and in pursuance of this Act, such Payment shall be deemed and taken from them respectively to be in lieu, and full Satisfaction, of the Tolls and Duties payable at the said last-mentioned Turnpike or Turnpikes so to be erected or set up as aforesaid; any thing in this Act contained to the contrary notwithstanding.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and are hereby authorized and required, to cause the said several Roads hereby intended to be amended, to be measured, and Stones or Posts to be erected or set up in or near the Sides of such Roads, at the Distance of One Mile from each other, denoting the Distance from One Place to another as to them shall seem meet.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all and every the Penalties and Forfeitures by this Act imposed or to be incurred thereby (the Manner or Method of levying and recovering whereof is not hereby otherwise prescribed or directed) shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of One or more of His Majesty's Justices of the Peace for the County, Town, or Place respectively, where such Offender or Offenders shall live, either upon the Confession

session of such Offender or Offenders, or upon the Oath of One or more Witness or Witnesses (which Oath the said Trustees, or any Five or more of them, or such Justice respectively, is and are hereby authorized and required to administer gratis) and to grant out his or their said Warrant or Warrants thereupon accordingly; and the said Penalties and Forfeitures, when recovered, shall, from time to time, be paid to the said Trustees, or to their Treasurer or Treasurers for the time being, to be laid out and applied (if not otherwise directed to be applied by this Act) in and towards the repairing, or widening and keeping in Repair, the said Roads hereby intended to be amended, or in making or taking in any new Road or Roads as aforesaid, where the Offence or Offences for which such Penalties and Forfeitures were incurred respectively, shall be committed.

Overplus of the Monies raised to be paid to the Owner.

Provided always, and be it hereby further enacted by the Authority aforesaid, That the Overplus of the Money which shall be raised and levied by such Distress and Sale as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures for which the same shall be taken and made, and of the reasonable Charges for taking and making the same, shall (if demanded) be paid to the respective Owner or Owners of the Goods, Chattles, or Effects, which shall be so distrained and sold; and if no Goods, Chattles, or Effects, of the Person or Persons who shall incur such Penalties or Forfeitures, can be found or had sufficient to answer the same, and the Charges of such Distress and Sale as aforesaid, if any such shall be taken or made; then, and in any such Case or Cases, such Justice or Justices respectively may, and is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol of the said respective County, Town, or Place, where such Person or Persons shall live or reside, for any Time not exceeding One Calendar Month, for the First Offence, or until such Penalties or Forfeitures, and the Charges of such insufficient Distress (if any such be made) shall be paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Three Calendar Months, or less than One Calendar Month, until such Penalties or Forfeitures by him, her, or them incurred, and the reasonable Charges of such insufficient Distress (if any such there shall be) shall be fully paid and satisfied.

For want of Distress, Offender to be committed.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think himself,

himself, herself, or themselves, aggrieved by any thing done in pursuance of this Act (for which no other Remedy or Method of Relief is hereby given, directed, or appointed) it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace for the respective County, Town, or Place, within whose respective Limits or Jurisdictions the Matter or Cause of such respective Complaint or Appeal shall arise, at their First or Second General Quarter Sessions of the Peace to be held for such County, Town, or Place, after Fourteen Days Notice given in Writing of such Appeal, and of the Cause or Matter thereof, to the Person or Persons at or upon whose Oath or Oaths, or Instance, the Judgement, Order, or other Matter or Cause of such Appeal shall have been done, made, or awarded, and also to some or One of the Collectors or Receivers of the Tolls at some or One of the Gates or Turnpikes to be erected in pursuance of this Act, where such Matter of Appeal shall arise; and such respective Justices, at their said respective General Quarter Sessions, may, and are hereby authorized and required, upon due Proof of such Notices having been given as aforesaid, to proceed in, and hear, and determine, the Matter and Causes of such Complaints or Appeals in a summary Way; and to make, give, and award, such Judgements, Adjudications, Orders, and Directions therein, either with, or without Costs, to any or either of the Parties concerned, as they shall think fit and reasonable.

Proceedings not to be quashed for want of Form,

Provided also, and it is hereby enacted and declared, That no Order, Conviction, Record, or other Proceeding or Proceedings, to be made or had by or before such Justices, at their said respective General Quarter Sessions, or by or before any such other Justice or Justices originally, or out of Sessions, or by or before the said Trustees, or any of them, touching the Conviction of any Offender, or touching any Offence against this Act, or the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for want of Form only; 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; nor shall any such Writ of Certiorari, or other Writ or Process, be allowed for that Purpose, until such Order or other Proceeding shall have been first removed to, and Judgement and Determination given and made thereupon, by the said General Quarter Sessions of the Peace for the said respective County, Town, or Place, as aforesaid, and until the Person or Persons who shall sue out or prosecute such Writ, or other Process, shall enter into a Bond, or other Security, with Two

nor removeable by *Certiorari*.

sufficient

sufficient Sureties, in the Penalty of Twenty Pounds each, to prosecute the same with Effect, and to pay the Costs and Charges to be awarded by the Court into which such Proceedings shall be removed, to the Party or Parties aggrieved by such Removal, in case the same shall not be prosecuted, or such Conviction, Order, or other Proceedings, shall be confirmed.

Proceedings, &c. to be entered in a Book.

Provided always, and it is hereby further enacted by the Authority aforesaid, That full, true, and particular Accounts and Entries of all the Monies that shall be collected or received, laid out, expended, or paid, by virtue of this Act, and all Orders and Proceedings of the said Trustees, shall be entered in a Book or Books to be kept for that Purpose; and such Orders so entered, shall be signed by the Clerk or Clerks to the said Trustees, at any Meeting of Five or more of them; and such Orders shall be deemed and taken as Original Orders, and the same, as if under the Hands and Seals of Five or more of the said Trustees; which said Book or Books, and also the said Book directed to be kept for registering the said Assignments, Transfers, or Mortgages, shall and may be produced and read in Evidence in all Cases of Appeal, Suits, or Actions, touching any thing done in pursuance or by the Authority of this Act.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Oath, Affidavit, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the borrowing Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp or Duty whatsoever.

No Order to be repealed, unless 9 Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities, of this Act, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Nine Trustees shall be then present.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any

Thing done, or to be done, by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Months next after doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be laid and tried in the County of Salop; and that the Defendant or Defendants, in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing, for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance, and by the Authority, of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuited, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.