Anno decimo

# Georgii III. Regis.

An Act for repairing, widening, turning, and altering the Roads from *Butterton Moor End* near *Oncott*, in the County of *Stafford*, to the Three Mile Stone in the Turnpike Road leading from *Buxton* to *Aſhborne*, in the County of *Derby*; and from *Blackton Moor*, in the County of *Stafford*, to the Turnpike Road leading from *Buxton* to *Aſhborne* near *Newhaven*, in the County of *Derby*; and from *Warſlow* to *Ecton Mine*, in the County of *Stafford*.

WHEREAS the Roads or Highways from Butterton Moor End near Oncott, in the County of Stafford, over Blackton Moor, and to and through the Market Town of Longnor, to or near the Three-Mile Stone in the Road leading from Buxton to Aſhborne, in the County of Derby, and from Blackton Moor aforeſaid through the Village of Warſlow, and over or near Archford Bridge, in the ſaid County of Stafford, through the Village of Hartington, to the Turnpike Road leading from Buxton to Preamble.

to Aſhborne neat Newhaven, in the ſaid County of Derby, and from Warſlow Mill to Ecton Mine, in the Parish of Wetton, in the County of Stafford, are in a very ruinous Condition, narrow in many Places, and dangerous to Paſſengers, and the ſame cannot be effectually repaired and widened, turned and altered by the preſent Methods preſcribed by Law: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That

Truſtees. Charles Armit, William Armit, Eſquires; Jonathan Allwod, Ralph Adams, Sir William Bagot Baronet, Brook Boothby, Hugh Bateman, Richard Bernsford, Eſquires; the Reverend John Bullock, Francis Berresford, John Beech, Eſquires; Blackwall, John Blackwall, George Beardmore, Thomas Brindley, James Bonfall, James Beſtwick, William Beſtwick of Hope, William Beſtwick of Warſlow, John Bagſhaw, William Bowman, Richard Bateman, Francis Buxton, Francis Berrisford the younger, William Broadhurſt, James Barnett, Goodwin Birch, Thomas Beard, George Booth, Joſeph Booth, the Right Honourable George Cavendiſh commonly called Lord George Cavendiſh, the Right Honourable Frederick Cavendiſh commonly called Lord Frederick Cavendiſh, the Right Honourable John Cavendiſh commonly called Lord John Cavendiſh, the Right Honourable William Lord Viſcount Chetwynd of the Kingdom of Ireland, George Challoner Eſquire, John Cantrell, Thomas Chapman, William Condlyff, Thomas Cantrell, Henry Cope, Thomas Cook, Abel Doughty, the Reverend Edmund Evans, the Reverend William Evans, Richard Edenſor Eſquire, John Edenſor, the Reverend Walter Fletcher, John Finney, Cornelius Fowler, James Finney, William Finney, John Froggatt, William Fidler, Fletcher, Thomas Gilbert, Eſquire, Richard Gould of Lower Brownhill, John Gould of Defield, John Gould of Warſlow, William Grinden of Aſholme, William Grinden of Stonefold, Thomas Green, William Greaves, Robert Charles Greaves, Richard Green, Richard Gould of Upper Brown Hill, William Gould of Aſhbourne, William Gould of Stonfold Moor, John Gibbs, John Gaunt, James Gaunt, Joſhua Gaunt, Alexander Goodwin, John Goodwin, Thomas Gould, Joſeph Goodwin junior, William Gould, Richard Gould of Pilsbury, Sir Henry Harpur Baronet, Charles Harpur Eſquire, Benjamin Hodſon Eſquire, Peter Hope, Benjamin Harriſon, Barisford, Johnſon, Thomas Johnſon, Samuel Johnſon,

