Anno tricesimo tertio

Georgii II. Regis.

An Act for amending, widening, and keeping in Repair, several Roads leading from the Market House in the Town of *Kidderminster*, in the County of *Worcester*.



WHEREAS the Roads leading from the Market House in the Town of Kidderminster, in the County of Worcester, hereinafter mentioned; that is to say, From the said Market House, through the Village of Stone and Chaddesley Corbet, to Bromsgrove, in the said County; and from the said Market House, to a certain Place called Blakedown, being the High Road to Birmingham in the County of Warwick; and from the said Market Place by Broadwaters, to Iverley Hill, being the High Road to Stourbridge, in the said County of Worcester; and also from the said Market House, over Kidderminster Heath, to a certain Place called The Seven Stars, being the High Road from Kidderminster aforesaid, towards Wolverhampton in the County of Stafford; and also from the said Market House, to a Place called Goodness, in the High Road from Kidderminster aforesaid, to the City of Worcester; and also from the said Market House, through the Villages of Franch and Shatterford, to Quatford, being the High Road from Kidderminster aforesaid, Preamble.

aforesaid, to Bridgnorth in the County of Salop; and from the said Market House, to Bewdley Bridge in the said County of Worcester; and also the Roads branching out of and leading from the High Road, leading by Broadwaters aforesaid, through the Breach Lane, to Wolverly, and from thence to Wribbenhall, in the Way to Bewdley Bridge aforesaid; and also the Road branching out of, and leading from, the High Road leading by Shatterford, down to, and through, Over Arely, to the River Severn in the County of Stafford; are in divers Places so ruinous and deep, in the Winter Season, that Carriages, or even his Majesty's Subjects on Horseback, cannot pass without great Danger and Difficulty, and are in many Parts thereof very narrow and incommodious; and the said Roads cannot be effectually amended and kept in Repair by the Laws now in being for repairing the Highways of this Kingdom, without the further Aid of Parliament: Therefore, to the Intent that the said Roads may, with all convenient Speed, be effectually amended, and hereafter kept in good and sufficient Repair; May it please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That John Amphlett Esquire, John Astbury, Joseph Austin, John Aingworth, Nathaniel Adey, Vincent Acton, John Adams, Thomas Amphlett, Richard Adams, Gentlemen; George Burrish, John Baker, Nicholas Bennett, Henry Toye Bridgman, Esquires; Thomas Bradley, William Boraston, John Bennett, Richard Bradshaw, John Brooke, Clerks; Joseph Baker, Thomas Brettel, John Badger, Jacob Baylies, John Bradley, John Bradley junior, William Bowyer, Henry Barrar, Elijah Barrar, Benjamin Brettel, Jeremiah Brettel, Gabriel Bradley, George Boraston, John Bate, Samuel Boucher, James Boucher, Thomas Brookholding, John Brookholding, Edward Blakeway, John Blakeway, Francis Best, John Baker, John Baker of Kidderminster senior, John Broome, John Broome junior, Joseph Brecknell, John Brecknell, Alexander Bowker, John Butler, William Bellamy, Humphry Brookes, James Brazier, Arthur Bagshaw, James Bennett, John Bill, John Bell, John Blashfield, James Bancks, William Bancks junior, Christopher Bancks, John Brooke of Bridgnorth, George Bedford, James Hunt Bedford, Samuel Brazier, Benjamin Best, William Broadhurst, Edward Best, Thomas Best Clerk, John Bate of Stone, Samuel Boucher, James Boucher, Thomas Bate, Gentlemen; the Reverend Robert Job Charlton

Trustees Names.

Charlton D. D. Francis Clare, Edward Burlton Compson, James Compson, David Cookes, Thomas Cookes, Thomas Cheeke, Henry Crabb Bolton, Esquires; Butler Cowper Clerk, Joseph Cox, John Cowper, Richard Cowper, George Clark, Daniel Clark, William Blow Collis, John Creswell, Jeremiah Caswell, John Cooke, Joseph Crane, John Clymore, Richard Clymer, George Colley of Bridgnorth, Richard Colley of Kidderminster, Joseph Cottrell, William Carter of Bewdley, Jonah Child, Bonham Caldwell, Henry Crane, Henry Crane junior of Kidderminster, Serjeant Crane, John Cowper junior, Walker, of Kidderminster; John Cowper of the same, Surgeon; John Carter of the same, Jonathan Cotton, Joseph Callow, John Cheese, William Chance, Thomas Carpenter, Anthony Crane, Philip Carpenter, Thomas Collett, Joseph Collett, Henry Crane of Bromsgrove, John Cartwright, Gentlemen; John Dovey, Anthony Dean, Anthony Dean junior, Esquires; Henry Bowles Downing, Joseph Dixon, Josiah Durant, John Durant, Clerks; Rupert Dovey, William Denham, John Dovey, Edward Dovey, George Duncombe, Stynt Duncombe, Henry Darby, Henry Dowler, Henry Dowler junior, Meredith Evans, Samuel Edwards Grocer, Thomas Foley, John Folliot, Esquires; Benjamin Faucett Clerk, Clement Fidler, John Francis, William Fryer Surgeon, William Fowler, Richard Fulwood, Edward Flewitt, Humphry Flewitt, John Fidkin, Gentlemen; the Right Honourable Harry Grey, commonly called Lord Grey, the Honourable John Grey, the Honourable John Grey junior, the Honourable Booth Grey, Jermyn Grove, Henry Jermyn Grove, Benjamin Green, Esquires; Richard Green D. D. Joseph Glover, John Gill, John Gibbons, Michael Grazebrook, Joseph Green, John Godwin, Jonathan Green, William Grosvenor, John Goddington, Joseph Guise, Edward Griffith, William Greaves, Richard Glover, William Green, Henry Green, John Gardiner of Wolverley, Gentlemen; Henry Windsor Harris, Francis Highway, William Hodgetts, John Hodgetts, Esquires; Talbot Harris, William Hayley, Thomas Howard, Clerks; Thomas Hodgetts, Thomas Harris Bailiff of Kidderminster, John Hayley, William Harward, Edward Hale, John Hale, John Hassall, James Hassall, Christopher Hunt, Samuel Harris of Birmingham, Edward Hickman, Jesson Homfray, Francis Homfray, Francis Homfray junior, John Hill of Stourbridge, John Hill of the Hoo, John Hill of Sutton, William Hill of Wolverley, Joseph Hill of Yarron, Rowland Hill, Thomas Hill of Colbourne Brook, Waldron Hill, James Hill of Kidderminster, Joshua Hemus, Robert Honeybourne, George

