Anno triceſimo ſecundo

Georgii II. Regis.

An Act for amending and widening the Roads leading from *Stretford's Bridge*, in the County of *Hereford*, to the *New Inn* in the Pariſh of *Winſtanſtow*, in the County of *Salop*; and alſo the Road from *Blue Mantle Hall* near *Mortimer's Croſs*, to *Aymſtrey* in the ſaid County of *Hereford*; and for repealing ſo much of an Act made in the Twenty ſecond Year of the Reign of His preſent Majeſty, as relates to the Road from *Mortimer's Croſs* to *Aymſtrey Bridge*.

WHEREAS the High Roads leading from Stretford's Bridge over Shirlheath to Mortimer's Croſs, and from thence through Aymſtrey, Wigmore, and Leintwardine, in the County of Hereford (as well from Leintwardine through Clungunford as through Shelderton; and alſo as well from Wigmore, through Walford, Buckton Jay, the Heath Common, Clungunford, and Broom, as through Payto) to the New Inn in the Pariſh of Winſtanſtow, in the County of Salop, are in divers Places ſo ruinous, eſpecially in the Winter, that Travellers and Carriages cannot paſs without great Danger, and the ſaid Roads cannot by the ordinary Courſe provided by the Laws of this Kingdom for repairing the Highways, be effectually Preamble.

tually mended and kept in good Repair: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Trustees Names.

Joseph Arndell Gentleman, the Right Honourable John Lord Viscount Bateman, of the Kingdom of Ireland; the Honourable William Bateman Esquire, Richard Bateman Esquire, the Reverend William Bach Clerk, Charles Baldwyn, Charles Bayley, Francis Bayley, Esquires; the Reverend Herbert Bradford Clerk, Thomas Beale, Thomas Browne, Esquires; John Brewster, John Brown, Gentlemen; the Right Honourable George Lord Carpenter, of the Kingdom of Ireland; Sir Archer Croft Baronet, Thomas Carpenter, Velters Cornewall, Charles Cornewall, Bryan Crowther, Salway Cockram, Stephen Comyn, Esquires; Bryan Crowther, Samuel Careless, Gentlemen; Peter Crank M. D. the Reverend Lewis Crusius D. D. Robert Job Charleton LL. D. the Reverend Joseph Careless Clerk, the Reverend Snead Davies Clerk, the Reverend William Davies Clerk, William Collins Danzey, Thomas Dunne, Esquires; Somerset Davies Gentleman, Thomas Duppa Gentleman, the Reverend Henry Evans, the Reverend Thomas Evans of Dilwyn, Clerks; the Reverend Thomas Evans of Clungunford Clerk, Benjamin Fallows, Richard Fleming, Gentlemen; Thomas Fytche, Edward Fleming, Thomas Foley, Esquires; the Reverend John Fleming Clerk, Edward Greenly, Richard Gorges, Thomas Gwillim, Howel Gwynne, Esquires; William Halhed, Robert Harley, the Honourable Robert Harley, Esquires; James Lloyd Harris, Thomas Higgins, Gentlemen; the Honourable and Reverend John Harley Clerk, John James, Thomas Johnes, Richard Knight, Thomas Knight, Esquires; James Kinnersley Gentleman, the Reverend Thomas Knight Clerk, Thomas Lewis Esquire, Lacon Lambe, Thomas Littlehales, Gentlemen; William Morris Esquire, Sir John Morgan Baronet, the Reverend Charles Morgan Clerk, Benjamin Neve Gentleman, the Reverend Samuel Peploe Clerk, Robert Pigott, Edmund Plowden, Robert Price, John Probyn, Edmond Probyn, Esquires; Edward Salwey, Anthony Sawyer, John Skinner, Esquires; Thomas Salwey LL. D. the Reverend Richard Smith Clerk, Richard Syer Gentleman, the Reverend Henry Vaughan Clerk, John Walcot, Francis Walker, Esquires; John Woodhouse Gentleman, Robert Dobyns Yate Esquire, shall be, and they are hereby appointed Trustees for amending, widening, and keeping in Repair the said Roads, and for executing all and every

the Powers by this Act given; and that such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, in, upon, across, or on the Sides of, such Roads; and shall demand and take the Tolls following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Calves, Swine, Sheep, or Lambs, Coach, or other Carriage, shall be permitted to pass through any of such Gates or Turnpikes; that is to say,

Trustees may erect Turnpikes and Toll-houses, and take the following Tolls thereat.

