Anno tricesimo tertio

Georgii II. Regis.

An Act for amending, widening, and keeping in Repair, several Roads therein mentioned, lying in the Counties of *Derby*, *Leicester*, and *Warwick*.



WHEREAS the High Road leading from Burton Bridge, at or near Burton upon Trent, in the County of Stafford, through Stapenhill, Stanton, and Castle Gresley, in the County of Derby, to Overseal, in the County of Leicester, and from thence to Measham, in the said County of Derby, and from thence through Newton, Odson, Barton, Market Bosworth, by Sutton and Dadlington, to Hinckley, in the said County of Leicester; and also the Road leading from Belchiers, in the Road between Nelson and Ibstock, in the said County of Leicester, to Hoop Hall, near Bosworth aforesaid; and also the Road leading from Measham aforesaid, through Snareston Preamble.

Snareston and the Parish of Norton, near Twycross, to and through Twycross, and from Twycross, to and through Great Sheepy, in the said County of Leicester, and from thence to Filand, otherwise Fieldon Bridge, near Atherston, in the County of Warwick; and also the Road leading from Polesworth Bridge, to the Guide Post at the End of Pinwall Lane, where it joins the Road from Great Sheepy, to Fieldon Bridge aforesaid; and from the Town of Tamworth, in the said Counties of Stafford and Warwick, through Polesworth, and on the direct Road over Lovatt's Bridge, to Market Bosworth aforesaid, and from thence by Sutton, and through Peckleton, into the most convenient Part of the Turnpike Road leading from Earl Shilton, to Leicester, are in a very ruinous Condition, especially in the Winter Season, and in many Places very narrow, incommodious, and dangerous for Carriages and Passengers; and the said several Roads cannot be properly amended, widened, and kept in good Repair, by the ordinary Course of Law: For Remedy whereof, and to the Intent that the said several Roads may be well and sufficiently amended and widened, and kept in good Repair for the future; 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 Sir John Astley Baronet, Thomas Abney, William Abney, Shuckburgh Ashby, Esquires; Henry Ashurst, Samuel Ashby, Thomas Henry Ashurst, Clerks; Thomas Allen, Robert Atkins, William Appleby, Daniel Allcock, Thomas Arediſh, Christopher Ashley, Stephen Adcock, Richard Alkin, Gentlemen; Sir Robert Burdett, Sir George Beaumont, Baronets; William Burleton, Babington, Robert Bakewell, Charles Scrymsher Boothby, Thomas Boothby, Thomas Boothby junior, Philip Barnes, John Cave Brown, Samuel Beardsley, Dudley Baxter, Abraham Bracebridge, Joseph Boultbee, Thomas Babington, Richard Bakewell, Philip Harley Bainbrigge, Thomas Boothby, Thomas Boothby the younger, Samuel Bracebridge, William Burleton, George Bird, Esquires; the Reverend Richard Bentley D. D. the Reverend Philip Bracebridge D. D. Thomas Billio, John Brown, William Biddle, Thomas Baker, James Burslem, Clerks; William Bacon, Henry Bryerly, Richard Bloxham, Thomas Brown, Thomas Brown junior, Michael Billings, Joshua Biddle, Bentskin, Henry Bakewell, Henry Bickley, Nathaniel Berrington, Joseph Bunny, John Burgess, John Bass, William Bentley, Timothy Bentley, William Buckley,

ley, John Buckley, William Bass, John Brown, William Brown, Joseph Barrett, John Bindley, Gilbert Bradgate, Edward Ball, Francis Burgess, Michael Baxter, Gilbert Burton, Thomas Bedford, William Beeby, John Beeby, Samuel Brentnell, Thomas Bateman, Benjamin Bateman, Robert Baxter, Matthew Birch, Francis Burgess, Joseph Boultbee **the younger**, Robert Burton, Joseph Barratt, William Blower, Jeremiah Brierley, Thomas Brierley, Thomas Booth, Joseph Boultby, William Burslem, Benjamin Bakewell, **Gentlemen**; **Sir** Thomas Cave **Baronet**, Richard Cheslyn, Nicholas Charnell, Norris Craddock, Joseph Craddock, Nicholas Charnells, Thomas Caldecote **junior**, **Esquires**; Simon Collins, John Clayton, Thomas Clare, Peter Cooper, **Clerks**; Thomas Cooper, John Chiswell, Thomas Carter, Joseph Craddock, Isaac Carter, John Churchill, John Churchill **junior**, William Cooper, Thomas Chamberlain, William Clare, John Clarke, Joseph Clay, John Capenhurst, John Cotton, Benjamin Croshaw, Benjamin Croshaw **junior**, Joseph Croshaw, Samuel Crosland, John Cheatle, Thomas Clare, William Chapman, Walter Coleman, Richard Chiswell, John Clare, Nathaniel Curzon, Joseph Clay, **Gentlemen**; **the Right Honourable** Arthur **Earl of** Donegall, **in the Kingdom of** Ireland; **Sir** Wolston Dixie, **Sir** John Danvers, **Baronets**; Wolston Dixie, Willoughby Dixie, John Darker, John Dolphin, **Esquires**; Fowler Dodge, John Dawson, Edward Darell, John Dawson, **Clerks**; Thomas Dodge, Michael Downes, John Dawson **junior**, Thomas Dickin, William Dyall, Thomas Dickenson, Thomas Dilke, John Deacon, Thomas Dicken, **Gentlemen**; **Sir** John Every **Baronet**, Thomas Ebdell **Clerk**, Henry Evans, William Ebrall, Allen England, Allen England **junior**, Joseph England, John England, William Eborall, Henry Ensor, Henry Evans, **Gentlemen**; Leonard Fosbrook, Edward Farnham, Edward Farmer, **Esquires**; Richard Fawcett **D. D.** Charles Frank **Clerk**, John Foster, John French, John Fenton, William Ford, John Fowler, Edward Farmer, Thomas Freeman, William Fowler, Josiah Flavell, William Fox, Thomas Farmer, John Farmer, Samuel Forman, John Fowler, William Freer, William Fowler, Luke Fawx, Luke Fawx **the younger**, Richard Faux, Richard Farmer, John Foster, John Fenton, William Ford, **Gentlemen**; **the Right Honourable** Harry Grey, **commonly called Lord** Grey; **the Honourable** John Grey, **the Honourable** Booth Grey, **the Honourable** John Grey, Joseph Girdler, Jonathan Grundy, Joshua Grundy, **Esquires**; Francis Garrett, Thomas Gresley, Francis Garratt, **Clerks**; George Grundy,