Hallen, Richard Hickman, Joseph Hundon, Philip Hawkes, Corbet Hale, Moses Harper, William Hurtle, Charles Heath, Joseph Holk, Richard Hollnis, Haynes of Chadsley, Joseph Hancox, William Harper, Serjeant Hornblower, Benjamin Hanbury, Jacob Hestop, Francis Hancox, Richard Horton, Thomas Harrison, John Haynes, John Halford, Thomas Haslewood of Bridgnorth, Daniel Haynes, Henry Hollier, Henry Hollier junior, Charles Holland, William Hurst, John Hill of Stone, Francis Highway junior, John Hurtle, Moses Harper, Richard Hollins, Joseph Holt, Gentlemen; Francis Ingram Esquire, William Jervis Clerk, James Johnstone M. D. John Ingram, John Ingram junior, John Jeffryes, John Idderis, Samuel Jones of Sandy Town, Jabez Jones, Samuel Jones, Gentlemen; Edward Knight, Edward Knight junior, Esquires; James Knight, John Knight, William Kimberley, John Keightley, Joseph Kindon, Gentlemen; the Honourable Thomas Lyttelton, Sir Richard Lyttelton Knight of the Bath, the Reverend Doctor Charles Lyttelton Dean of Exeter, Launcelot Lee, Thomas Lloyd, Esquires; Samuel Lavender of Weldon, John Lamb, John Lea, John Lea junior, Francis Lea, Joseph Lea, Thomas Lea, William Lea, Thomas Lowe, John Lacy, Robert Lascelles, George Linsdale, John Lilly, James Lamb, Gentlemen; John Martin Clerk, Thomas Milward, Samuel Morris, Thomas Morris of Bewdley, Joseph Morris, Sturmee Maullins, Humphry Moseley, Stephen Miles, Abraham Miles, Thomas Moore, Gentlemen; James Newham, John Newton, William Nicholls, James Newham of Winterfold, Esquires; Slade Nash, Nathaniel Nicholls, Thomas Nash, Thomas Northell Innholder, John Newnham, Thomas Newnham, Gentlemen; Joseph Oldham, Edward Oldnall, William Oldnall of Kidderminster, William Oldnall, John Oldnall of Chaddesley, Gentlemen; John Philpot, Walford Phillips, Esquires; Other Philpot, Daniel Piercy, Harry Penrice, Clerks; George Pierpoint, John Pidcock, Nicholas Parker, James Payton, Philips Penn, Nicholas Penn, Henry Penn, Joseph Pool, Thomas Pargiter, Henry Payton, Bromwell Powell, Robert Pardoe of Lincolns Inn, James Pratt, John Penrice, Thomas Pratt, Adam Prattinton, Thomas Prattington, Thomas Prattington junior, William Prattington, James Prattington, John Patten, Samuel Parkes, Nicholas Pearsall, Nicholas Pearsall junior, Ralph Powell, James Pardoe, Joseph Prattenton, Gentlemen; Thomas Rogers, Thomas Rogers junior, Esquires; Wilson Aylesbury Roberts, Joseph Radnall, Edward Russell, Edward Russell junior, Thomas Robins, Thomas Raybold, Samuel Read junior of

of Kidderminster, William Rathbone, Joseph Read, Thomas Richardson, John Read, Thomas Radford junior, William Rose, William Reynolds, Henry Roberts Clerk, Henry Roberts, William Romney, John Reynolds, Gentlemen; Sir Thomas Seabright Baronet, Colonel John Seabright, the Honourable Thomas Smith Vice Admiral of the White, the Honourable Edwin Sandys, John Soley, John Soley junior, John Steward, Esquires; Edward Stillingfeet, Thomas Lockey Soley, Clerks; George Southall, Thomas Sanders, William Scott, Thomas Savage, Read Shaw, Thomas Seager, Joseph Smith of Sandy Town, Joseph Sheward, Thomas Sheward, Samuel Skey, Jonathan Skey, George Stokes of Kinfare, George Stokes of Kidderminster, John Symonds, John Spencer, Richard Stansall, William Smith of Bromesgrove, John Spilsbury Jonathan Shuffield, George Steward, George Steward junior, John Stewart of Stone, Joseph Smith, John Smith, Gentlemen; Sir Robert Throgmorton Baronet, James Troubee, Mathew Tristram, William Tilt, Thomas Taylor of Winterfold, Abraham Turner, Edward Toye, George Tomlinson, Samuel Twamley, Samuel Talbutt, Edward Thomas, Edward Thomas junior, Abraham Thomas, William Turner, Joshua Tilt, Benjamin Taylor, Benjamin Taylor junior, Robert Tristram, William Talbot of Woverley, Gentlemen; James Vobe, Thomas Vernon, Esquires; Right Honourable Other Lewis Lord Windsor, the Honourable John Ward Esquire, Sir Edward Winnington Baronet, the Reverend George Wiggan D. D. Charles Wylde, John Wylde, Paul White, William Wight, John Waugh, Francis Whitten, Clerks; Edmund Wells, John Wells, William Waldron, Richard Willets, John Wood, Benjamin Winwood, Thomas Worrell, Thomas Wainwright, John Wilkes, John White, John White junior of Bridgnorth, Gregory Watkins, Richard Wall, John Wall of Kidderminster, John Watson of the same, Samuel White, William Wallis, Thomas Woodward, Thomas Whittingham of Kinfare, Samuel Wanley Doctor in Divinity, William Winnall, William Williams, Thomas Wheeler of Wolverley, Thomas Wheeler of Hartlebury, Allen Wheeler, Gentlemen; William Yate Clerk, Thomas York, Peter Yarnold, Gentlemen; the Reverend Sir Richard Wrottesley Baronet, Charles Corbett, Walter Acton Moseley, John Hodgets, Thomas Brodney, Esquires; William Hodgets, Richard Keelinge, John Keelinge, Thomas Horner, John Stone, John Hesketh, Gentlemen; Richard Jorden, Richard Jorden junior, John Gibbons of Kingswinford, William Bowyer, John Gorton, Michael Grazebrook, Joseph Dixon, Thomas Hawkes, Abiathar Hancox,

Hancox, Herbert Hancox, Joseph Cartwright, John Tongue, William Tongue, Gregory Hickman, Edward Hickman, Rupert Dovey, Thomas Hill, Benjamin Winwood, Thomas Hickin, William Gibbons of Sedgley, the Reverend Henry Antrobus, the Reverend William Wight, the Reverend Richard Groome, the Reverend Richard Parker, the Reverend William Pigott, shall be, and they are hereby nominated Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said Roads; and that they, and the Successors of them, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall authorize and appoint, shall or may build and erect, or cause to be built and erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, cross, or on the Side of any Part or Parts of the said Roads, and cross any Lane or Way leading out of the same, subject to such Provisoes and Restrictions as are aftermentioned; and also a Toll-house or Toll-houses in, upon, or on the Side of the same Roads; and shall and may demand and take, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Chair, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same Toll-gates or Turnpikes respectively, the several Tolls and Duties following; that is to say,

Trustees may erect Turnpikes and Toll-houses;

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Phaeton, Chariot, Chaise, Calash, Hearse, Caravan, or other Carriage (except a Waggon, Wain, or Cart) drawn by Six Horses, or other Cattle or Beasts of Draught, the Sum of Eight Pence.

For every Coach, Berlin, Landau, Phaeton, Chariot, Chaise, Calash, Hearse, Caravan, Waggon, Wain, Cart, or other Carriage, drawn by Four Horses, with narrow Wheels, the Sum of Six Pence.

For every Coach, Berlin, Landau, Phaeton, Chariot, Chaise, Calash, Hearse, Caravan, Waggon, Wain, Cart, or other Carriage, drawn by Two Horses, the Sum of Three Pence.

For every Chaise, Calash, Chariot, or other Carriage (except a Waggon, Wain, or Cart) drawn by One Horse, the Sum of Three Half-pence.