For every Horse, Mare, Gelding, Mule, Ass, or Beast of Burthen, laden or unladen, and not drawing, Three Pence.

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage, Six Pence.

For every Horse, Mare, Gelding, or Mule, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Caravan, Chair, Hearse, or Litter, Six Pence; and for every Score of Cattle, Ten Pence.

For every Score of Calves, Swine, Sheep, and Lambs, Five Pence; and so in Proportion for any greater or less Number.

Which Money shall be demanded and taken as a Toll, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be applied and disposed of, to and for the several Uses and Purposes, and in such Manner, as is herein after mentioned.

Tolls vested in the Trustees.

Provided always, and it is hereby declared, That no Person or Persons shall be charged with any of the Tolls aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, and carrying Stones, Gravel, or other Materials, for repairing the said Roads, or for any Dung, Mould, or Compost (except Lime which is intended to pay the Tolls hereby laid) for manuring of Lands or Gardens; or for any Carts, or other Carriages, carrying Hay, Fodder, or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns, or Yards, of or belonging to the Inhabitants of the several Parishes or Places in which the said Roads do lie; nor for any Ploughs, or other Implements of Husbandry, or any other Things whatsoever, belonging to, or employed by, such Inhabitants in Husbandry, manuring or stocking of Lands, lying near the said Roads (except Lime as aforesaid) or for any Person or Persons residing in the said Parishes in which the said Roads hereby directed to repaired, do

Exemption from Tolls.

lie, who shall pass through the said Turnpikes to or from Church or Chapel on Sundays; or who shall attend the Funeral of any Person or Persons who shall die or be buried in any of the Parishes in which the said Roads do lie; or for any Horses, Geldings, Mares, or any Sort of Cattle, going to, or returning from, Pasture or Watering-places; or for any Post-horses carrying the Mail or Packet; or for the Horses of Soldiers who are upon their March; or for Carts, Waggons, or other Carriages, attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes.

No Toll on Election Days.

Provided also, and it is hereby further enacted, That all Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, or Litters, and Passengers on Horseback, shall pass and repass Toll-free, on any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of Hereford and Salop, going to, or returning from, such Elections.

Tolls to be paid but Once a Day.

Provided always, and it is hereby declared and enacted, That no Person or Persons passing through such Turnpike or Turnpikes, who shall return the same Day before Twelve of the Clock at Night with the same Coach, or other Carriage, Horse, or any Sort of Cattle, for which such Tolls have been paid, shall be liable to pay the said Tolls more than Once the same Day.

Tolls to be levied by Distress and Sale.

And it is hereby further enacted, That it shall and may be lawful for such Person or Persons as the said Trustees, or any Five or more of them, under their Hands and Seals, shall, from time to time appoint, to take the Tolls hereby granted, and to levy the same upon such Person or Persons who shall, after Demand made, neglect or refuse to pay the same, by Distress of any of the Goods, Cattle, and Effects, of such Person or Persons, and to detain such Goods, Cattle, and Effects, so distrained, until such Tolls, with the reasonable Charges of such Distress, detaining, and keeping, shall be paid; and such Person or Persons so distraining, shall and may, after the Space of Five Days after such Distress made and taken, sell the Goods and Effects so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Toll and reasonable Charges for distraining, keeping, and selling, shall be deducted and paid.

Distress to be sold after 5 Days.

Trustees may lease, &c. the Tolls.

And be it further 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, from time to time, by Writing under their Hands and Seals, to demise or set out the said Tolls, or any Part thereof, from Year to

Year, or for any Part of the said Term hereby granted, not exceeding Three Years, upon Ten Days Notice in Writing to be affixed on all the Turnpike-gates, and upon publick Bidding, to the highest Bidder, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable at such Times, and under such Covenants, as they the said Trustees, or any Five or more of them, shall think fit, and to be paid to such Person or Persons as they, or any Five or more of them, shall appoint.

Trustees may contract for repairing the Roads.

Provided always, and it is hereby enacted and declared, That the said Trustees, or any Five or more of them, shall, and they are hereby impowered, to contract with any Person or Persons for repairing, amending, and widening, the said Roads, or any Part thereof, in such Manner, and for such Sum or Sums of Money, as shall be agreed upon by and between the said Trustees, or any Five or more of them, and such Person or Persons.