Roger Jennings, John Jennings, Hugh Kidd, Thomas Ley, Francis Leigh, Edward Leigh, Esquires; George Lomas, Thomas Lomas, Thomas Mills, Thomas Milnes Esquire, William Miller junior, John Milward, Isaac Moss, John Marsh, William Melland, William Manifold, Marcellus Osborne Esquire, Thomas Oliver, William Oliver, Robert Plant, John Philips, Thomas Poiser, Samuel Pedley, George Palfryman, John Percival, Nathaniel Prime, Robert Riley, Thomas Robinson, Ralph Ratcliff, Wiliiam Ratcliff, Thomas Rogers, Richard Ratcliff, the Reverend Master Story, Sampson Salt, John Shirley, John Smith, Richard Stubbs, Thomas Salt, Thomas Salt junior, Samuel Sleigh, Ralph Sterndall, Joseph Smedley, James Simpson, the Reverend John Townsend, Thomas Taylor, Sir John Wrottesly Baronet, Richard Whitworth Esquire, John Weston, William Wardle junior, John Wain, William Wood, Thomas Wood, Richard Wain, John Wardell, Thomas Ward, John Wheeldon, Thomas Woodward, William Wheeldon, Richard Willock, Sampson Wheeldon, and their Successors, to be appointed in Manner herein after mentioned, shall be, and they are hereby appointed Trustees for widening, turning, altering, and repairing the said Roads, and keeping the same in Repair, and for otherwise putting this Act into Execution; and that when and as often as so many of the said Trustees shall die, or, by Writing under their Hands delivered to the Clerk of the said Trustees, shall refuse to act, or shall become incapable of acting for the Reasons herein after mentioned, whereby the Number of the said Trustees shall be reduced to the Number of Fifty; that then it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands, to elect and appoint so many more Persons living in the said Counties of Stafford and Derby, as they shall judge convenient, to be Trustees in the Room of such Trustees so dying, refusing to act, or becoming incapable of acting as aforesaid; and such Persons, so elected and appointed, shall be, and are hereby declared to be, to all Intents and Purposes, Trustees for putting this Act into Execution.

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

Provided always, and be it further enacted, That no Person shall be qualified, or capable of acting as a Trustee in the Execution of this Act, unless he shall then be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Thirty Pounds above Reprizes to his own Use; or shall be Heir Apparent to some Person having such

Qualification of Trustees.

Estate of the yearly Value of Fifty Pounds; or possessed of or intitled unto Personal Estate to the Amount or Value of Three hundred Pounds; and that if any Person or Persons, appointed or to be appointed a Trustee or Trustees in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls or Monies by this Act made payable; such Person or Persons, after his or their Acceptance of such Place or Places of Profit, during his or their respective Enjoyment of the same, shall be incapable of acting as a Trustee or Trustees in the Execution of this Act: And if any Person or Persons, not being so qualified, or becoming incapable to act for the Causes aforesaid, shall presume to act contrary to the true Intent and Meaning of this Act; every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

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

Penalty on Persons acting, not being qualified.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may erect such Toll-gates upon or across the said Roads, and also upon the Sides thereof, and across any Road, Street, Lane, or Way leading into the same, and also such Toll-houses, with suitable Out-buildings, and continue to remove the same from Time to Time, and at any Time, as they shall think proper; and may also take in and inclose, from any Common or Waste Ground near the said Road, a Garden-plot to each Toll-house, suitable and convenient thereto, not exceeding half an Acre; and may provide and maintain a Lamp or Lamps, with proper Furniture, at or near each Toll-gate across the said Roads; and that the respective Tolls following shall be demanded and taken of the Person or Persons attending any Cattle or Carriage at every such Toll-gate, in the Proportions and Manner herein after mentioned, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, or to whom the same shall be let, before any Cattle or Carriage shall be permitted to pass through the same; (that is to say)

Trustees may erect Toll-gates and Toll-houses, &c.

The following Tolls to be taken.

For

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Carriage, the Sum of Three-pence.