For any Waggon, having the Fellies of the Wheels thereof of the Breadth of Nine Inches, drawn by Eight Horses, or more than Five, the Sum of Four Pence.

For every Cart, Wain, or other Carriage, having the Fellies of the Wheels thereof of the Breadth of Nine Inches, drawn by Five Horses, or less, the Sum of Two Pence.

For every Waggon, Wain, or Cart, drawn by Six Oxen, or more, and One Horse, Mare, or Gelding, the Sum of Six Pence.

For every Waggon, Wain, or Cart, drawn by Three, or any less Number of Horses, and not having the Fellies of the Wheels of the Breadth of Nine Inches, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, or Beast of Burthen, laden or unladen, the Sum of One Halfpenny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Five Pence per Score, and so in proportion for any less Number.

For every Drove of Cattle, Swine, Sheep, Lambs, or Goats, the Sum of Two Pence Halfpenny per Score, and so in proportion for any less Number.

And upon the several Roads herein after mentioned, that is to say, From Kidderminster Town Hall to Bromsgrove aforesaid, and from the said Town Hall to Bridgnorth and Arely, Double the said respective Tolls.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money, so to be raised and collected, shall be and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, and assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned and directed. Tolls vested in the Trustees.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or any such Person or Persons as they, or any Seven or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable; and to levy the same upon any such Person or Persons who shall (after Demand thereof made) neglect or refuse to pay such Tolls and Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, or upon any Carriage, upon which such Tolls or Duties are by this Act imposed; or by Distress of any other of the Goods and Chattles of the Per- Tolls may be levied by Distress and Sale.

son or Persons who ought to pay the same; and to keep and detain such Goods and Chattles so distrained, until such Tolls or Duties, 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 so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges for distraining, selling, and keeping the same, shall be deducted and paid.

Distress may be sold after 4 Days.

No Toll on Election Days.

Provided always, and it is hereby further enacted, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, or Litters, and Passengers on Horseback, shall pass and repass, Toll-free, on the Day or Days on which there shall be an Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of Worcester, Salop, and Stafford, and on the Day next before, and the Day next after every such Election respectively; such Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, Litters, or Passengers on Horseback, going to, or returning from such respective Elections; any thing herein contained to the contrary notwithstanding.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls and Duties which shall be collected at the several Turnpikes so to be erected in pursuance of this Act, or out of such Money as shall be advanced, lent, or borrowed upon the Credit thereof, the Trustees for repairing the said Roads, and their Successors, or any Seven 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 such Turnpikes and Toll-houses as they shall think proper to put up and erect in pursuance of this Act; and that, from and after paying the said Expences and Charges, then, and from thenceforth, the Money arising by the Tolls and Duties, which shall be collected at any Gate or Gates to be erected by virtue of this Act, or which shall be borrowed on the Credit of the said Tolls and Duties, shall be laid out and applied for and towards the repairing, widening, and amending all the respective Roads intended to be repaired by virtue of this Act, and other necessary Charges attending such Repairs, in such Manner and Proportions as

the

the said Trustees, or any Seven or more of them, shall, from time to time, direct or appoint, and to no other Use or Purpose whatsoever.

Roads to be first amended.

Provided always, That the said Roads leading from the said Market-house to Bewdley Bridge, and to Blakedown, and to Iverley-hill, and to the Seven Stars, shall be first compleatly amended and repaired.

No Gate to be erected, or Toll taken, at the Places herein mentioned.

Provided always, That nothing in this Act contained, shall authorize or impower the said Trustees, or any of them, to erect any Toll-gate, or take any Toll between the said Market-house and Goodness, or between Bewdley Bridge, and the House of George Lavender, a Wheelwright, in Wribbenhall, or between Quat and Quatford, in the Road to Bridgnorth, or within the Space of One Mile from the Village of Chaddesley Corbet, or within the Space of One hundred Yards of the Seven Stars aforesaid, or within the Distance of One hundred Yards of the Smith's Shop at Franch, upon the Road leading from Wolverley to Wribbenhall aforesaid.

The Number of Turnpikes to be erected on the Roads here described.

Provided always, and be it further enacted, That the said Trustees, or any Seven or more of them, shall and may erect, or cause to be erected, Two Turnpike-gates, and no more, between the said Market-house and Quatford; and One Turnpike-gate, and no more, between the said Market-house and Chaddesley Corbet, and One Turnpike-gate, and no more, between Chaddesley Corbet and Bromesgrove; and also Two Turnpike-gates between Wribbenhall, and the further End of the Breach Lane.

Toll to be paid but Once a Day on the Roads to be repaired by this Act, except on the *Bromsgrove*, *Bridgnorth*, and *Arely* Roads, *&c.*

Provided also, That no Toll or Duty shall be paid in respect of any Horse, Cattle, or Carriage, going or travelling along any other of the said Roads, intended to be repaired by this Act, save the Bromsgrove, Bridgnorth, and Arely Roads, more than Once in the same Day, upon producing a Note or Ticket that the said Toll or Duty has been paid at any One Turnpike-gate on One of the said Roads, leading from the said Town Hall to Iverley-hill, to the Seven Stars, to Blakedown, or from the said Breach Lane to Wribbenhall, the same Day, for such Horse, Cattle, or Carriage.

Toll to be paid but Once a Day on the Roads here mentioned.

Provided also, That no Toll or Duty shall be paid in respect of any Horse, Cattle, or Carriage, going or travelling along the said Road, leading from the said Town Hall to Bromsgrove, more than Once in the same Day, upon producing a Note or Ticket, that the said Toll or Duty, so as aforesaid appointed to be taken on the said Bromsgrove Road, has been paid, the same Day, at One of the Gates, so as aforesaid thereon to be erected.

Provided

Provided also, That no Toll or Duty shall be paid in respect of any Horse, Cattle, or Carriage, going or travelling along the said Road, from the said Town Hall to Bridgenorth, or from Shatterford aforesaid to Over Arely aforesaid, more than Once the same Day, upon producing a Note or Ticket, that the said Toll or Duty has been paid, the same Day, at One Turnpike-gate on the said last-mentioned Roads, for such Horse, Cattle, or Carriage.

Persons travelling to *Wribbenhall*, and having paid Toll, may return the next Day before 12 at Noon Toll-free.

Provided also, That no Person travelling to Wribbenhall, who shall have paid the Toll or Duty, by this Act directed to be paid, for any Waggon, Cart, or Carriage, or for any Horse, Mare, Gelding, or other Beast, drawing the same, or for any Pack-horse, shall be subject or liable to pay any Toll or Duty for returning with any such Waggon, Cart, or Carriage, Horse, Mare, Gelding, or other Beast, or Pack-horse, at any Time before Twelve of the Clock the next Day, through any Gate at which such Toll or Duty shall have been so paid on the preceding Day, every such Person producing a Ticket, denoting such Payment; any thing herein contained to the contrary notwithstanding.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Lands or Grounds near to the said Roads, respectively, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, or Way, with any Coach, Chaise, Chariot, Landau, Berlin, Calash, Waggon, Wain, Cart, Carriage, Horse, Mare, Gelding, Ass, Mule, or any Sort of Cattle, whereby the Payment of the Toll or Duty by this Act laid is or shall be avoided; or if any Person or Persons travelling or going on the said Roads, or any of them, with any Horse, Mare, Gelding, or other Cattle, or with any Carriage, shall go out of such Road or Roads, or any of them, and afterwards return into the same, or go to the Place to which such Road leads, in order to avoid the Payment of any of the said Tolls or Duties; every such Person so offending, and also the Person avoiding the Payment of the said Toll, in either of the Cases aforesaid, and being thereof convicted upon Oath, or Affirmation, before the said Trustees and their Successors, or any Seven or more of them, or before any One or more Justice or Justices of the Peace for the said Counties of Worcester, Salop, and Stafford, where the Offence shall be committed (which said Oath, or Affirmation, the said Trustees, or their Successors, or any Seven or more of them, or the said Justice or Justices, are hereby also impowered to administer)

to avoid Payment of the Tolls.

shall, for every such Offence, forfeit and pay to the said Trustees, hereby authorized to put this Act in Execution, or to their Treasurer for the time being, the Sum of Twenty Shillings; which Sum, in case the same be not forthwith paid, shall be levied, recovered, and disposed of, as is herein after directed.