dy, Edward Gee, Robert Green, Thomas Gee, Richard Garle, James Goode, Samuel Gamble, Peter Godwyn, Joseph Grew, John Grew of Upton, George Gossip, John Grew of Leicester, Robert Glenn, William Gardner, Green of Ashby de la Zouch, Gentlemen; Sir William Halford, Sir Henry Harper, Sir Arthur Hasilrige, Baronets; Isaac Hawkins, William Hawkins, John Hawkes, John Holden, Fleetwood Hinton, Edward William Hartopp, William Herrick, Christopher Horton, Esquires; Thomas Hall, John Hepworth, William Huddersford, Richard Harrison, Joseph Hooley, Clerks; William Hurst, Charles Hurst, Jonathan Hurst, Thomas Hurst, George Hurst, William Hall, Stanhope Hunter, Thomas Hunt senior, Thomas Harrison, Arthur Hassilrige, Thomas Hunt, John Hunt, Abijah Hill, Abijah Hill junior, Abraham Hoskins, John Harvey, John Handley, William Hill, John Harthill, John Hill, John Hill of Measham, Fleetwood Hinton, John Hill of Upton, Thomas Herrick, John Hall, Edward Healey, William Harcourt, Thomas Harcourt, Thomas Harris, Gabriel Holland, John Hayne, Isaac Hawkins, John Henshaw, John Harvey, John Hutchinson, Gentlemen; Charles Jennings, William Inge, Charles Jennens, Theodore William Inge, Esquires; William Inge, Richard Jackson, Clerks; Joseph Iliff, Thomas Iliff, Henry James, John Jurance, William Johnson, Robert Jarvis, Gentlemen; Anthony Kirk, Robert Lawley, Charles Lewis, John Ludford, Thomas Ludford, Edward Tayler Ludford, Esquires; Edward Lilly, Farmery Law, Clerks; John Lewin senior, John Lewin junior, Gervas Littlefear, Christopher Ley, William Ley, Charles Leeson, Robert Lea, Nicholas Loe, Richard Lane, Edward Lythall, Samuel Lythall, Henry Lakin, Robert Lingard, Gentlemen; the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable William Manners, commonly called Lord William Manners; the Right Honourable George Manners, commonly called Lord George Manners; Wrightson Mundy, Francis Noel Clarke Mundy, Hugo Meynell, Hans Wintrop Mortimer, Thomas Moore, Charles Moore, Edward Wortley Montagu, Charles Mundy, Francis Mundy, Esquires; Thomas Morres D.D. Thomas Medcalfe, Arthur Miller, Thomas Moore, Clerks; William Musgrove, Joseph May, Humphry Millner, William Morris, Joseph Mowseley, John Mowseley, Samuel Mallabey, Gentlemen; Sir Roger Newdigate Baronet, the Honourable Thomas Noel, the Honourable William Noel, Rowland Oakeover, Esquires; Cleobery Noel Clerk, Joseph Nutt, John Newbold, William Orme, George Orton,

Orton, James Oldershaw, John Oldershaw, **Gentlemen**; **Sir** Thomas Palmer **Baronet**, Thomas Pochin, George Pochin, Thomas Princep, Samuel Steele Perkins, Charles James Pack, John Palmer, Samuel Phillips, William Pochin, **Esquires**; Pegg **of** Packington, Samuel Pipe, Nathaniel Pegge, **Clerks**; Thomas Pares **junior**, William Pycroft, Robert Port, William Painter, Robert Palmer, William Pratt, John Presbury, Richard Presbury, Samuel Prinsep, Edward Plaisted, Joseph Prior, John Power **of** Polesworth, John Piddock, Charles Pestell, William Pycroft, William Painter, Robert Port, **Gentlemen**; Thomas Richards, William Ruding, Rogen Ruding, Charles Repington, **Esquires**; John Robinson, Roby, John Roby, Nicholas Roby, Samuel Richards, William Roby, **Gentlemen**; **the Right Honourable** Robert Sutton, **commonly called Lord** Robert Sutton; Francis Stratford, Charles Boothby Skrimsher, Samuel Swinfen, Edward Smith, James Shuttleworth, **Esquires**; John Slade, John Simpson, William Salisbury, **Clerks**; John Stephenson, William Sansom, Thomas Sansom, Richard Swinfen, John Skitt, John Simpson, William Simpson, John Smalley, Ellis Shipley, William Statham, Joseph Shirley, Samuel Sketchley, John Smith, William Skerratt, Francis Spencer, Hugh Stanley, Richard Sharpe, Samuel Stratton, John Stone, Richard Stein, Thomas Smith, Edmund Seager **senior**, Edmund Seager **junior**, Robert Smith, Nicholas Smith, William Seal, William Sant, George Sant, William Smith, Richard Smith, Samuel Sketchley, William Storer, George Storer, William Statham, **Gentlemen**; **the Honourable** Henry Frederick Thynne, Henry Towndrow **D. D.** John Taylor **Clerk**, **LL. D.** Nathaniel Troughton **Clerk**, Robert Thompson, William Thorne, Thomas Towndrow, Joseph Terry, Thomas Thornwell, William Toplis, Thomas Tayernor, Thomas Tilecote, Joseph Terry, **the Right Honourable** George Busfy Villiers, **commonly called Lord** Villiers; Vaughan, Henry Vernon, **Esquires**; John Vaughton, Timothy Vaughton, William Vincent, John Underwood, **Gentlemen**; William Wollaston, Stanford Wolferstan, Littleton Wolferstan, Wright **of** Heather, William Wright, James Winstanley, Clement Winstanley, James Wigley, George Wrighte, Edward Wilmott, William Wrighte, Nathan Wrighte, **Esquires**; Isaac Whyley **Clerk**, Edward Wolferstan **senior**, Edward Wolferstan **junior**, William D. Whalley, Joseph Warden, John Warner, John Willington **of** Tamworth, John Willowe, Thomas Wightman, Benjamin Weston, William Wilders, Thomas Wright, Francis Warren, Joseph Wilkes **senior**,