Penalty on Persons permitting, or going through, private Passage.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning or occupying any Lands, shall knowingly or wittingly suffer any Person or Persons to pass through the same with any Cattle or Carriage, or other Thing, liable to pay Toll, whereby the Payment of the Toll by this Act laid, shall or may be avoided, every Person so offending, and also the Person or Persons thereby avoiding the Payment of the said Toll (being thereof convicted upon Oath, before the said Trustees, or any Five or more of them, which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer;) shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, the Sum of Twenty Shillings respectively.

Penalty on taking off Horses, to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time during the Continuance of this Act, take off, or cause to be taken off, any Horse or Horses, from any Coach or other Carriage, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act, with an Intent to avoid paying any of the Tolls hereby imposed, or shall put or leave in any House or Place, any Coach, or other Carriage, or any Cattle, chargeable with, or liable to pay the said Tolls, with such Intent as aforesaid, every Person so offending, and being thereof lawfully convicted, shall forfeit to the Trustees appointed to put this Act in Execution, or to their Treasurer for the time being, the Sum of Twenty Shillings; which said Sum (in case

the

the same be not forthwith paid) shall be levied and disposed of, in manner herein after directed.

Penalty on Persons giving or receiving Tickets, &c.

And, for preventing Frauds and Abuses in the said Tolls, be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Tolls by this Act laid, and having a Note or Ticket, Notes or Tickets, as the said Trustees, or any Five or more of them, shall direct to be given, shall dispose of the same to any other Person or Persons, or alter the same, in order to avoid the Payment of any of the said Tolls, every such Person so altering or disposing of such Note or Ticket, Notes or Tickets, and the Persons receiving the same, being thereof convicted upon Oath before the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer) shall respectively forfeit and pay, for every such Offence, Twenty Shillings to the said Trustees, or their Treasurer for the time being.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls which shall be collected at the several Turnpikes so to be erected, or out of the First Money borrowed on the Credit thereof, the Trustees, 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, and also the Charges and Expences of putting up and erecting Turnpikes and Tollhouses on the said Roads; and the Residue shall be applied for repairing the said Roads, and other necessary Charges attending such Repairs, in such Manner and Proportions as the said Trustees, or any Five or more of them, shall, from time to time, direct.

Proviso.

Provided also, and it is hereby enacted, That if any Person or Persons shall lend any Money without Interest towards amending the said Roads, such Monies shall be applied to the amending of such Part of the said Roads as the Lender thereof shall appoint.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, borrow and take up at Interest any Sum or Sums of Money upon the Credit of the said Tolls; and, by Writing or Writings under their Hands and Seals, demise or mortgage the said Tolls, or any Part thereof, to any Person or Persons, for any Term during the Continuance of this Act, as a Security for the Money so to be borrowed, with legal or less Interest for the same; which Money so borrowed, after paying and discharging the Expences of obtaining this present Act of Parliament, shall be applied and disposed of as the

Tolls

Tolls are by this Act directed to be applied and disposed of: But no Money shall be borrowed by the Trustees on the Credit of the Tolls hereby granted, 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 such Turnpikes, Gate or Gates, so erected, at least Twenty Days before the borrowing such Money.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected by virtue of this Act, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized to dispose thereof as they shall think proper; and to bring Actions or Indictments in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any One or more of them, against any Person or Persons who shall steal, take away, break down, or damage, such Turnpikes or Toll-houses, or either of them.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the Sign of the Crown, situate at Aymstrey, in the said County of Hereford, on the Sixteenth Day of August next, and shall then and there chuse and elect a Treasurer or Treasurers, and such other Officers as they shall think proper for carrying this Act into Execution; and shall then, there, or at any other Meeting or Meetings which shall be by them, or any Five or more of them, afterwards held, adjourn themselves to, and appoint, any other Time or Times, and any Place or Places in or near the said Roads, for any subsequent Meeting or Meetings, as the said Trustees, or any Five or more of them, at any of their Meetings, shall direct or appoint: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of such Trustees to act at such Meeting, and to adjourn to another Day, then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand to be affixed on the said Turnpike Gate or Gates, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was appointed to be held, or at some other convenient House near the said Roads, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their First and all other subsequent Meetings, shall defray their own Charges and Expences: And the said Trustees, or any

In Default of a sufficient Number of Trustees to act,

10 Days Notice to be given of another Meeting.

Trustees to defray their own Expences.