Penalty on Persons unloading Goods, or taking off Horses, &c.

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, unload, or cause to be unladen, any Sort of Goods or Merchandize, or take off, or cause to be taken off, any Horse or Horses, Mare or Mares, Gelding or Geldings, or other Cattle, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Litter, 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 or Duties hereby imposed, or shall conceal or secrete any Goods, or other Things, chargeable with any of the Tolls aforesaid, or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Waggon, Wain, Cart, or any other Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with, or liable to, the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending in any of the Cases aforesaid, and being thereof lawfully convicted as aforesaid, shall forfeit and pay to the Trustees appointed, or to be appointed, to put this Act in Execution, or to their Treasurer for the time being, the Sum of Forty Shillings; which Sum in case the same be not forthwith paid, shall be levied, recovered, and disposed of, as herein after directed.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, which shall be present at their First or any succeeding Meeting, by any Writing under their Hands and Seals, shall and may choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the respective Tolls and Duties aforesaid; and shall take such Security for the due Execution of their respective Offices as the said Trustees shall approve of; and that such Securities shall be lodged with the Clerk of the Peace for the said County of Worcester; and also shall and may choose 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 repaired, altered, and widened; and also that the Money

to be raised by this Act be duly applied; and also such other Officer or Officers as shall be necessary to put this Act in Execution; and also, from time to time, to remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and Officers, or any of them, as they shall see Occasion, and appoint new ones, in case of Death, or such Removal: And such Person or Persons as is or are hereby made liable to pay the said Tolls or Duties, shall pay the same, after the Rates aforesaid, to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose: And the Person or Persons so appointed to collect and receive the said Tolls or Duties, and also such Surveyor and Surveyors, and other Officer or Officers, to be appointed as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Seven or more of them, or before One or more Justice or Justices of the Peace, residing near to the said respective Roads (which Oath such Trustees, or any Seven or more of them, or the said Justice or Justices, are hereby impowered and required to administer) on the First Wednesday in every Month, or oftner (if required) during the Continuance of this Act, give in a true, exact, and perfect Account, in Writing, under their respective Hands, of all Monies which he and they, and every or any of them, shall, to such Time, have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; for which Oath no Fee or Reward shall be taken; and the same may be taken in Writing, without any Stamp thereupon; 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, and their Successors, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall, by any Writing or Writings, under their Hands, authorize and impower to receive the same; and shall be disbursed and laid out in amending the said Roads, according to the true Meaning of this Act, and not otherwise: And the said Trustees, and their Successors, or any Seven or more of them, shall and may, out of the Monies arising by the said Tolls or Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, and other Officers, by the said Trustees, for the time being, or any Seven or more of them, so to be appointed, as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

cution

cution of his or their respective Office or Offices, and to such other Person or Persons as have been, or shall be, assisting in and about procuring the said Roads to be amended and repaired, by advancing or laying out any Money, or otherwise relating thereunto, as to the said Trustees, or any Seven or more of them, shall seem good: And in case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls or Duties, so to be paid as aforesaid, or other Officers, or any of them, shall not make and give such Account and Payment as the said Trustees, or any Seven or more of them, shall order and direct, that then the said Trustees, or any Seven or more of them, may, and they are hereby impowered to bring an Action in the Name of the said Trustees or their Successors, or in the Name or Names of any One or more of them, against the Person or Persons so refusing or neglecting to account and pay as aforesaid, for the Recovery of the Monies which shall be in his or their Hands; or any Two or more Justices of the Peace for the County or Place where the said Receiver or Receivers, Collector or Collectors, or other Officers, shall live or reside, shall and may (upon Complaint being made to them) by a Warrant or Warrants, under their Hands and Seals, cause the said Receiver or Receivers, Collector or Collectors, or other Officers, to be brought before them; and to hear and determine the Matter of the said Complaint in a summary Way, and to settle the said Account or Accounts; and if, upon the Confession of the Party or Parties, or 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) it shall appear to such Justices, that any of the respective Monies, which shall be collected or raised by virtue of this Act, shall be in the Hands of such Receiver or Receivers, Collector or Collectors, or other Officer or Officers, such Justices shall, and they are hereby authorized, upon Non-payment thereof, to commit the Party or Parties to the Common Gaol of the Counties of Worcester, Salop, or Stafford, where the Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall have made a full and perfect Account and Payment as aforesaid, or shall have compounded with the Trustees for the same (which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make) and shall have paid the Composition-money.

Officers not making Account and Payment,

Justices to enquire into the Default;

and commit the Offender,

until he shall conform, or compound for the same.

And

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

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 Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Quarry, River, or Brook, or out of, or from, the Waste, Ballast Heap, or Common, of or in any Parish, Town, Village, or Hamlet, in the said Counties of Worcester, Salop, and Stafford, respectively, which shall be proper and convenient for repairing and amending of the Roads aforesaid; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, there, to dig, gather, take, and carry away the same, in and out of any Brook, Waste, Ballast Heap, or Common, of any neighbouring Parish, Town, Village, or Hamlet, in any other County or Counties, without paying any thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits where any such Materials as aforesaid, shall be digged, gathered, or taken, and from whence the same shall be carried away: 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, and their Successors, or any Seven or more of them, to dig and gather such Materials in, and carry the same out of, the several 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, or so much thereof, as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Roads aforesaid, paying such Rates for such Materials, and for the Damage done to the Owners or Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees, and their Successors, or any Seven or more of them, shall adjudge reasonable: And in case of any Difference concerning the same, between such Owners and Occupiers and the said Trustees, touching such Damages aforesaid, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the County or Place where such Matter of Difference shall arise or happen, or the major Part of them then pre-

levelling the Pits.

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

making Satisfaction to the Owners of the Grounds.

Justices may determine Differences.

sent, 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 Surveyor and Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, and their Successors, or any Seven or more of them, under their Hands) from time to time, to remove and prevent all Annoyances, on or in 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 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 Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses, where such Annoyances, as aforesaid, shall happen to be, shall neglect to cut down, lop, or top, such Trees or Bushes, or to remove such other Annoyances, for the Space of Fourteen Days next after Notice, in Writing, shall be given for that Purpose, under the Hands of the said Trustees, and their Successors, or any Seven or more of them; 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: And if, after Removal of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person or Persons so offending, and being thereof convicted, on Oath, before any One or more Justice or Justices of the Peace of the said Counties of Worcester, Salop, or Stafford, respectively, where the Offence shall be committed, shall, for every such Offence, forfeit and pay unto the said Trustees, or to their Treasurer, for the time being, the Sum of Twenty Shillings, to be recovered, levied, and disposed of, as is herein after directed.