senior, Joseph Wilkes junior, John Wilkes, William Wilkes senior, William Wilkes junior, John Willington of Newton, John Woodcock, Francis Woodcock, John Waterson, Joseph Willday, Joseph Willday, John Willday, William Watson, Richard Woolley, William Wyatt, Edward Woodcock, William Weetman, George Warner, John Waightman, John Ward, David Wells, William Walley, Wrighte of Heather, William Wilders, William Wyatt junior, Benjamin Wilson, Gentlemen; Edward Roe Yeo Esquire, the Right Honourable George Cavendish, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish, commonly called Lord John Cavendish; Wenman Roberts Coke, George Venables Vernon, George Vernon, William Fitzherbert, John Gisborne, John Gisborne, Samuel Crompton, Thomas Rivet, Gilbert Fox, Samuel Fox, Joseph Harper, and Evan Thomas, Esquires; the Reverend Thomas Seward A. M. William Walker, John Walker, Robert Harding, Philips Farmer, William Smart, Edward Dudley, John Burton, Stephen Simpson, Charles Simpson, Charles Howard, and Cary Butt, Gentlemen; shall be, and they, and their Successors, to be elected in Manner as is herein after-mentioned, are hereby appointed Trustees for the amending, widening, and keeping in good Repair, the said several Roads, and also for putting in Execution all the Powers by this Act given and granted.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may cause to be erected and set up One or more Turnpike or Turnpikes, Toll-house or Toll-houses, in, upon, and across, any Part or Parts of the said several Roads.

and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint for that Purpose, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through any Turnpike to be erected in pursuance of this Act; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Bullock, or other Beast of Draught, drawing in any Carriage, the Sum of Three Pence (except those drawing in Waggons with Wheels full Nine Inches broad, and for every such Horse, Mare, Gelding, Mule, Ass, Bullock, or other Beast of Draught, the Sum of Two Pence)

For every Pair of Mill-Stones the Sum of Two Shillings and Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, Ten Pence per Score; and so in Proportion for any less Number.

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

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for such Person or Persons, appointed to collect the said Tolls as aforesaid, to levy the same by Distress of any Horse or Horses, or other Cattle, together with their Furniture, or of any Carriage, upon which any Toll is by this Act imposed, or by Distress of any of the Goods and Chattles carried or drawn by or on such Cattle or Carriage, or of any of the Goods and Chattles of such Person and Persons, who ought to pay the said Tolls respectively: And if such Tolls, and the reasonable Charges of such Distress shall not be paid within the Space of Four Days, such Person or Persons, so distraining, may sell the Horses, Cattle, Furniture, Carriages, and Goods so distrained; returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and reasonable Charges of distraining, keeping, and selling, the same, shall be deducted and paid: And that all the Tolls and Money so to be collected or levied, and the Monies borrowed on the Credit thereof, shall be, and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby impowered to order such Part and Proportion of the Tolls, hereby made payable, to be collected at such and so many Gates, to be erected in pursuance of this Act, as they shall think proper.

Trustees to proportion 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, to cause to be erected, set up, and provided, One or more Turnpike or Turnpikes,

Trustees may erect Sidegates;

pikes, Toll-house or Toll-houses, on the Side or Sides of any of the said Roads, cross any Lane or Way leading into the same, and to cause such Tolls to be collected and levied at such respective Turnpikes, as are by this Act made payable upon the said respective Roads, so as that the same do not extend to a Double Charge, or subject any Person to the Payment of a larger Toll than is herein before appointed to be paid, for afterwards passing or repassing the same Day, through all or any the Turnpikes herein before authorized to be erected cross the said respective Roads.

and take Tolls thereat;

so as the same extend not to a Double Charge.

No Gate to be erected between *Twycross* and *Great Sheepy*;

Provided always, That no Turnpike, Side-bar, or Gate, shall be erected by virtue of this Act at the cross Lanes between Twycross and Great Sheepy, where the Road from Tamworth to Market Bosworth, intended to be repaired by virtue of this Act, crosses the Road from Measham through Twycross and Great Sheepy to Fieldon Bridge aforesaid, intended also to be repaired by virtue of this Act.

nor within a Mile of *Measham*; or 50 Yards of *Belchiers*;

nor between *Sutton Heath* and *Ireland Lane*;

nor between *Measham* and *Newton*; nor within a Mile of *Measham*;

Provided also, That no Gate or Turnpike shall be erected by virtue of this Act within One Mile of the Town of Measham, upon the Road between Measham and Ibstock; or within Fifty Yards of the said Place called Belchiers; or between Sutton Heath and the westward End of a Lane in the Parish or Liberty of Stapleton, in the County of Leicester, called Ireland Lane.

And be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected in pursuance of this Act, upon such Part of the said Road between Measham and Newton, or upon such Part of the Road between Measham and Fieldon Bridge, or upon such Part of the Road between Tamworth aforesaid and Ashby de la Zouch, in the County of Leicester, or any of them, as lies within the Distance of One Mile of the Town of Measham; any thing herein contained to the contrary notwithstanding.

nor within 120 Yards of *Bow Bridge*.

And be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected or set up in pursuance of this Act, within the Distance of One hundred and twenty Yards of the Bridge called Bow Bridge in the Town of Tamworth; any thing herein contained to the contrary notwithstanding.

Tolls to be paid but Once a Day on any Part of the Road between *Hinckley* and *Market Bosworth*;

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be subject or liable to the Payment of any Toll hereby made payable, more than Once in any One Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, for passing with the

same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on such Part of the said Road, or on the Sides thereof, cross any Street, Lane, or Way, leading into any Part or Parts of the said Road, lying between Hinckley aforesaid, and Market Bosworth aforesaid; and also that no Person or Persons shall be subject or liable to the Payment of any Toll hereby made payable more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on the said Roads, or on the Sides thereof, cross any Street, Lane, or Way, leading into any Part of the said Roads, lying between Market Bosworth aforesaid, and Measham aforesaid, and between Hoop Hall aforesaid, and Belchiers aforesaid; and also that no Person or Persons shall be subject to the Payment of any Toll hereby made payable, more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on the said Road, or on the Sides thereof, cross any Street, Lane, or Way, leading into any Part or Parts of the said Road, lying between Measham aforesaid, and Burton Bridge aforesaid; and also that no Person shall be subject or liable to the Payment of any Toll hereby made payable, more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on the said Roads, or on the Sides thereof, cross any Street, Lane, or Way, leading into any Part of the said Roads, lying between Measham aforesaid, and Fieldon Bridge aforesaid, and between Tamworth aforesaid and Fieldon Bridge aforesaid; and also that no Person shall be subject to the Payment of any Toll hereby made payable, more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on the said Road, or on the Sides thereof, cross any Street, Lane, or Way, leading into any Part of the said Road, lying between Tamworth aforesaid, and Polesworth aforesaid; and also that no Person shall be subject to the Payment of any Toll hereby made payable, more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Mare,

nor between *Market Bosworth* and *Measham*, and *Hoop Hall* and *Belchiers*;

nor between *Measham* and *Burton Bridge*;

nor between *Measham* and *Fieldon Bridge*, and *Tamworth* and *Fieldon Bridge*;

nor between *Tamworth* and *Polesworth*;

Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on the said Road, or on the Sides thereof, cross any Street, Lane, or Way, leading into any Part or Parts of the said Road, lying between Polesworth aforesaid, and Market Bosworth aforesaid; and also that no Person or Persons shall be subject or liable to the Payment of any Toll hereby made payable, more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on the said Road, or on the Sides thereof, cross any Street, Lane, or Way, leading into any Part of the said Road, lying between Market Bosworth aforesaid, and the Turnpike Road between Earl Shilton and Leicester aforesaid; such Person or Persons producing a Ticket of the Day, denoting the Payment of such Toll; which Tickets the Collectors of the said Tolls, at the several Turnpikes to be erected in pursuance of this Act, are, on the Receipt of the respective Tolls, hereby required to give gratis, if demanded, to the Person who shall have paid such Tolls.

nor between *Polesworth* and *Market Bosworth*;

nor between *Market Bosworth* and *Earl Shilton* and *Leicester*.

Carriages going for Coals, and paying Tolls once, not liable to pay on their Return.

Provided always, and be it enacted by the Authority aforesaid, That no Person who shall have paid the Tolls hereby granted for the passing of any Waggon, Cart, or Carriage, through any Gate or Turnpike erected by virtue of this Act, upon any Part or Parts of the Roads hereby directed to be repaired, which shall be going to any Coal Work unladen, or laden only with the necessary Fodder and Provisions for the Horses or other Beasts drawing the same, shall be liable to pay any further or other Toll for such Waggon, Cart, or Carriage, at any other Gate or Turnpike erected, or to be erected, upon any other Part or Parts of any of the said Roads, or for returning loaded with Coals only, notwithstanding such returning loaded as aforesaid shall not be within the Space of Twenty four Hours from the Time of making such Payment, such Person producing a Note or Ticket denoting such Payment; which Note or Ticket the Collector of the Tolls is hereby required to give gratis.

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

And be it further enacted by the Authority aforesaid, That if any Person shall offer or dispose of any such Ticket to any Person, in order to evade the Payment of any of the said Tolls, every such Person so offering or disposing of such Ticket, and the Person receiving and making use of the same, shall respectively forfeit the Sum of Twenty Shillings, whereof One Half shall go to the Informer, and the other Half shall be applied in such Manner as

as the Penalties and Forfeitures are herein after directed to be applied.

And whereas the Inhabitants of the Parish of Kirkby Mallory have been at great Expence in repairing and amending such Part of the Road comprised within this Act as lies within the said Parish, and are willing to undertake to keep the same in good and sufficient Repair; be it therefore enacted by the Authority aforesaid, That so long as the Inhabitants of the said Parish of Kirkby Mallory shall keep in Repair the aforesaid Part of the Road comprised within this Act, in such Manner as that the same shall, for the Passage of Cattle and Carriages, be commodious and equally safe with the rest of the Road between the West End of Ireland Lane and the Turnpike Road between Earl Shilton and Leicester, and no longer, the said Inhabitants shall not be liable to pay any Toll for the Passage of any of their Cattle or Carriages at any Turnpike Gate or Gates, which shall or may be erected in pursuance of this Act upon any Part or Parts of the said Road which lies between the West End of Ireland Lane and the Turnpike Road from Earl Shilton to Leicester.

The Inhabitants of *Kirkby Mallory*, during their keeping the Road within in the said Parish in good Repair, are exempted from Tolls on that Part of the Road between *Ireland Lane* and the Road from *Earl Shilton* to *Leicester*.

And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Horse, Cattle, or Carriage, belonging to any Inhabitant or Inhabitants of Burton upon Trent or Stapen Hill, for going to or returning from Burton Corn Mills, loaden with Corn or Grist only.

Inhabitants of *Burton upon Trent*, or *Stapen Hill*, not to pay Toll for going to or returning from the Corn Mills.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, owning or occupying any Land near to any of the said Turnpikes, shall permit or suffer any Person or Persons to pass through any Gate, Passage, Inclosure, or private Way, with any Coach, Waggon, or other Carriage, Horse, or other Cattle, or if any Person or Persons shall pass through any such Gate, Passage, Inclosure, or private Way, with any Cattle or Carriage as aforesaid, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle from any such Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof, or shall leave, or cause to be left, upon or near to any of the said Roads, any Cattle or Carriage as aforesaid, with such Intent as aforesaid, every Person, so offending in any of the Cases aforesaid, shall for every such Offence forfeit the Sum of Twenty Shillings.

Penalty on Persons permitting, or going thro' private Passage, &c.

Exemptions from Tolls.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle or Carriage, going empty or unloaden for, and returning loaden only with, Stones, Bricks, Gravel, or other Materials, for repairing any of the said Roads, or for repairing the Highways in any Parish through which any of the said Roads directed by this Act to be repaired do lead, or in any of the adjoining Parishes; or for any Cattle or Carriage used or employed only in the drawing or carrying of any Dung, Mould, Compost, or other Manure, of what Nature or Kind soever, to be used in manuring or improving of Lands (Lime only excepted) or for any Cattle or Carriage used or employed in the drawing or carrying of any Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns, Yards, or other Places, belonging to the respective Inhabitants of the several Townships in which any of the said Roads hereby intended to be repaired do lie (but not to exempt any Carts or Carriages laden with any Hay or Straw for Sale) nor shall any Toll be demanded or taken for any Ploughs, Harrows, Drays, or other Implements of Husbandry, belonging to any of the said Inhabitants, passing, in order to the using or repairing the same, or any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land, in the said several Parishes and Townships in which any of the said Roads do lie; nor shall any Person be chargeable with any of the Tolls aforesaid, for passing on Horseback through any Turnpike to be erected by virtue of this Act, on Sundays, to or from Church, or any other Place of Religious Worship tolerated by Law; nor shall any Toll be demanded or taken for any Cattle belonging to any of the said Inhabitants, which shall be only going to, or returning from, Pasture or Water, or for any Cattle or Carriage belonging to any Inhabitant of any Township wherein any such Turnpike shall be erected, which shall be only passing to the Smith's Shop, in order to be shoed or repaired, or for the Return of any such Cattle or Carriage unladen, or for any Post Horse carrying the Mail or Packet, or for the Horses of Soldiers upon their March, or for Cattle or Carriages attending them, or loaden only with their Arms or Baggage, or for Horses or Carriages travelling with Vagrants sent by Passes; nor for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament

for

or the several Counties of Stafford, Derby, Leicester, and Warwick, on the Day or Days of such Election, or on the Day before or Day after any such Election shall begin, or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Penalty on making illegal Claims.