Officers to give Security.

Five or more of them, shall take such Security for the due Execution of the respective Offices, as they shall approve of; which Securities shall be lodged with such Person as the said Trustees, or any Five or more of them, shall direct: And the said Trustees, or any Five or more of them, are hereby impowered to remove such Treasurers and other Officers, or any of them, as they shall see Occasion, and appoint new ones, in case of Death or such Removal: And the Person or Persons appointed to collect or receive the Tolls, and also such other Officer or Officers to be appointed as aforesaid, shall upon Oath, being thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer, on the First Monday in every Month, or oftener if required, during the Continuance of this Act) give in a true and perfect Account in Writing under their respective Hands, of all Money which he and they shall have received, paid, and disbursed, by virtue of this Act; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing or Writings under their Hands, authorize to receive the same; and the said Trustees, or any Five or more of them, shall and may, out of the Monies arising by the said Tolls, make such Allowance to the Treasurer or Treasurers, and other Officers by them so appointed, for his and their Care and Pains, as to the said Trustees, or any Five or more of them, shall seem proper; and in case the said Receiver or Receivers, or other Officers, shall not make and deliver such Account and Payment as aforesaid, that then any Two or more Justices of the Peace for the said Counties of Hereford or Salop, at any Special Sessions or Monthly Meetings of them, to be holden within their respective Jurisdictions, shall make Enquiry of or concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices respectively are hereby impowered and required to administer without Fee or Reward;) and if any Person or Persons shall be thereof convicted by such Justices respectively, they shall, upon such Conviction, commit the said Party or Parties to the Common Gaol of the said Counties respectively, until he or they shall have made a true and perfect Account and Payment as aforesaid.

Officers may be removed, and others appointed.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Officers refusing to account;

Justices to enquire into the Default,

and commit the Offender.

And, for continuing a sufficient Number of Trustees to put this Act in Execution, be it enacted by the Authority

rity aforesaid, That when and as often as any of the Trustees hereby appointed, or hereafter to be appointed, shall die, remove, or refuse to act, it shall and may be lawful to and for such of the said Trustees, for the time being, as shall survive and remain, or any Five or more of them, by any Writing or Writings under their Hands and Seals, from time to time, during the Continuance of this Act, to elect One or more fit Person or Persons living in the said Counties of Hereford or Salop, or either of them, in his or their Room; and such Person or Persons so elected, shall be joined with such surviving or remaining Trustees in Execution of all and every the Powers 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, who is and are 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, at least Ten Days before the Meeting for such Election; and such Election shall be made between the Hours of Eleven of the Clock in the Forenoon, and Four in the Afternoon; and all and every such Person and Persons as shall be so chosen, shall and may, and is and are hereby authorized to act, to all Intents and Purposes, in as full and ample Manner, as the said Trustees nominated by this Act are authorized to act.

On Death, &c. of Trustees, others to be chosen.

10 Days Notice of Election to be given.

Provided always, and be it further enacted, That no Person or Persons whatsoever, who is, or are, or shall be, by virtue of this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by Reason of this Act; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Enjoyment of, such Place of Profit as aforesaid.

No Trustee accept of a Place of Profit arising from the Tolls.

Provided also, and be it further enacted by the Authority aforesaid, That no Person whatsoever shall be qualified or capable of acting as a Trustee, in any Case, in the Execution of this Act (except in swearing of 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 One hundred Pounds, above Reprizes; or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds more than sufficient to pay his Debts;

Qualifications of Trustees.

Trustees to take the following Oath before they act.

Debts; and unless the Person or Persons claiming to have One hundred Pounds a Year, or Two thousand Pounds Personal Estate alone, or real and Personal Estate together, shall take and subscribe the Oath following, or, being of the People called Quakers, an Affirmation to the Purport of the said Oath, 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 said Trusts and Authorities by this Act granted; which Oath or Affirmation shall be in the Words, or to the Effect following; that is to say,

The Oath.

I *A. B.* do swear, (or, being One of the People called *Quakers*, do affirm) That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the yearly Value of One hundred Pounds, above Reprizes; or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds, more than sufficient to pay all my Debts.

So help me GOD.

Penalty on acting if not qualified.