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence per Score, and so in proportion for any greater or less Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to collect the same; and the Money so to be raised is hereby vested in the said Trustees, and shall be applied as herein after is directed; and if any Person or Persons subject to the Payment of the said Tolls shall, after Demand thereof, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons so appointed as aforesaid, or to whom the said Tolls shall be let, to levy the same upon any such Person or Persons who shall so refuse or neglect to pay the said Tolls, by Seizure and Distress of any Horse or Horses, or any other Cattle, Beast, or Carriage, upon which such Tolls, are by this Act imposed, or of any other Goods or Chattels of or belonging to the Person or Persons who ought to pay the same, and to detain and keep such Goods and Chattels so seized and distrained, until such Tolls, and the reasonable Charges of distraining and keeping the same, shall be paid; and such Person or Persons so seizing and distraining, after the Space of Four Days next after the Day on which such Distress shall be taken, shall and may sell the Horses, Cattle, Beasts, Carriage, or Goods so seized and distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Tolls vested in the Trustees;

and the Manner of recovering them if refused.

Distress may be sold after 4 Days.

Provided always, That nothing herein contained shall authorize or impower the said Trustees, or any of them, to erect or cause to be erected any Toll-gate or Turnpike upon any Part of the said Road lying between Butterton Moor

No Gate to be erected between *Butterton Moor* and *Butterton Cloughs*.

Moor End, near Oncott, and a Gate leading into Butterton Cloughs.

Trustees may appoint Officers; and remove them, &c,

And be it further enacted That the said Trustees, or any Seven or more of them, shall and may, from Time to Time, by Writing under their Hands, appoint a Collector or Collectors of the Tolls hereby made payable, and a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary; and from Time to Time to remove all or any of such Officers, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act to allow and pay to the said Officers such Salaries and Rewards as to them the said Trustees, or any Seven or more of them, shall seem reasonable; and all such Officers shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, make out and deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been received by such Officer or Officers respectively by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall direct; and all such Officers so accounting as aforesaid shall verify their said Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them, which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer; and if any Officer shall not make out and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, that then any One or more Justice or Justices of the Peace for the County where such Officer shall dwell, shall and may, and they are hereby authorized and required, to make Inquiry of and concerning such Default as aforesaid in a summary Way, as well by the Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses upon Oath; and if such Default shall appear to such Justice or Justices, that then such Justice or Justices shall and may, and is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or

and allow Officers Salaries.

Such Officers to account with the Trustees upon Oath.

Officers refusing to account, &c. to be committed.

Hands

Hands and Seals, to cause every such Offender to be committed to the common Goal for the said County, there to remain without Bail or Mainprize until he shall make out and give such Account as aforesaid, and verify the same upon Oath, if required, and produce and deliver up the Vouchers for the same; and if any such Officer so accounting as aforesaid shall neglect or refuse to pay such Monies as shall remain in his Hands upon the Balance of such Account, that then, upon Proof of the Money so remaining in the Hands of such Officers respectively, and such Neglect or Refusal to pay the same as is herein before directed, upon the Oath of One or more credible Witness or Witnesses, such Justice or Justices shall and may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers respectively; and if no Goooods and Chattles of such Officer or Officers can be found sufficient to satisfy the said Money, and the Charges of such Distress and Sale, then, and in that Case, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, to commit every such Offender to such common Gaol as aforesaid, there to remain without Bail or Mainprize until he shall have made such Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Penalties on Officers refusing to pay the Balances of their Accounts.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and are hereby required to take Security, by Bond, with One or more sufficient Surety or Sureties, and with sufficient Penalties, from every Person who shall be appointed as Treasurer under this Act, and before he shall enter upon such Office, for the making a due and satisfactory Account of all Monies intrusted to his Care and Charge; and that no Person or Persons who shall keep an Inn, or who shall sell Wine, Ale, Beer, Cyder, or Spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act, during such Time as he or they shall continue in that Way of Business.

Security to be given by the Treasurer,

Innkeepers, &c. incapable of holding any Office of Trust.