And be it further enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be affixed, in Writing, upon all the several Turnpikes which shall be erected in pursuance of this Act) may, and they are hereby impowered, from time to time, to reduce all or any of the several Tolls hereby granted, and to order such Tolls, so reduced, to be collected and received 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 to any Person or Persons who, at the Time of such Reduction, shall have any Money secured thereby; and to raise such Tolls again, or any Part thereof, so as the same do not exceed the respective Rates herein before granted; and such Tolls, so reduced or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls herein before granted are directed to be collected, recovered, and applied.

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

And be it further enacted by the Authority aforesaid, That out of the First Tolls to be collected at the several Turnpikes, to be erected as aforesaid, or out of the First Money which shall be borrowed on the Credit of this Act, the said Trustees, or any Five or more of them, shall first pay and discharge all the Expences of procuring and passing this Act, and of erecting and setting up such Turnpikes and Toll-houses as aforesaid; and from and after such Charges and Expences shall be fully paid and satisfied, then, and from thenceforth, the said Tolls shall be applied and disposed of in the repairing, widening, and keeping in Repair, the said several Roads, in such Manner as the said Trustees, or any Five or more of them, shall from time to time order, direct, or appoint.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the said Turnpikes and Toll-houses, and of the Materials for building the same, and for repairing the said Roads, shall be vested in the

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

the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring Actions in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall keep Possession of any Turnpike or Toll-house, after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the time being, to such Person or Persons to quit the same, or who shall steal, take away, break down, or damage, any such Turnpikes, Toll-houses, or Materials, or disturb the said Trustees in the Possession thereof.

Trustees may borrow Money on Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be given in Writing, to be affixed upon the several Market-houses within the said Towns of Burton, Tamworth, Bosworth, Hinckley, and Atherston) may, and they are hereby authorized and impowered, from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the Tolls, to be collected and levied at the said Turnpikes, or any Part or Parts thereof (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money, so to be borrowed by the said Trustees, or any Seven or more of them, upon the Credit of such Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with Interest for the same; which said Money so borrowed shall (after paying the Expences of obtaining and passing this present Act) be applied and disposed of in such Manner as the said Tolls are herein before directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and that the said Mortgages or Assignments may be from time to time assigned over by the Person or Persons to whom the same shall be respectively made, his, her, or their Executors, Administrators, or Assigns, to any other Person or Persons whomsoever; and that Copies of all and every the Mortgages or Assignments, so to be made as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be perused at all seasonable Times,

Assignments may be transferred.

by any Person or Persons whomsoever, without Fee or Reward.

2,000 *l.* to be raised before any Turnpike may be erected.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected or set up by virtue of this Act, until such Time as a Sum of Money, not less than Two thousand Pounds, shall be subscribed and engaged for, or actually advanced, in order to carry this Act into Execution.

Trustees to appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be given, in Writing, affixed upon the several Market-houses within the said Towns of Burton, Tamworth, Bosworth, Hinckley, and Atherston, by Writing under their Hands and Seals) shall and may nominate and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of the Tolls aforesaid; and also to nominate and appoint One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same be duly repaired and widened; and also such other Officers as they the said Trustees shall think necessary to employ in the Execution of this Act; and, from time to time, to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as they shall see Occasion; and appoint new ones in Cases of Death or such Removal: And the said Tolls shall be paid after the Rates aforesaid, to such Person or Persons as shall from time to time be so appointed to receive the same: And the said Treasurers, Receivers, Collectors, Surveyors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, from time to time, as often as they or any of them, shall be thereunto required by the said Trustees, or any Five or more of them, give unto such Trustees true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they the said Trustees, or any Five or more of them,

and remove them, and appoint others.

Officers to account upon Oath.

them, shall direct and appoint; and that all such Officers and other Persons, shall verify such Accounts, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any Two of the said Trustees are hereby impowered to administer) and if any of the said Officers, or other Persons, shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, that then, and in any or either of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County, Division, or Place where such Officer or other Person shall reside, and such Justice or Justices is and are hereby authorized and required to make Inquiry concerning such Default, in a summary Way, 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 Justice or Justices is and are hereby impowered and required to administer without Reward) and if any such Person shall be thereof convicted, such Justice or Justices is and are hereby required to commit the Party offending to the Common Gaol of the County in which such Offence was committed, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify the same in Manner as aforesaid: And in case any of the said Officers, or other Persons, shall refuse or neglect to pay any Sum or Sums of Money to the said Trustees, or any Five or more of them, which shall appear to remain in his or their Hands, it shall be lawful for any Justice or Justices of the Peace for the County or Division where such Officer or Person shall reside, and he and they is and are hereby authorized and required to make Inquiry touching such Neglect or Refusal, in a summary Way, in Manner as aforesaid, and, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause all and every such Sum or Sums of Money, as shall appear to him or them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons; rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, unto such Officer or Officers, Person or Persons, upon Demand: And if sufficient Goods and Chattles cannot be found, then the said Justice or Justices, or any other Justice or Justices of the Peace, shall and may, and he and they is and are hereby required, to commit such Officer or Officers,

Officers refusing to account;

Justices to enquire into the Default,

and commit the Offender to Gaol.

Balance may be levied by Distress and Sale;

and for want of Distress, the Party to be committed,

Officers, Person or Persons, to the Common Gaol of the County where the Offence shall be committed, there to remain, without Bail or Mainprize, until he or they shall have paid over such Monies in manner as aforesaid, or shall have compounded for the same, and paid such Composition-money to the said Trustees, or any Five or more of them, or to such Person as they, or any Five or more of them, shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make. till Payment or Composition be made.