And if any Person shall be deemed unqualified, or rendered incapable to act for any of the Causes aforesaid, and shall nevertheless presume to act contrary to the true Meaning of this Act; every such Person shall, for every such Offence, forfeit and pay Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed,

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors to be appointed by virtue of this Act, and such Persons as he or they shall appoint, to dig and carry away any Gravel, Furze, Heath, Stand, Stone, or other Materials, out of any Brook, River, Waste, or Common, of or in any Parish, Town, Village, or Hamlet, wherein the said Roads, or any of them, do lie; and for want of sufficient Materials there, to dig, take, and carry away the same, out of any Brook, River, Waste, or Common, of any neighbouring Parish, Town, Village, or Hamlet, without paying any thing for the same; levelling, or causing to be levelled, or otherwise secured, all such Holes and Pits out of which any such Materials shall be

without paying for the same; levelling the Pits.

be taken; and where there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of, the Grounds of any Person or Persons (not being the Ground whereon any Houses stand, or a Garden, Orchard, Yard, or Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees) where such Materials are or may be found; and, from time to time, to carry away the same; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where the same shall be digged or carried away, or over which the same shall be carried, out of the Tolls hereby granted, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Owners or Occupiers, and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the County where such Grounds lie, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same.

Where sufficient Materials cannot be had there, they may be taken from private Grounds,

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any Five or more of them, under their Hands) from time to time, to remove and prevent Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Watercourses, Sinks, or Drains, and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Watercourse adjoining to the said Roads; and to cut down, lop, or top, any Trees, or the Bushes growing in the said Roads, or in the Hedges or Banks adjacent, and to take, carry away, and sell the same, and apply the Money in repairing the said Roads, in case the Owners and Occupiers shall neglect to cut down, lop or top, such Trees or Bushes, or to remove such other Annoyances, for the Space of Thirty Days after Notice in Writing given for that Purpose, or to be left at the Capital or Mansion House belonging to the Land on which the same shall stand, under the Hands of Five of the said Trustees, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid.

Surveyors may remove Annoyances,

cleanse Watercourses,

and cut down Trees, &c.

the Owners neglecting to remove the same after Notice.

Surveyors to be reimbursed the Charges.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, Drains, and Ditches, through any Grounds

erect Bridges, and widen the narrow Parts of the Roads;

lying near or contiguous to the said Roads; and to erect Arches and Bridges upon the said Roads; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Ground of any Person or Persons lying contiguous thereto (not being the Ground whereon any House or Houses stand, Orchard, Garden, Walk, or Avenue to an House already planted, or Nursery for Trees) for amending and keeping

making Satisfaction to the Owners.

the Roads aforesaid in good Repair, making such reasonable Satisfaction to the Owners and Occupiers of such Grounds respectively, as shall be so laid in or unto the said Roads, or through which any such Drains or Ditches shall be cut, for the Damage which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of

Justices to determine Differences.

them; and in case any Difference shall happen between such Owners and Occupiers, and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace at their next General Quarter Session to be holden for the County where such Grounds lie, or the major Part of such Justices then present, to hear, settle, and finally determine the same: And,

If the Owners shall neglect to scour their Ditches, after due Notice given for that Purpose,

if any Owner or Owners, Occupier or Occupiers, of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Road, shall neglect or refuse to scour and cleanse, or to make the same so deep, and in such Manner, as such Surveyor or Surveyors shall, from time to time, judge proper, after Ten Days Notice shall be given for that Purpose by such Surveyor or Surveyors, to such

Surveyors may set Men to do the same.

Owner or Owners, Occupier or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to cleanse the same, and, by Warrant from any Five or more

Surveyors to be reimbursed the Charges, to be levied by Distress and Sale.

of the Trustees for the time being, to levy the Charge thereof upon the Goods or Effects of the Owner or Owners, Occupier or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Effects, rendering the Overplus, if any be, after the Charges of such Distress and Sale thereout deducted, when demanded.

XO.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall think proper to turn, widen, or alter, any

Part

Part of the said Roads, that then it shall and may be lawful to and for the said Trustees for the time being, or any Seven or more of them, to purchase any Lands or Grounds lying near, or contiguous to, the said Roads, of the Owner or Owners, Proprietor or Proprietors thereof, and to pay for the same out of the Tolls by this Act granted, or out of the Money to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owner or Owners, Proprietor or Proprietors, and the said Trustees, with the Costs and Charges attending such Purchase or Purchases; and such Lands and Grounds when purchased as aforesaid, shall be laid into, and made Part of, the said Roads so directed to be amended by this Act; and shall be sufficiently ditched or fenced out.