And be it further enacted, That if any Person or Persons shall go or pass with any Cattle or Carriage through or over any Land, Ground, or Place lying by the Side of, or near to the said Roads, or either of them, the same

Penalties on Persons avoiding the Tolls.

not being a publick Highway, in order or with Intent to avoid the Payment of the Tolls by this Act granted, or any Part thereof; or shall forge, counterfeit, or alter, or shall deliver to or receive of any other Person or Persons, any Note or Ticket with Intent to avoid the Payment of all or any Part of the said Tolls; or if any Person or Persons owning or occupying any Land, Ground, or Place, not being a publick Highway, shall knowingly or wittingly permit or suffer any Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, in order or with Intent that the Payment of any of the said Tolls, or any Part thereof, should be avoided; or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof, or whereby the same, or any Part thereof, may be evaded or lessened; such Persons, and every of them, shall for each Offence forfeit and pay the Sum of Forty Shillings, over and besides such Damages and Punishments as they shall otherwise be liable to by Law; to be levied and recovered by such Means and in such Manner as are herein after-mentioned and provided for the recovering of the Penalties and Forfeitures imposed by this Act; One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein after directed to be applied.

Tolls to be paid but Once a Day.

And be it further enacted, That all and every Person and Persons who shall have paid the Tolls by this Act granted and ascertained for the Passing of any Cattle or Carriage through any Toll-gate erected by virtue of this Act, shall, upon producing a Note or Ticket of the Day denoting such Payment, be permitted to pass and repass through the same Gate with the same Cattle or Carriage, Toll-free, at any Time or Times during the same Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night); which said Note or Ticket the Collectors or Receivers of the said Tolls are hereby required to give grats, if demanded, on Payment of such Toll.

Exemptions from Tolls.

And be it further enacted, That no Person or Persons shall be charged with any of the Tolls aforesaid for passing through any of the said Toll-gates to be erected by virtue of this Act with any Cattle or Carriage going empty for, or drawing or carrying, or returning empty after having drawn or carried, the Post Mail or Packet, or the Arms or Baggage of any Soldiers on their March; or any Dung, Soil, Compost, or Manure of any Kind, except Lime, for any Garden, or other Land or Ground

in any of the Parishes or Places in which any Part of the said Roads doth lie; or any Stones, Gravel, or other Materials for the building of the Toll-houses and Toll-gates, or for repairing or fencing of the said Roads, or building any Bridges thereon, or for repairing any of the Highways in any of the Parishes or Places aforesaid; or for any Hay or Corn in the Straw at the Times of Hay and Corn Harvest respectively, being not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, or Grounds of the Owner or Owners thereof in any of the said Parishes or Places; or any Ploughs, Harrows, or other Implements of Husbandry; nor shall any Toll be taken for any Horse or other Cattle going to or from Water or Pasture in any Parish or Place within which any Toll-gate shall be erected; or for the Horses of any Officers or Soldiers upon their March; or for any Horses or Carriages travelling with Vagrants sent by legal Passes; or with any Person or Persons going to, or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties in which such Toll-gates shall be respectively situated, on the Day or Days of such Election or Elections respectively; or going to or returning on Sundays from any Church, Chapel, or other Place of religious Worship, which shall be situate within the same Parish in which such Gates shall be erected, or going with the Funerals of any Persons who shall be buried in the Parish where they die; nor for any Cattle or Carriage passing through any Side-gate which shall only cross the said Roads; nor shall any Toll be taken from any Person or Persons for any Horse or Cattle going through the said Toll-gates drawing or loaden with any Corn carried to or from any Mill to be ground, for the Use only of the Families of such Person or Persons to whom such Corn shall belong, upon their producing an Exemption or Order for that Purpose from any Five or more of the said Trustees, who are hereby authorized to make and grant such Exemption or Order to such Persons only as they shall think proper.

Toll-gates and Toll-houses vested in the Trustees, who may indict Persons injuring the same.

And be it further enacted, That the Right and Property of all the Toll-gates, Toll-houses, and Garden-plots, to be erected and inclosed by virtue of this Act, and the Right and Property of the Materials to be provided for building or repairing the same, or any of the Out-buildings, or of the Lamps or other Conveniencies, Tools, and Requisites, to be provided for the Purposes of this Act, and of all Materials which shall be absolutely got or collected for the Use of the said Roads, shall be and

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are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, an Action or Actions in the Name of any One of them, or of their Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure the same, or any Part or Parts thereof, or disturb them in the Possession thereof, or take, or retain, or hold Possession thereof, or any Part thereof, after being required by the Order of any Five or more of the said Trustees to deliver up the same; and in every such Action the Plaintiff or Plaintiffs shall recover such Damages as the said Trust shall appear to have sustained; to be applied, when recovered and received, to make good the same, or to the general Purposes of this Act.