And be it further enacted by the Authority aforesaid, That out of the said Tolls, or out of the Monies to be borrowed on the Credit thereof, such Allowances and Compensation shall be made to the Collector and Collectors, Surveyor and Surveyors, Clerk and Clerks, Treasurer and Treasurers, Receiver and Receivers, and other Officers, to be appointed and employed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Offices, and to such other Person and Persons as shall be assisting in and about procuring the said Roads to be amended, widened, or repaired, by advancing or laying out any Money, or otherwise relating thereto, 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 it shall and may be lawful to and for the said Surveyor and Surveyors, and such Persons as he or they shall appoint, to search for, dig, gather, and take away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Roads, in and out of any River or Brook, or out of any Waste or Common of or in any Parish, Town, Village, Hamlet, or Place, in or near which any Part of the said Roads doth lie, without paying any thing for such Materials; such Surveyor or Surveyors causing to be levelled all such Holes and Pits, or otherwise to be fenced or railed about, where and from whence any such Materials shall be digged, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers whatsoever; and paying for the Damages done by landing, and for going over or through any Lands or Grounds for or with such Materials, to be ascertained as after mentioned: And also it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he and they shall appoint (such Surveyor or Surveyors Surveyors may take Gravel, &c. from Waste Grounds, &c. without paying for the same; levelling the Pits;

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

making Satisfaction to the Owners.

Justices to determine Differences.

Surveyors may remove Annoyances in the Road, &c.

and make Ditches, &c.

and cut down Trees, &c.

the Owners neglecting to remove the same after Notice;

veyors first having an Order from any Five or more of the Trustees for that Purpose) to search for, dig, gather, and take away, such Materials in and out of the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted, and set apart as a Nursery for Trees) paying such Rates for such Materials, and for the Damages done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be digged, gathered, and carried away, or over which the same, or any other Materials for the Repair of the said Roads, shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference concerning the same, the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the County wherein such Lands and Grounds shall lie, shall and may adjudge, assess, and finally determine the same.

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 and Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order from any Five or more of the said Trustees for that Purpose) to remove and prevent all Annoyances on any Part of the Roads aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining to the said Roads, and make the same as deep and large as he or they shall think proper and necessary; and to make any new Drains in, or adjoining to, any Part of the said Roads, so as the same be not made through any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Plantation or Nursery for Trees; and to cut down, lop, and top, any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjoining thereto (not growing in a Park or Garden) and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to cut down and carry away such Trees or Bushes, as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, or remove such other Annoyances, for the Space of Six Days next

nert after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed the said Surveyor or Surveyors by such Owners or Occupiers; the same to be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit unto the said Trustees, or to their Treasurer for the time being, the Sum of Forty Shillings.

Surveyors to be reimbursed the Charges.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways and Drains in and upon any Part or Parts of the said Roads, and also Ditches and Drains through any Lands or Grounds lying contiguous thereto; and to erect Arches or Bridges upon the said Roads, or any Parts thereof, or upon any Grounds lying contiguous thereto, and also to make, or cause to be made, a Road through the adjoining Lands and Grounds of any narrow or ruinous Part or Parts of the said Roads (not being the Ground whereon any House or Houses or other Buildings stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands and Grounds respectively, through which any such Ditch or Drain shall be made, or on which such Arch or Bridge shall be erected, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers, and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the then next General Quarter Sessions for the County wherein any such Lands and Grounds shall lie, or

Surveyors may make Causeways,

erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

Justices may determine Differences.

or at their Second Quarter Sessions at the farthest, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers, for the Damages they shall have sustained as aforesaid.

Satisfaction to be made to the Corporation of *Tamworth* for Damages sustained by carrying this Act into Execution.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby impowered and required, upon Application to them made for that Purpose, to make such Satisfaction and Recompence annually to the Corporation of the Town of Tamworth, for any extraordinary Damages which they may sustain by reason of carrying this Act into Execution, as to the said Trustees, or any Five or more of them, shall appear to be just and reasonable.

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 Trustees appointed, or to be appointed, to put this Act in Execution, or any Seven or more of them, shall, at any Time or Times hereafter, during the Continuance of this Act, think proper to extend, enlarge, or widen any Part or Parts of the Roads, or make any new Road or Roads, contiguous or adjacent to the said Roads hereby directed to be repaired, or any of them, for the better Accommodation of Coaches, Carriages, and Passengers; that then it shall and may be lawful for the said Trustees or any Seven or more of them, and they are hereby authorized and impowered to contract with the Owner or Owners of the Lands, lying on either Side of the Road or Roads to be extended, enlarged, or widened, or through which any new Road or Roads, made contiguous or adjacent to any Part or Parts of the said several Roads hereby directed to be repaired, shall lead, for the absolute Purchase of so much and such Part or Parts of such Lands, as they the said Trustees, or any Seven or more of them, shall think proper and necessary, for the extending, enlarging, widening, or making any new Road or Roads, or any Part thereof: And if the said Trustees, and Owner or Owners, cannot agree as to the Price or Prices or Values of the Lands so intended to be purchased, then, and in such Cases, the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered, Ten Days before any General Quarter Sessions of the Peace, to be holden for the County where such Lands, so intended to be purchased, do lie, to give, or cause to be given, to such Owner or Owners, and other Persons interested in such Lands, or to be left at their last Places of Abode respectively,

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

with

with some or One of their respective Families, a Notice in Writing, denoting and describing the respective Quantities of Land so intended to be purchased and laid into the said Roads, and the Places where the same shall lie, and purporting that the Value and Values of such Lands respectively will be adjusted and settled by a Jury at the said Sessions; and the Justices at the said Sessions, upon Proof to them then and there made of such Notice or Notices having been so given, shall, and are hereby authorized and required to charge the Jury, which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men (to be then and there impanelled and returned by the Sheriff of the County without Fee or Reward) and cause them to be sworn, well and truly, on their Oaths, to assess the Value of the Lands comprized in the said Notices, and the Damage and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein, which Oath the said Justices are hereby impowered and required to administer to the said Juries; and to which said Juries the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid, and after proper Evidence upon Oath to them given, concerning the Nature, and Quantity, and Value of the said Lands, shall, by their Verdict, assess the Damages and Recompence to be given for the said Lands to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind and be conclusive to the said Trustees, and all Persons and Parties interested in the said Lands; and that from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found or directed to be given for the said Lands, to the respective Owner or Owners thereof, or after the Execution of any Conveyance of the said Lands to the said Trustees, or any Five or more of them, by the respective Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same, and which Money, Damages, and Recompence, the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Monies which shall be borrowed, raised and collected by virtue of this Act; the said Lands, and every Part thereof, and the Fee Simple and Inheritance thereof, and every Part thereof, shall be vested in the said Trustees, and their

Jury to settle the Recompence.