And whereas it may happen that some Person or Persons, Bodies Politick, Corporate, or Collegiate, or Feoffees in Trust for others, are seised or possessed of Lands or Hereditaments which may be necessary to be taken into the said Roads, for turning, widening, or altering, the same, and may be willing to treat and agree for the Sale of such Lands or Hereditaments, but are incapable of granting or conveying the same, by reason of Infancy, or other Disability, and others may refuse to treat or agree for the same; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Lands or Hereditaments, or any Part thereof, or their Interest therein, and to sell and convey the same, as Occasion shall require; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; and all such Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, &c. may contract for the Sale of Lands, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, or any other Person or Persons, interested in such Lands and Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses of such Owner or Owners, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate,

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

Collegiate, or at the House of the Tenant in Possession of such Lands or Hereditaments, so to be taken in, or added to, the said Roads, as aforesaid, shall, by the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the Trustees, or any Seven or more of them, shall cause the Value of the said Lands or Hereditaments to be enquired into and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County where such Lands lie; which Oath any Seven or more of the said Trustees are hereby impowered to administer; and the said Trustees, or any Seven or more of them, are hereby impowered, from time to time, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whatsoever concerning the Premisses; which Oath any Seven or more of such Trustees are hereby impowered to administer; and they shall also cause the said Jury to view the Places in Question, if there be Occasion, and use all other lawful Means, as well for their own as for the said Jury's better Information of the Premisses; and after the said Jury shall have ascertained and settled such Damage and Recompence, the said Trustees, or any Seven or more of them, shall order the Money assessed by the said Jury, to be paid to the Occupiers or Proprietors of the said Lands or Hereditaments, out of the Money arising by the Tolls hereby granted, or out of the Money which shall be borrowed on the Credit thereof, which shall be final and conclusive to all Intents and Purposes, against all Parties and Persons whatsoever; and such Lands or Hereditaments, and every Part thereof, and the Fee-Simple and Inheritance thereof, shall, after such Verdict, be absolutely vested in the said Trustees, their Heirs and Successors, and shall be laid into, and made Part of, the respective Roads, in such Manner as the said Trustees, or any Seven or more of them, shall order and direct, and shall to all Intents and Purposes whatsoever become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads for ever: And for the summoning or returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County where such Lands lie, requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons or more to appear before the said Trustees, or any Seven or more of them,

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

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

them, at such Time and Place, as in the said Warrant shall be appointed; and the said Sheriff, or his Deputy, is hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear, the said Trustees, or any Seven or more of them, shall swear, or cause to be sworn, Twelve who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve aforesaid.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned, shall have their lawful Challenges against any of the Jurymen when they come to be sworn; and the said Trustees, or any Seven or more of them, shall have Power to impose any reasonable Fine on such Sheriff, his Deputy, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, who shall not appear, or refuse to be sworn on the said Jury, or being so sworn, shall refuse to give their Verdict, or in any other Manner wilfully neglect their Duty therein, and on any of the Persons who being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be examined, and give Evidence; and, from time to time, to levy such Fine in the same Manner as any Penalty or Forfeiture herein before mentioned, are hereby directed to be levied, so as that no such Fine exceeds the Sum of Ten Pounds upon any One Person, for One Offence.

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

Fine not to exceed 10 *l.*

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Conveyance, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, touching the Execution of any Power or Authority hereby vested in such Trustees or Justices of the Peace, shall be charged with any Stamp Duty whatsoever.

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 cause the said Roads to be measured, and Stones or Posts to be set up, in or near the Sides of such Roads, each Stone or Post to be placed at the Distance of One

Penalty on defacing Milestones, &c.

to be levied by Distress and Sale.

For want of Distress the Offender to be committed.