Trustees may borrow Money on the Credit of the Tolls.

And, for the more speedy repairing, widening, turning, and altering the said Roads, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, to borrow and take up at Interest such Sum or Sums of Money as they, or any Seven or more of them, shall think fit, not exceeding the Sum of Four thousand Pounds in the Whole, without such Consent as is herein after mentioned; and may, and are hereby impowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Toll-gates and Toll-houses for collecting the same (the Costs and Charges of such Mortgages to be paid out of such Tolls) as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, by the following Words, under their Hands and Seals, in the Presence of Two or more credible Witnesses, or by any other Words to the same or the like Effect; videlicet,

Form of Security for borrowing Money.

BY virtue of an Act of Parliament made in the Tenth Year of His Majesty King *George* the Third, For repairing, widening, turning, and altering, the Roads from *Butterton Moor End*, near *Oncott*, in the County of *Stafford*, to the Three Mile Stone in the Turnpike Road leading from *Buxton* to *Ashborne*, in the County of *Derby*, and from *Blackton Moor*, in the County of *Stafford*, to the Turnpike Road leading from *Buxton* to *Ashborne* near *Newhaven*, in the County of *Derby*, and from *Warslow* to *Ecton Mine*, in the County of *Stafford*; we, being Seven of the Trustees, in Consideration of the Sum of to the Treasurer

surer of the said Roads in Hand paid, do grant, bargain, sell, and demise unto *A B*, his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Toll-gates and Toll-houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum advanced on the Credit thereof; to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act; unless the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied.

And Copies of all such Mortgages shall be entered in the Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all such Mortgages shall and may be assigned from Time to Time, and as often as all such Mortgagees or Assignees shall think proper, by indorsing on the Back of such Security the following Words, or to the like Effect: Mortgages to be entered in Books, and be assignable.

I Do transfer this Mortgage, with all my Right and Title to the Principal Money hereby secured, and to all the Interest now due upon the same, unto his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord Form of Assignment.

*C D.*

And that all and every such Transfers or Assignments shall be produced to the Clerk or Treasurer to the said Trustees for the Time being, within the Space of Three Weeks after the respective Dates thereof, who shall make, or cause to be made, a proper Entry of every such Transfer or Assignment in the Book kept for entering the original Securities made by the said Trustees as aforesaid, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence: And after such Entry made, but not otherwise, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and it shall not be in the Power of such Person or Persons who shall have made such Assignments respectively, to make void, release, or discharge the original Securities, or any Monies thereby due, or any Part thereof: And all Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Assignments to be entered in Books. Clerk's Fee.

Creditors to be equal in Degree.

mentioned, Creditors on such Tolls, on the Credit whereof such Sum or Sums are advanced, in equal Degree One with another, and shall have no Preference in respect to the Priority of any such Monies so advanced; and no more than the said Sum of Four thousand Pounds shall be borrowed upon the Credit of the said Tolls, unless Notice be for that Purpose fixed in Writing upon all the Toll-gates across the said Roads, at least One Month before the borrowing thereof; and unless the Person or Persons intitled to Two Thirds of the Sum so borrowed shall consent to the borrowing more, and shall signify such Consent by a Writing or Writings for that Purpose under his, her, or their Hand or Hands; in which Case so much more may be borrowed as shall be thus consented to; and so from Time to Time, with the like Notice and Consent of the Person or Persons for the Time being intitled to Two Thirds of the Money due upon the said Tolls.

Trustees not answerable for the Money secured by Mortgage.

Provided always, and be it further enacted, That the Trustees who shall execute such Mortgages or Securities as aforesaid, or any of them, their or any of their Lands or Tenements, Goods or Chattels, shall not, by reason of signing or sealing the same, be charged or chargeable with the Payment of the Money thereby secured, or any Part thereof.