Jurors may be challenged.

Verdict of the Jury to be conclusive to all Parties.

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

their Successors, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled, to, for, or upon, any Use, Trust, or Limitation in Tail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then and from thencefoorth the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, for that Purpose impowered or employed, may, and is and are hereby authorized and impowered, to take and lay the said Lands, and every Part thereof, into the said Road or Roads, and then, and from thencefoorth for ever afterwards, the same Lands, and every Part thereof, shall be deemed, taken, and used, and the same are and is hereby made and declared to be a Part or Parts of such Road or Roads, and shall for ever hereafter be repaired, and kept in Repair, as Part of such Roads respectively; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any wise notwithstanding.

Lands when purchased, to be made Part of the Road,

and deemed a publick Highway,

and kept in Repair as such.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Part thereof; any thing herein contained to the contrary notwithstanding.

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

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of, any Lands or Hereditaments, where he shall be concerned in Interest.

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making this Act hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing, and keeping in Repair, the same Parts of the same Roads, in the same Manner as he, they, and every of them, hath or have heretofore usually done, or ought to do: And that the Inhabitants of the several Parishes,

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

Parishes, Hamlets, and Places, through which the several Roads do lie, who, by the Laws and Statutes of this Realm are, or shall be, obliged or liable to work in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do the same Work, and shall 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 respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of the said Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Eighty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards repairing the Highways of the several Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Inhabitants to do Statute-work.

Persons renting 80 *l. per Ann.* to be deemed Team-holders.

And, to the end that the said Trustees may the more certainly know the Inhabitants of all the Parishes, Hamlets, and Places, wherein the Roads by this Act intended to be repaired do lie, who are liable to do Statute-duty in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for all the Parishes, Hamlets, and Places, wherein any Part of the said Roads do lie, or in case no Surveyors are appointed for any such Parishes, Hamlets, or Places, then the Churchwardens or Overseers of the Poor for such Parishes, Hamlets, or Places, shall, and are hereby required, before the Twenty fifth Day of March in every Year, during the Continuance of this Act, to return and deliver in to the said Trustees, at some of their Meetings to be by them held, or to the Collectors or Receivers of the Tolls, by this Act made payable, at the respective Gates or Turnpikes, by virtue of this Act, true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, that are liable to do their Statute-work in and upon the Highways; and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this

Surveyors to deliver in Lists of Persons liable to do Statute-work.

Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors Neglect;

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Parishes, Hamlets, or Places, through which the several Roads by this Act intended to be repaired do lead, or Churchwardens, or Overseers of the Poor as aforesaid, shall not deliver in Lists of the Inhabitants of the said several Parishes, Hamlets, or Places, to the Person or Persons, or by such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor and Surveyors, and Churchwardens, or Overseers of the Poor, and every of them, shall forfeit and pay, for every such Default, the Sum of Forty Shillings: And if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-duty, in and upon the Highways, shall not do such Statute-work in or upon the said respective Roads, at such Times or Places, and in such Manner, as they shall, by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do, by virtue of this Act, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereinafter mentioned; that is to say, Every such Inhabitant or 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 every other Inhabitant or Person not keeping, or not being by virtue of this Act deemed to keep, a Team, for every Day's Work, the Sum of One Shilling and Six Pence.

and on Persons not performing Statute-work.

Trustees may compound with Parishes, &c. for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the several Surveyors to be by them appointed by virtue of this Act, being authorized or impowered so to do, by the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to compound with the several Inhabitants of the several Parishes, Hamlets, and Places, through which the several Roads hereby intended to be repaired, or any Part or Parts thereof, do, or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Rates and Sums of Money by the Day or otherwise, as they the said Trustees,

stees, or any Five or more of them, or the Surveyors and Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

Surveyors may appeal to the Justices to proportion Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being, or Churchwardens or Overseers of the Poor as aforesaid, of the several Parishes, Hamlets, or Places, wherein the Roads intended by this Act to be repaired do lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work in any Parish, Hamlet, or Place, to be done on the Roads by this Act directed to be repaired, it shall and may be lawful for such Surveyor or Surveyors of the Highways, or Churchwardens or Overseers of the Poor aforesaid, to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment to be held for the County wherein any such Parish, Hamlet, or Place, doth lie; and the Justices, in their said Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work, in any Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways, or Churchwardens or Overseers of the Poor as aforesaid, having first given Ten Days Notice in Writing of such Appeal, to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

Surveyors, with Consent of the Inhabitants, may compound with Trustees for Statute-work, &c.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors of the Highways, or other Person or Persons, by and with the Consent of the Inhabitants of such Parishes, Townships, or Places respectively, first had, at any Vestry, or other publick Meeting of such Inhabitants, who shall be summoned together for that Purpose, to compound and agree, from time to time, with the said Trustees, or any Five or more of them, for a certain Sum of Money by the Year, or otherwise, in lieu of the Statute-work to be performed by such respective Inhabitants upon any Part or Parts of the said Roads: And in case such Composition-money shall not be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same, within Fourteen Days after the same shall be due and demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the County wherein any such Parish, Town-

Composition-money how to be recovered and applied.

ship,

ship, or Place doth lie (upon Oath made before him or them of such Default, which Oath the said Justice or Justices is and are hereby impowered to administer) and he or they is and are hereby required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, impowering such Person, so by the said Trustees, or any Five or more of them, appointed to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of the Person or Persons who shall have made such Composition as aforesaid; and such Goods and Chattles so distrained, after the Space of Four Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any) to the Owner or Owners thereof, upon Demand, after the Composition-money, and all reasonable Charges of such Distress, Keeping, and Sale, shall be deducted; which Composition-monies shall be applied in such Manner, towards repairing the said respective Roads, as the Tolls are herein before directed to be applied, and to no other Use or Purpose whatsoever: And such Surveyors and other Persons, by whom such Composition shall be made on the Behalf of any Parish, Township, or Place, as aforesaid, shall be reimbursed such Composition-money, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Money by them expended in buying Materials for repairing the Highways.

Surveyors paying the Composition-money, how to be reimbursed.