Penalties and Forfeitures how to be recovered and applied,

stile from another, with Letters and Figures thereon denoting the Distance of every such Stone or Post from such Place as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily or maliciously break any of the said Stones or Posts, or any Part thereof; or shall obliterate or deface any of the Words, Figures, Letters, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or on the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said Counties of Hereford or Salop, every such Person so offending, shall forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices before whom such Conviction shall be made; and in case the Persons so convicted shall have no Goods or Effects, then it shall and may be lawful to and for any One or more of such Justice or Justices, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Person or Persons to the Common Gaol of such of the said Counties where the Offence shall be committed, for the Space of One Month; and such Person or Persons shall not be discharged, until he, she, or they, shall have paid the said Forty Shillings, or until the Expiration of the Term for which he, she, or they, shall be so committed.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures hereby imposed (touching which no other Provision is by this Act made) shall be levied by Distress and Sale of the Offender's Goods, Cattle, and Effects, by Warrant or Warrants under the Hands and Seals of Two or more of His Majesty's Justices of the Peace of or for the Counties where the Offence shall be commited; which Warrant or Warrants the said Justices are hereby impowered and required to issue, upon the Information of One or more credible Witnesses, upon Oath (which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whose Goods or Effects shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall go and be applied, and laid out, for and towards amending the said Roads.

Provided also, and be it further enacted by the Authority aforesaid, That all and every Person and Persons

who by Law are chargeable towards repairing and amending the said Roads, shall still remain chargeable with, and do all their respective Duties in the said Parishes, Townships, or Places, in such Manner as he, she, or they, ought to have done before the passing of this Act; and that all Lands, Tenements, or Hereditaments, which now are or shall be liable or chargeable towards the amending the said Roads, shall still remain liable to, and chargeable with, the Maintenance thereof; and all Persons liable to pay any Sum or Sums of Money towards the Repairs of such Roads, shall still be liable and compellable to pay the same to such Person and Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same Tolls and Duties; and upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods, Cattle, and Effects, of such Persons as shall neglect or refuse to make such Payment as aforesaid.

Persons chargeable to the Repairs of the Highways, to continue so.

Provided always, and be it further enacted by the Authority aforesaid, That all Orders, Agreements, Assignments, Transfers, and other Proceedings of the Trustees, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered, shall be signed by the Clerk to the said Trustees, at any Meeting of Five or more of the said Trustees; which said Book or Books, Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeal, Suits, or Actions, touching any thing done in pursuance and by the Authority of this Act.

Proceedings to be entered in a Book, and signed by the Clerk.

Books may be read in Evidence.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves, aggrieved by any Penalties or Forfeitures incurred or imposed by virtue of this Act, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace at their General Quarter Sessions of the Peace to be held for the County where the Dispute arises, next and immediately after such Person or Persons are aggrieved (unless such Aggrievance shall happen within Fourteen Days preceeding such next Quarter Sessions; in which Case, such Appeal shall be brought at the Quarter Sessions then next after) who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints; and, if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any of

Persons aggrieved, &c. may appeal to the General Quarter Sessions;

the Penalties and Forfeitures laid upon, or incurred by, the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs, as to them in their Discretion shall seem reasonable; and to levy such Costs, so awarded, by Distress and Sale of the Goods, Cattle, and Effects, of the Person or Persons who shall refuse to pay the same; and for want of sufficient Distress, to commit the Party to the Common Gaol of either of the said Counties respectively, for any Time not exceeding Three Months, or until Payment of such Costs; but the Person or Persons so appealing as aforesaid, shall, and he, she, or they is and are hereby directed to give Notice in Writing to the Treasurer or Treasurers for the time being of the Tolls granted by this Act, of such his, her, or their Intention of bringing or prosecuting any Appeal, Fourteen Days before the Quarter Sessions, and shall, before such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace for such County, with Two sufficient Sureties, with Condition to try such Appeal at the Quarter Sessions of the Peace which shall be held for such County next and immediately after bringing such Appeal; and every such Appeal shall, at the then next General Quarter Sessions, be there heard, and finally determined.

Notice of Appeal to be given.

Security to be given to prosecute.

Proceedings not to be quash'd for want of Form,

Provided always, and it is hereby enacted by the Authority aforesaid, That no Order touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any thing herein contained to the contrary notwithstanding.

nor removeable by *Certiorari*.

No Order made by the Trustees to be repealed by fewer than were present at the making thereof.

Provided always, and it is hereby enacted and declared, That no Order made by the said Trustees, and their Successors, or any Five or more of them, touching or concerning the executing the Trusts, Powers, and Authorities of this present Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, who shall be fewer in Number than the Trustees who were present at the making such former Order.