Surveyors may remove Annoyances,

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed to the Surveyors.

Penalty on a Second Offence.

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 they shall appoint, by Order of the said Trustees, and their Successors, or any Seven or more of them, to make, or cause to be made, Causeways, and cut and make Drains, through any Grounds lying contiguous to the said Roads; and to make or erect Arches or 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 Grounds of any Person or Persons lying contiguous

Surveyors may make Causeways,

erect Bridges, &c.

and make a temporary Road;

tiguous thereto (not being the Ground wheron any House or Houses stand, or Orchard, planted Walk or Avenue to an House, or Nursery for Trees) and also to cause Ditches or Trenches to be made, in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, and their Successors, or any Seven or more of them, shall judge necessary, for the better amending and keeping 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 Drain or Ditch shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, and their Successors, or any Seven or more of them: And in case any Difference shall happen between such Owners or 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 Sessions, to be holden for the said Counties of Worcester, Salop, or Stafford, where such Grounds shall lie respectively, or the major Part of such Justices then present, to hear, settle, adjudge, and finally determine the same: And 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 such Watercourse or Watercourses, or to make such Ditch or Ditches so deep, and in such Manner, as the Surveyor or Surveyors appointed, or to be appointed, in pursuance of this Act, shall, from time to time, judge proper and convenient, after Fourteen Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers; it shall and may be lawful to and for such Surveyor or Surveyors, to set any Man or Men at work to scour and cleanse the same, and by Warrant from any Seven or more of the Trustees, for the time being, to levy the Charge thereof upon the Goods or Estates 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 Chattles; rendering the Overplus (if any be) after all Charges of such Distress and Sale thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them, demanded.

making Satisfaction to the Owners.

Justices to determine Differences.

Owners neglecting to scour their Ditches, &c. after Notice,

Surveyors may set Men to do the same,

and levy the Charge.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, by Order of the said Trustees for the time being,

Trustees to make a temporary Road.

being, or any Seven or more of them, to make or cause to be made, a Road or Way through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired (not being the Ground whereon any House or Houses, Building or Buildings, Stand, or a Garden, Orchard, Park, Yard, or planted Walk or Walks, or Avenue to a House, or any Piece or Parcel of inclosed Ground, planted, and set apart and used as a Plantation or Nursery for Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, and no longer; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, as shall be so laid in or unto the said Roads, or through which any Drain or Drains shall be cut, or on which any Arch or Arches, Bridge or Bridges, shall be made, or through, over, or along which, such temporary Road or Roads shall be made, for the Damages such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged by the said Trustees for the time being, or any Seven or more of them: And in case any Difference shall happen between such Owners or 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 the next General Quarter Sessions, or at their Second Quarter Sessions at the farthest, to be holden for the said Counties of Worcester, Salop, or Stafford, where such Grounds shall lie respectively, or the major Part of them present at such Quarter Sessions, and they are hereby required to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And forasmuch as the Money to be collected by the Receipts of the Tolls or Duties by this Act made payable, as aforesaid, will not at present be sufficient for the speedy repairing of the said respective Roads; be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby impowered, from time to time, to borrow and take up at Interest, any Sum or Sums of Money upon the Credit of the said respective Tolls and Duties, and from time to time, by any Writing or Writings under their Hands and Seals, to assign over or mortgage the said respective Tolls and Duties arising by virtue of this Act (the Costs and Charges of assigning the same to be borne and paid out of such Tolls and Duties) for any Time or Term during the Continuance of this Act, as a Security

Trustees may borrow Money on the Credit of the Tolls.

rity for any Sum or Sums of Money to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds per Centum per Annum; which said Money, so to be borrowed, shall be applied and disposed of as the said Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

20 Days Notice to be given of borrowing Money.

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

Assignments to be entered in a Book.

And be it further enacted by the Authority aforesaid, That Copies of all and every the Assignment or Assignments, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward.

Assignments may be transferred.

And it is hereby also further enacted by the Authority aforesaid, That all and every Person or Persons, to whom any Assignment or Assignments shall be made by the said Trustees, or any Nine or more of them, as a Security for any Sum or Sums of Money to be lent and advanced by any Person or Persons whatsoever on the Credit and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words to be indorsed on the Back of his, her, or their Assignment, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer 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 said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any Nine or

Entries to be made of all Assignments.

more of them, within Three Months after the Date thereof; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the Book or Books to be kept for entering the said original Assignment; for which the said Clerk or Clerks, Treasurer or Treasurers, 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 or Assignees, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignees, Executors, or 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; or do any Act to the Prejudice of his Assignee, or any subsequent Assignees. Clerk's Fee.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall lend or advance any Sum or Sums of Money upon the Credit of the said Tolls or Duties, for the Space of Three Years, without any Interest; then, and in such Case, the Sum or Sums so lent, or so much thereof as shall be necessary, shall be laid out and applied in repairing and amending such of the said Roads as the Person or Persons, so lending or advancing the same, shall, with the Consent and Approbation of the said Trustees, or any Nine or more of them, direct; any thing herein before contained to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Nine or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to turn, widen, or alter, the Way or Path of any Part of the said respective Roads, for the better Accommodation of Coaches, Carriages, and Passengers; that then the said Trustees, and their Successors, or any Nine or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, or Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to any of the said Roads, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss and Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering such Way or Path; and, out of the respective Tolls and Duties hereby Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

granted for repairing such respective Roads, or the Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, or for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, and Persons interested as aforesaid, and the said Trustees, or any Nine or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen, that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, are seised or possessed of Lands, Grounds, or Hereditaments, which may, by the said Trustees, or their Successors, or any Nine or more of them, be thought necessary or proper to be taken in, and added to any of the said Roads for widening, turning, altering, or amending of the same, and such Persons, or Bodies Politick, Corporate, or Collegiate, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but are incapable of granting or conveying the same, by reason of Infancy, or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for and on the Behalf of any Infants, Feme Coverts, or Cestuiques Trusts, and for all and every other Person or Persons whatsoever, who are or shall be seised or possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or their Successors, or any Nine or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require: And all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary in any wise notwithstanding: And all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other 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, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, or any other Person or Persons interested in Lands, Grounds, or Hereditaments,

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

mens, in Trust, or otherwise, as aforesaid, upon convenient Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added, to any of the said Roads, as aforesaid, for the respective Purposes aforesaid, or into which such Way, Path, or Roads, shall be turned or altered, as aforesaid, shall, by the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Cases, the Trustees aforesaid, and their Successors, or any Nine or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of One, some, or all of the Parishes or Places in which the said Lands, Grounds, or Hereditaments, shall respectively lie, or of the next adjoining Parishes or Places (which Oaths any Nine or more of such Trustees, or their Successors, are hereby impowered and required to administer) what Damages will be sustained by, and what Recompences and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested for, or upon account of, the taking of such Lands, Grounds, or Hereditaments, into any of the said Roads, for the respective Purposes aforesaid; and, in order thereunto, the Trustees aforesaid, or their Successors, or any Nine or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whatsoever, who shall be thought proper or necessary to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Nine or more of such Trustees, and their Successors, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, and to use all other lawful Ways and Means, as well for their own as the said Jury's better Information of the Premisses, as the said Trustees, and their Successors, or any Nine or more of them, shall think fit: And after the said Jury shall have so enquired of, ascertained, and settled, such Damage and Recompence, the said Trustees, and their Successors, or any Nine or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums

Jury to sett'e the Recompence.