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 the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person shall wilfully pull up or damage any of such Stones or Posts, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before One or more Justice or Justices of the Peace for the County where the Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered to administer) every such Person shall forfeit the Sum of Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattles of such

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

such Offender; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing such Stones or Posts, or in supplying of new ones in their stead; and if there shall be any Overplus, the same shall be laid out in repairing the Roads hereby directed to be repaired: And in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the Common Gaol of the County wherein such Offence shall be committed, for the Space of One Calendar Month, there to remain without Bail or Mainprize, until he or she shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Calendar Month.

For want of Distress, the Offender to be committed.

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, upon, in, or along, any Part of the said Roads hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber, otherwise than upon Wheel Carriages, every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Penalty on haling Timber, otherwise than with Wheel Carriages.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more of the Justices of the Peace for the County wherein the Offence shall be committed; which Warrants such Justice or Justices is and are hereby impowered and required to grant upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the said Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Roads.

Penalties and Forfeitures how to be recovered, and applied.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any thing done in pursuance

Persons aggrieved may appeal to the General Quarter Sessions.

ance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for such Person to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace, to be held in and for any One of the Counties of Stafford, Derby, Leicester, and Warwick; or in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to the said Justices at the Second General Quarter Sessions of the Peace to be held for any of the said Counties; who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and, if they see Cause, may, by Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties and Forfeitures aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable; and to make such Orders and Judgements in regard to the Premisses, as they shall think fit; but the Person so appealing, shall give Notice in Writing, to the said Treasurer or Treasurers to the said Trustees, of such his or her Intention of bringing such Appeal, and also specifying the County in which such Appeal shall be brought, and of the Cause or Matter thereof, Fourteen Days at the least before the said Quarter Sessions.

10 Days Notice of Appeal to be given.

Proceedings not to be quash'd for want of Form only;

Provided also, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction of any Offender or Offenders against this present Act, shall be quashed or vacated 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; any Law or Statute to the contrary notwithstanding.

nor removable by *Certiorari*.

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

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 Trustees shall die, or refuse to act, it shall and may be lawful for the surviving or other Trustees, or any Five or more of them, from time to time to elect, nominate, and appoint, One other fit Person, living in the County of Stafford, Derby, Leicester, or Warwick, and qualified as herein after-mentioned, in the Place of such Trustees so dying or refusing to act; but Notice in Writing of the Time

Time and Place of Meeting, for the Election of all such new Trustees, shall be fixed on all the Turnpikes to be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election: And all and every such Person and Persons, who shall, from time to time, be so chosen and appointed, shall be joined with such surviving or other Trustees, and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if such Person or Persons had been particularly named in, and appointed a Trustee or Trustees by, this Act. Notice of Election to be given.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the House of William Brown, being the Sign of the King's Arms and Boot, in the Town of Tamworth, upon Thursday the Twelfth Day of June, in the Year of our Lord One thousand seven hundred and sixty, and proceed to the Execution of this Act, and adjourn themselves from time to time, and afterwards meet there, or at any other Place, in or near any of the said Roads, as the said Trustees, or the major Part of them, present at any such Meeting, shall think most convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen, that there shall not appear at any Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk or Clerks to the Trustees shall, by publick Notice in Writing, to be affixed on all the said Turnpikes, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House, in or near any of the said Roads, on that Day Three Weeks from the Day on which such Meeting was appointed to have been held; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences. Time and Place of Trustees Meeting. In Default of a sufficient Number of Trustees to act, Notice to be given of another Meeting. Trustees to defray their own Expences.

Provided always, That in case such Clerk or Clerks shall refuse or neglect to give such Notice, for the Space of Ten Days, that then it shall and may be lawful for any Two or more of the said Trustees, appointed to put this Act in Execution, at any Time or Times (the Space of Ten Days after such Neglect or Refusal of the Clerk or Clerks having first intervened) to appoint such Trustees to meet at some House in Tamworth aforesaid, on the Day Three Weeks after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act, and the same shall On Clerk's Neglect, Trustees may appoint a Meeting.

shall be deemed and taken to be sufficient Notice of any such Meeting.

Qualification of Trustees.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee, in any Case in the Execution of this Act, unless, at the Time of his acting therein, he shall have or be seised of, in his own Right, or in the Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt, of the Rents and Profits of a Real Estate, in Law or Equity, of the clear yearly Value of Forty Pounds above Reprizes, or be Heir Apparent of a Person seised of an Estate in Lands, of the yearly Value of One hundred Pounds, or possessed of a Personal Estate to the Amount of Eight hundred Pounds: And if any Person or Persons, made incapable as aforesaid, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to be recovered by Action of Law, to be brought in any of His Majesty's Courts of Record at Westminster; and the Person so prosecuted shall prove that he is qualified as aforesaid, 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 Trustee in the Execution of this Act; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in Repair of the said Roads.

Penalty on acting if not qualified.

No Order to be repealed unless Nine Trustees are 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 Execution of any of the Trusts, Powers, or Authorities of this Act, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Nine or more Trustees be then present.

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

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee shall have any Place of Profit arising out of or by reason of the Tolls hereby granted; and every Person shall be incapable of acting as a Trustee, during his Enjoyment of any such Place of Profit.

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

Provided also, and be it further enacted by the Authority aforesaid, That such Trustees as are or shall be in the Commission of the Peace for any of the said Counties of Stafford, Derby, Leicester, or Warwick, shall and may act nevertheless as Justices of the Peace, for the more speedy and effectual putting in Execution the several Powers hereby given and granted.

5 And

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office or 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 no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Ale, Wine, or other Spirituous Liquors, by Retail. Victuallers, &c. not to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That all Orders and 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, and signed by the said Clerk or Clerks, at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of the said Trustees; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages and Assignments, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any thing done in pursuance of this Act. Proceedings, &c. to be entered in a Book, and signed by the Clerk. Books may be read in Evidence.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or any 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 any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any Power or Authority hereby granted, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That this Act, and all the Tolls and Powers hereby granted, shall take Place and have Continuance from and after the Second Day of June, in the Year of our Lord One thousand seven hundred and sixty, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and Limitation of Actions.

not afterwards, and shall be laid and brought in the County of Stafford, Derby, Leicester, or Warwick, and not elsewhere; and the Defendant or Defendants, in any such Action or Suit, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; that then the Jury shall find for the Defendant or Defendants: And upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may have and recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for his or their Costs in 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 be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.