Trustees, with Consent of the Creditors, may lessen the Tolls, &c.

Provided always, and it is hereby further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorized, from time to time, to lessen the several Tolls hereby granted; and to order and direct the Tolls which shall be collected and

received,

received, to be 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 Person or Persons who shall have advanced any Money on the Credit of the said Tolls, or who at the Time of such Reduction shall have any Money secured thereby; but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon the Turnpike-gates to be erected by virtue of this Act, at least Twenty Days before making such Reduction.

and raise them again.

Provided always, That if at any Time after such Reduction of the Tolls aforesaid, the Tolls so reduced shall not be found sufficient to answer the Purposes intended by this Act, that it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to 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 notwithstanding.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls hereby granted shall commence and take Place from and after the Twenty fourth Day of August, One thousand seven hundred and fifty nine, and shall continue and be paid (subject nevertheless to such Reduction and Raising 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: But if at any Time before the Expiration of the said Term of Twenty one Years, all the said Roads shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace of the said Counties respectively, at their Quarter Sessions to be holden for the said Counties next after Easter, that then, and from such Adjudication made, and Repayment of all such Money as shall have been advanced, lent, borrowed, and taken, upon the Credit of the said Tolls hereby granted, with the Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, the aforesaid Tolls shall cease and determine.

If before the Expiration of the Term, the Road shall be sufficiently repaired, &c. Tolls to cease.

Part of Clause in Act 22 Geo. II.

And whereas by an Act passed in the Twenty second Year of his present Majesty's Reign (intituled, An Act for enlarging the Term and Powers granted by an Act passed in the Second Year of the Reign of His present Majesty, for repairing the several Roads therein mentioned leading into the Town of *Leominster*, in the County of *Hereford*, and for making the said Act more effectual) a certain Road leading from Blue Mantle Hall, near Mortimer's Cross aforesaid, to

Aymstrey Bridge, was, together with other Roads, directed to be repaired; but nothing effectual has been done to repair the said last-mentioned Road: Wherefore be it enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of August, One thousand seven hundred and fifty nine, all the Powers and Authorities given and granted by the said last-mentioned Act, so far as relates to the repairing the Road from Blue Mantle Hall to Aymstrey Bridge aforesaid, shall be, and the same are hereby repealed and made void; any thing in the said Act to the contrary notwithstanding.

So much of the said Act as relates to repairing the Road from *Blue Mantle Hall* to *Aymstrey Bridge*, repealed.

And, for the more effectual amending, widening, and keeping in Repair that Part of the said Road leading from Blue Mantle Hall to Aymstrey Bridge aforesaid for the future, be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, appointed and to be appointed to put this Act in Execution, to order the said last-mentioned Road to be amended, widened, and kept in Repair, by such Means, and in such Manner, as they, or any Five or more of them, are impowered to amend, widen, and keep in Repair, the other Parts of the Roads hereby directed to be amended and kept in Repair.

Trustees under this Act to amend the said Road.

Provided always, That nothing herein contained shall authorize or impower the erecting of any Toll-gate in or upon any of the Roads leading from Ludlow in the County of Salop aforesaid to Church Stretton in the same County, or to Knighton in the County of Radnor; or the demanding or taking any Toll for any Horse, Cattle, or Carriage, going, travelling, or drawn upon the same.

No Toll-gate to be erected on the Roads from *Ludlow* to *Church Stretton*, or to *Knighton*.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Demise shall be made as a Security for any Money lent and advanced for the Purposes in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Mortgage or Security, 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 his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which Assignment shall be produced to the Treasurer or Treasurers to be appointed as aforesaid, within Three Months after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment, containing the Date, Parties Names, and Sum of Money

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

therein mentioned respectively, in a Book to be kept for entering the original Mortgage or Demise, as well as such Assignment, for which the Clerk or Clerks shall be paid the Sum of Two Shillings and Six Pence, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee or Assignees, his, her, or their Executors and Administrators, may, in like Manner, assign, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof. Clerk's Fees.

Provided always, and be it enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County where such Suit or Action shall arise, and not elsewhere: And the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear so to be done, or if such Action or Suit shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict or Verdicts, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall or may recover Treble Costs; and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law. Limitation of Actions. General Issue. Treble Costs.

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

FINIS.