Witnesses to be summoned, and examined upon Oath.

of

of Money, so assessed by the said Jury, to be paid out of the respective Tolls and Duties hereby granted for repairing of the respective Roads aforesaid, or out of the respective Sums which shall be borrowed on the Credit thereof respectively, to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict, or Inquisition and Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person or Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be, from thencesorth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same, notwithstanding the same Lands, Grounds, or Hereditaments, shall or may be limited or 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 for the summoning of such Jury as aforesaid, the said Trustees, and their Successors, or any Nine or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County, wherein such Lands, Grounds, or Hereditaments, do lie, requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy, is and are 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 according to, or upon, such Summons, the said Trustees, and their Successors, or any Nine or more of them, shall swear, or cause to be sworn, Twelve, who shall be a Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that speedily can be procured to attend that Service, to make up the Number of Twelve as aforesaid.

Verdict of the Jury to be final and conclusive.

Trustees to issue their Warrants to the Sheriff, to impanel and summon a Jury.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or their Successors, or any Nine or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Person or Persons that shall be summoned and returned on such Jury, and shall not appear, or shall refuse to be sworn on the said Jury, or being sworn, and refusing to give, or not giving, their Verdict, or in any other Manner shall wilfully neglect his or their Duty or Duties therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who shall be required to give Evidence before the said Jury touching the Premisses, who 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 or Fines, in such Manner as any Fine or Penalty is by this Act to be levied, so as such Fine do not exceed the Sum of Ten Pounds on any One Person.

Jurors may be challenged.

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

Fine not to exceed 10 *l.*

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby charged and chargeable upon all Monies which shall be respectively raised, received, or borrowed, by virtue of this Act, for repairing of the said Roads respectively; and shall be paid thereout accordingly to the Person or Persons respectively intitled thereto, or to his, her, or their Agent or Agents; and that, upon Payment or Tender thereof to such Person or Persons, or his, her, or their Agent or Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk for the time being to the said Trustees, or their Successors, for the Use of such Person or Persons, and after Thirty Days Notice given thereof in Writing, to such respective Persons, or their respective Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful to and for the said Trustees, or their Successors, or any Nine or more of them, their Surveyors, Workmen, or Agents, to take into, and add to, the said respective Roads, such Lands, Grounds, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees, or any Nine or more of them, shall think

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

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

think fit: And after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into, and made Part of, the said respective Roads, in such Manner as the said Trustees, or their Successors, or any Nine or more of them, shall order and direct, and shall be by them, or any Nine or more of them, or by such Person or Persons as they, or any Nine or more of them, shall respectively appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose: And after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, 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 respective Roads for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods as are directed by this Act, and in all Respects in such Manner as other Highways are by Law to be repaired, and kept in Repair: And after such new Roads shall be completed, the Lands or Grounds comprised in, or constituting, the old or former Roads, in lieu whereof the Lands, Grounds, or Hereditaments, for such new Road shall be purchased, as aforesaid, shall be vested in, and shall and may be sold by, the said Trustees, or their Successors, or any Nine or more of them, to such Person or Persons as shall or may be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied and disposed of for the repairing and amending the respective Roads aforesaid, of which such new Roads shall be then a Part; and the Sale, or Conveyance or Conveyances, to be made of such Lands or Grounds, being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace of the County wherein the said Lands or Grounds shall lie, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

and deemed a publick Highway, and kept in Repair as such.

Old Road may be sold.

Trustees not to act where interested.

Provided always, and be it enacted and declared by the Authority aforesaid, That no Person or Persons shall sit or act as a Trustee or Trustees in any Case relating to the contracting for, or purchasing of, any Lands, Grounds, or Hereditaments, by virtue of this Act, where he or they shall be concerned in Interest.

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

Provided also, That the Power and Authority hereby given to the said Trustees, as aforesaid, shall not extend to the pulling down any Dwelling-house, or taking in the

Site

Site of any House, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, or Avenue to any House, or Nursery for Trees; any thing herein contained to the contrary notwithstanding.

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

And, for preventing Frauds and Abuses in the said Tolls or Duties hereby granted, be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person, giving 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 Seven or more of them, or before One or more Justice or Justices of the Peace for the said Counties of Worcester, Salop, and Stafford, within their respective Jurisdictions (which Oath the said Trustees, or any Seven or more of them, or the said Justice or Justices, are hereby impowered to administer) shall respectively forfeit and pay the Sum of Twenty Shillings for every such Offence, to be recovered, levied, and applied, in the same Manner as the other Forfeitures and Penalties are herein before mentioned and directed to be recovered, levied, and applied.

Exemptions from Tolls.

Provided always, and it is hereby declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected by virtue and in pursuance of this Act, and carrying any Quantities of Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials, for repairing any of the said Roads, or the Streets of the Town of Kidderminster; or for carrying through any of the said Turnpikes, any Dung, Mould, or any other such like Compost (Lime excepted) for manuring of Lands or Gardens; nor shall any Toll or Duty be demanded or taken by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which the said Roads, hereby intended to be amended, do lie, and arising from Lands in their own Occupation; nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Thing whatsoever, belonging to, or employed by, such Inhabitants respectively, in Husbandry, manuring or stocking of Lands, lying near the said Roads; nor shall any of the Tolls or Duties; hereby

by laid, be demanded or taken from any Person or Persons residing in the said Parishes in which the said Roads hereby directed to be repaired do lie, who shall pass through the said Turnpikes to and from Church, Chapel, or other Places of Religious Worship, 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, hereby directed to be repaired, do lie; or for any Horses, Geldings, Mares, or Cattle, going to, or returning from, Pasture or Watering Places, belonging to such Parishes, Townships, or Places, or of any of the neighbouring Inhabitants, near the said Roads; or for any Post-horse carrying the Mail or Packet; nor shall any Toll be demanded or taken for the Horses of Soldiers passing, who are upon their March, or 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; nor shall any Toll be demanded or taken at any Gate to be erected cross any Lane or Way leading out of any of the Roads hereby directed to be repaired, unless the Horse, Cattle, or Carriage, going or drawn through such Gate, shall go or be drawn the Space of Three hundred Yards on the said Roads.

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

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 and built by virtue of this Act, shall be vested in the said Trustees, appointed to put the same in Execution, and their Successors; and that they, or any Seven or more of them, are hereby authorized and impowered to dispose thereof, as they shall think proper; or to bring Actions, or prefer Bills of Indictment, in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any One of them, against any Person or Persons, who shall steal, take away, break down, or damage, or spoil such Turnpikes or Toll-houses, or any or either of them, so to be erected as aforesaid.

Lands chargeable to the Highways to continue so.