Trustees may vary the Tolls,

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from Time to Time to vary or alter all or any of the several Tolls aforesaid, as they shall think proper and see Occasion, provided they do not at any Time exceed the Tolls granted by this Act; nor lessen nor reduce the same, until the Money borrowed upon the Credit thereof, with its Interest, be repaid; unless the Person or Persons to whom the same shall be due at the Time of such Reduction shall consent thereto; and also at any Time or Times during the Continuance of this Act, upon One Month's Notice in Writing of the Time and Place of the Meeting for that Purpose being affixed on all the Toll-gates erected, or to be erected, in pursuance of this Act, by any Writing under their Hands and Seals, to lease and farm out all the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at and for the largest yearly Sum or Sums of Money that can be gotten for the same, taking sufficient Security for the Payment thereof; but not for more than Three Years at any One Time; and so as such Leases be signed by the Person or Persons taking or farming the same, and by Seven of the said Trustees;

and lease the same.

Truſtees; and that the Money which ſhall be ſo agreed to be paid for the ſaid Tolls ſhall be made payable, and ſhall be paid to the Treaſurer of the ſaid Truſtees by Monthly Payments; and all other Leaſes or Agreements for letting the ſaid Tolls, made contrary to the true Intent and Meaning of this Act, ſhall be void.

Tolls how to be applied.

And be it further enacted, That out of the Monies to be raiſed by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall, in the Firſt Place, pay and diſcharge all the Expences and Coſts relating to the procuring and paſſing this Act; and the Remainder of the ſaid Monies ſhall from Time to Time be applied in putting this Act into Execution, and in repaying the Principal Monies borrowed upon the Credit of this Act, and the Intereſt due thereupon.

Truſtees may widen the Roads, &c.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall be, and are hereby fully impowered, from Time to Time, and at any Time or Times during the Continuance of this Act, to widen, turn, or alter the ſaid Roads; or to divert, turn, ſhorten, vary, or alter the Courſe or Path of any Part or Parts of the ſaid Roads over or through any Common or Waſte Ground, and to fence and ditch off ſuch Parts of the ſaid Common or Waſte Ground as they ſhall think neceſſary, in order to prevent the Payment of the ſaid Tolls being evaded, without making any Satisfaction for the ſame; and alſo over or through any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain; provided the ſaid Roads, or ſuch Part or Parts thereof as ſhall be ſo widened, turned, and altered, or diverted, be not thereby made wider than or extend beyond the Breadth of Forty Feet; and for that Purpoſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, from Time to Time to contract and agree with the Owners of, and Perſons intereſted in, any Lands or Hereditaments for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by ſuch widening, turning, altering, or diverting the Courſe or Path of any Part or Parts of ſuch Roads through ſuch Lands or Hereditaments: And it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Guardians, Truſtees, and Committees, not only for and on Behalf of themſelves, their Heirs, and Succeſſors, but alſo for and on Behalf of their Infant Wards, Ceſtuique Truſts, Lunaticks, Ideots, or Perſons of unſound Memory and Underſtanding,

Lands may be purchaſed.

Bodies Politick, &c. may agree for Damages, &c.

ing, and to and for all Femes-covert who shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, and who are or shall be possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purpose aforesaid; and all Contracts, Exchanges, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, or Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, or Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them, at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads is intended to be widened, turned, altered, or diverted, shall, for the Space of One Month next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County of Stafford: And, in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from Time to Time as Occasion shall be, to summon and call before such Jury, and examine upon Oath any Person or Persons whomsoever (which Oath any Two or more of the said Trustees is and are hereby impowered to administer); and such Trustees, or any Seven or more of them, shall, by ordering a View or otherwise, use all Ways, as well for their own as for the said Jury's Information of the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any

Persons refusing to treat, Damages to be ascertained by a Jury.