Provided always, and it is hereby enacted and declared, That if it shall appear to the said Trustees, or any Seven or more of them, that any Persons, Lands, Tenements, or Hereditaments, now are, or hereafter shall be, liable or chargeable towards the amending any Part of the Roads by this Act directed to be repaired, such Persons, Lands, Tenements, and Hereditaments, shall still remain liable to, and chargeable with, the Maintenance,

nance, of such Roads; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to maintain such Roads; and all Persons liable to pay any Rents or Profits towards the Repairs of such Roads, shall still be liable and compellable to pay such Rents and Profits to such Person and Persons as the said Trustees, or any Seven or more of them, shall appoint to receive the Tolls and Duties granted by this Act; and, upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, and their Successors, or any Seven or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment, as aforesaid; and such Rents and Profits, when recovered and received, shall be applied, from time to time, for and towards amending the Roads, and for no other Use or Purpose whatsoever.

Persons, &c. chargeable to the Repair of the Roads, to continue so.

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person and Persons, who by Law are chargeable towards the repairing and amending the said Roads hereby intended to be repaired, shall still remain chargeable, and do all their respective Duties in the said Parishes, Townships, or Places, in which the said Roads do lie, in such Manner as he, she, or they ought to have done before the passing of this Act.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the time being for the several Parishes or Places through which the Roads aforesaid lead, touching what Part of the Statute-work in any Parish, Place, or Division ought to be done on the Roads by this Act directed to be repaired; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Two or more Justices of the Peace of the said Counties of Worcester, Salop, or Stafford, respectively, where the said Roads do or shall lie, upon Application made to them by the said Turnpike Surveyor, to adjudge and determine what Part or Proportion of the Statute-work shall be done in the Roads aforesaid, by the Inhabitants of each or any of the Parishes in which the said Roads hereby directed to be amended, do lie.

Trustees to determine the Statute-work to be done on the Roads.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes or Townships to which the said Roads do belong, or with any of

Trustees may compound with Parishes, &c.

the Occupiers or Possessors of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads, for a certain Sum of Money, or otherwise, by the Year, as the said Trustees and their Successors, or any Seven or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Township or Townships, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid; Copies of all which Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Compositions to be entered in a Book.

Parish Surveyors to give in Lists of the Persons who are chargeable to do Statute-work, &c.

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the said Roads for the time being, of all and every the Parish and Parishes in which the said Roads intended to be repaired by this Act do lie, shall yearly, and every Year, during the Continuance of this Act, within Ten Days after Demand made to him or them in Writing by the Turnpike Surveyor or Surveyors appointed, or to be appointed, by the said Trustees and their Successors, or any Seven or more of them, give and deliver to the said Turnpike Surveyor or Surveyors, an exact List or Account in Writing, under his or their Hand, of the Christian and Surnames of all and every Person and Persons in the said Parishes, who are by Law chargeable towards repairing the Roads in any of the said Parishes; and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same: And the said Parish Surveyor or Surveyors for the time being respectively, within Ten Days after Notice shall be given them, or either of them, by the said Turnpike Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or Days Work, so adjudged or appointed as aforesaid, in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof to the said Person or Persons so chargeable as aforesaid: And if any Parish Surveyor or Surveyors aforesaid shall neglect to do as they are hereby required and directed to do, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, or

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

Penalty on Persons not performing their Statute work.

Horse or Horses, usually employed in carrying Coal, Lime, Iron, Stone, or any other Produce of Mines, and chargeable towards repairing the said Roads, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, or Carrying Horse or Horses (each Team or Cart not to contain less than Two good Horses or Beasts of Draught, with One Person to attend the same) to do and perform such their respective Days Works on the said Roads, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay as follows; to wit, The Sum of Five Shillings for every Team, Draught, or Cart; and the Sum of Two Shillings for every Carrying Horse or Horses making Default of each of the said respective Days: And if any Labourer, or other Person or Persons, so chargeable towards repairing the said Roads, shall, at any Time, neglect or refuse (after such Summons or publick Notice) to do and perform the said appointed Days Work on the said Roads, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling for each of the Days such Labourer or other Person or Persons shall make such Default: And if any Person or Persons who shall (according to such Summons or publick Notice as aforesaid) come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, or Horse, to work on the said Roads, are found idle or negligent by the said Turnpike Surveyor or Surveyors respectively, where the Work is to be done; in such Case the said Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove and turn him or them off, who shall be found idle and negligent as aforesaid; and it shall be esteemed and taken as if such Person or Persons had not come or sent any Team, Draught, Cart, or Horse, to work on the said Road; and he, she, or they, shall be subject or liable to the respective Forfeitures and Payments afore-mentioned, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work, so ordered and appointed as aforesaid.

Persons found idle to be turned off.

Provided always, and be it further enacted, That nothing in this Act shall extend to charge the Parish of Kingswinford in the County of Stafford with any Statute Duty in the Roads to be repaired by this Act.

Proviso.

Provided always, and be it enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, or Hamlet, for which any such Composition shall be made for any Statute or Days Work as aforesaid, shall pay the Composition-money; or in case such Composition-money shall be levied on

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

on him in the Manner herein before provided; All and every such Surveyor and Surveyors shall and may be reimbursed the Composition he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the said Highways.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (touching which no other Provision is herein made) shall be recovered and levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hands and Seals of Two or more of His Majesty's Justices of the Peace for the said Counties of Worcester, Salop, or Stafford respectively, where the Offence or Offences shall be committed, or of Seven or more of the said Trustees; which Warrant or Warrants the said Justices or Trustees are hereby impowered and required to issue, upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices or Trustees are hereby required and impowered to administer, without Fee or Reward) and the Penalties and Forfeitures so recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattles shall be so distrained and sold, being first deducted, shall go and be applied, and laid out (if not otherwise applied and disposed of by this Act) for and towards amending the said Road, wherein the said Penalties and Forfeitures shall be incurred, or be otherwise applied, as the said Trustees, or any Seven or more of them, shall direct or appoint.

Proceedings to be entered in a Book.

and signed by the Clerk.

Provided always, 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 so entered shall be signed by the Clerk to the said Trustees, at any Meeting of Seven or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Seven or more of the said Trustees for the time being; which said Book or Books, and also the said Book directed to be kept for registering the said 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.

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 and 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 said Counties of Worcester, Salop, or Stafford respectively, within their respective Jurisdictions, next and immediately after such Person or Persons are aggrieved (unless such Aggrievance shall happen within Fourteen Days preceding 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 of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties and Forfeitures laid 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, by their Order or Warrant, such Costs, so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distress, to commit the Person to the Common Gaol of the Counties of Worcester, Salop, or Stafford, where the Appeal shall be heard and determined, for any Time not exceeding Three Months, or until Payment of such Costs: But the Person or Persons so appealing aforesaid, shall, and he, she, and they, is and are hereby directed to give Notice, in Writing, to the Treasurer or Treasurers for the time being of the Tolls and Duties granted by this Act, of such his, her, or their Intention of bringing or prosecuting any Appeal, Fourteen Days before the said Quarter Sessions; and shall, before such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace of the County where the Appeal shall be brought, with Two sufficient Sureties, with Condition to try such Appeal at the Quarter Sessions of the Peace, which shall be held for the said 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.

Persons aggrieved may appeal to the Quarter Session.

Notice of Appeal to be given.

Security to be given to prosecute.

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

Provided always, and be it 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 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 removable 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 removable by *Certiorari*.

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

Provided always, and it is hereby enacted by the Authority aforesaid, That the said Trustees and their Successors, or any Seven or more of them, are hereby authorized and impowered, from time to time (in case it shall appear requisite and expedient) to lessen the several Tolls and Duties hereby granted and made payable, or any of them, and to order and direct such Tolls and Duties so to be lessened and reduced, to be collected, received, taken, and laid out, and applied for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit; any thing herein contained to the contrary in any wise notwithstanding; so as such Reduction be with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls or Duties, and 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 all the Turnpikes or Gates to be erected by virtue of this Act, and also upon the Market House in Kidderminster, at least Twenty Days before making such Reduction.

and raise them again.

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

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties hereby granted shall take Place from and after the Wednesday Fortnight after passing this Act, and shall continue and be paid (subject nevertheless to such Reduction as aforesaid) from thence for and during the Term of Twenty one Years, and from thence to the

End

End of the then next Session of Parliament, and no longer.

Trustees in Commission of the Peace may act as Justices.

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for any of the said Trustees, appointed or to be appointed to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the Counties of Worcester, Salop, or Stafford, or either of them, within their respective Jurisdictions, to act as a Justice or Justices of the Peace, in all Cases, Matters, and Things, which may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

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

Notice of Election to be given.

And

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet at the Sign of the Raven in Kidderminster aforesaid, the Wednesday Fortnight after the passing this Act; and shall then chuse a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and for other Purposes; and shall then adjourn themselves; and shall afterwards meet at the Place aforesaid, or at any other Place or Places in or near the said Roads so to be repaired, as the said Trustees, or any Seven or more of them, shall think proper or 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 which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day; then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand to be fixed on all the said Turnpike-gates to be erected by virtue of this Act, and on the Market House of Kidderminster aforesaid, 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 their subsequent Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

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

Provided always, and be it further enacted, That no Person or Persons whatsoever, who is, 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 it, or by reason of any Tolls or Duties by this Act laid or granted; 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.

Qualification of Trustees.

Provided also, and be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall be qualified, or capable of acting as a Trustee in any Case in the Execution of this Act, except of swearing other Trustees, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand

thousand Pounds, or be Heir Apparent of a Person having an Estate in Lands of the clear yearly Value of One hundred Pounds; and unless the Person or Persons claiming to have Fifty Pounds a Year, or One thousand Pounds, Personal Estate alone, or Real and Personal Estate together, as aforesaid, not being such Heir Apparent, shall take the Oath following, or being of the People called Quakers, an Affirmation to the Purport of the said Oath, before any Seven 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,

Trustees to take the Oath following before they act.

I *A. B* do swear *(or, being 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 and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds above Reprizes, or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds.

The Oath.

So help me GOD.

And if any Person shall be deemed unqualified, or made 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 the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Penalty on acting if not qualified.

Provided also, and it is hereby further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby required to cause the said Roads to be measured, and Stones or Posts to be set up thereon, and in or near the Sides of the said Roads; each Stone or Post to be placed at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily or maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words,

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for such of the said Counties of Worcester, Salop, or Stafford, where the Offence shall be committed, or before Seven or more of the said Trustees; every such Person so offending shall forfeit and pay the Sum of Forty Shillings, to be levied, applied, and disposed of, in the same Manner as any other of the Penalties and Forfeitures are herein before directed to be levied, applied, and disposed of: And in case the Person or Persons so offending, and convicted, shall have no Goods and Chattles sufficient to pay the said Sum, then it shall and may be lawful to and for any One or more of such Justice or Justices, by Warrant under his or their Hands and Seals, to commit such Person or Persons to the Common Gaol of such of the said Counties of Worcester, Salop, or Stafford, where the Offence shall be committed, for the Space of One Month; and the Person or Persons so offending, and convicted, shall not be discharged till he, she, or they shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Month.

to be levied by Distress and Sale.

For want of sufficient Distress, Offender to be committed.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees and their Successors, or any Nine or more of them, shall and may, and are hereby impowered, by Writing under their Hands and Seals, without any Stamp thereon, to set, demise, or to farm lett, the Tolls by this Act granted, or any of them, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term for which this Act is to have Continuance, not exceeding Three Years, upon Twenty Days Notice in Writing, to be fixed upon all the Turnpike-gates to be erected in pursuance of this Act, and also on the Market House in Kidderminster, to the highest Bidder, upon a publick Bidding, and for the best Price such Trustees can get for such Tolls, or Part thereof, payable at such Times, and under such Covenants, as the said respective Trustees, or any Nine or more of them, shall think fit, and to be paid to the said Trustees, or any Nine or more of them, or to such Person and Persons as they, or any Nine or more of them, shall appoint to receive the same; which Money so to be paid, shall be applied and disposed of for repairing the respective Roads, and the other Purposes herein mentioned, and to no other Use or Purpose whatsoever: And if the Money which shall be agreed to be paid for the said

respective Tolls, by the Person or Persons to whom the same, or any Part thereof, shall be lett, shall not be paid to the said Trustees, to whom the same ought to be paid, within the Space of Ten Days next after the same shall become due; then, upon Proof of such Letting, and of Non-payment of the said Money, or any Part thereof, before any Justice of the Peace of the said Counties of Worcester, Salop, or Stafford, where the Person or Persons from whom such Money shall be due and payable shall live; on the Oath of One Person, or on the solemn Affirmation of One of the Persons called Quakers (which Oath or Affirmation such Justice is hereby impowered to administer) the same Money, and every Part thereof, shall and may be levied by Distress and Sale of the Goods and Chattles of the Person and Persons from whom the same shall be due and payable, or of his, her, or their legal Representative or Representatives, by Warrant under the Hand and Seal of such Justice, the Overplus of the Money which shall be raised by such Distress and Sale being returned to the respective Owner or Owners of such Goods and Effects (if demanded) after the said Money, and reasonable Charges of such Distress and Sale shall be first paid and deducted thereout; and if Goods and Chattles of such Person or Persons cannot be found sufficient to answer and satisfy the said Monies, and the reasonable Charges of such Distress and Sale, then any such Justice may, and is hereby required, by Warrant under his Hand and Seal, to cause such Person or Persons to be committed to the Common Gaol of the same County or Place, there to remain until the said Monies and Charges be fully paid and satisfied, or until such Person or Persons shall have compounded with the said Trustees respectively, or any Nine or more of them, for the said Monies, and shall have paid the Monies in and by such Compositions agreed upon; which said Compositions and Monies the said Trustees, within their respective Districts, or any Nine or more of them, are hereby impowered to take and receive, in full Satisfaction of the Monies that shall be then due from such Person or Persons.

On Nonpayment of the Money,

the same may be levied by Distress and Sale;

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

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, for putting this Act in Execution, or 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 vested in such

Writings to be without Stamps.

such Trustees, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp or Duty whatsoever.

Limitation of Actions.

Provided always, 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 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 such of the said Counties of Worcester, Salop, or Stafford, where the Offence shall be committed, and not elsewhere; and the Defendant or Defendants, in such Action or Suit to be brought, 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 that 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 or Place, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict; or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his 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 and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.