Trustees may summon Witnesses.

any Seven or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Remainder, or Reversion, their Heirs or Successors, as well absent as present, Infants, Femes-covert, Lunaticks, Ideots, and Persons under any Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever: And, for summoning and returning such Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the respective County wherein such Lands shall lie, requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall, and they are hereby impowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Seven or more of the said Trustees, shall return other such honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Seven or more of them, acting in the Premises, shall have full Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or

Verdict of the Jury to be final.

Trustees may issue their warrant to the Sheriff, for impanelling a Jury.

Jurors may be challenged.

Sheriffs, &c. may be fined.

being so sworn shall refuse to give, or not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be examined or to give Evidence; and such Fine or Fines shall be levied, recovered, and applied in such Manner as the Penalties and Forfeitures imposed by this Act are hereinafter directed to be levied, recovered, and applied; so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings on any One Person for One Offence.

Fines not to exceed 10*l.* nor be less than 20*s.*

Money assessed for Damages, &c. to be paid out of the Tolls.

And be it further enacted, That every Sum of Money or Recompence, to be agreed for or assessed as aforesaid, shall be paid out of the Tolls aforesaid, or out of the Monies to be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or, in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorised by Writing under the Hands of the said Trustees, or any Five or more of them, to widen, divert, or turn such Roads through or over such Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be widened, diverted, or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Lands; and the Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are by this Act to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments: And after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead, shall be vested in, and shall and may be exchanged or sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising

Old Road may be sold, &c.

arising by such Sale shall be applied to the Repair of those Parts of the said Road so diverted and turned; and the Conveyance or Conveyances to be made of such Lands or Grounds being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County in which such Lands or Grounds do lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever; in which Sale or Sales the Owner or Owners of any Lands adjoining to the Lands constituting the former Road, who shall signify in Writing to the Clerk or Treasurer to the said Trustees, before the new Road shall be completed, his, her, or their Desire to purchase so much of the said former Road as shall adjoin to his, her, or their Lands, shall be allowed to purchase the same in Preference to any other Person offering the same Purchase-money: But this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Land that is a Garden, Orchard, Yard, Paddock, planted Walk, or Avenues to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof.

Owners of adjoining Lands, to have Preference in Purchase.

Dwelling-houses, &c. not be injured.

And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Monies as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any such Loss or Damage as aforesaid, than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning or returning the Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees out of the Tolls hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any such Jury shall give and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid; that then the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

If Jury assess more Money for Damages than was offered by the Trustees, then they to pay Expences of summoning the Jury, &c.

And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, or such Person

Surveyors may make Causeways, &c.

Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Seven or more of them) to make or cause to be made Causeways, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, or narrow or ruinous Part of the said Roads (such Ground respectively not being the Ground whereon any House stands, nor a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing and widening; and also, by Order of any Seven or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Seven or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor, Common, or Waste Ground.

and make a temporary Road;

making Satisfaction to the Owners.

Surveyors may dig Gravel, &c. out of Waste Grounds, &c.

And be it further enacted, That the Surveyor or Surveyors of the said Roads, or any of them, or such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for building of the Toll-houses and Toll-gates, or for the repairing or fencing of the said Roads, or building any Bridges thereon, out of or from any Waste Ground or Common, River or Brook, in any Parish, Town, or Place, in or within Two Miles of which any Part of the said Roads do lie, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, search for, dig, gather, take, and carry away, any such Materials for such Purposes as aforesaid, in, upon,

without paying any Thing for the same, levelling the Pits.

Surveyors may dig for Materials out of private Grounds,

upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering to the Owners and Occupiers of such Lands for the same, and for the Damage done to such private Lands over which any Materials gotten in any Waste Ground, Common, River, or Brook, or private Ground, shall be conveyed, such Equivalent in Money as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the County wherein such Difference shall arise, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties; and also that the said Surveyor or Surveyors of the said Roads, or any of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are also impowered to enter into any Lime Quarry, Marble Quarry, or other Quarry, and to take and carry away the broken Stones, Chipping, and Rubbish thereof, or so much and such Parts thereof as shall be thought fit to be employed in the Repair and for the Use of the said Roads, or any of them, without paying any Thing for the same; Notice being given to the Owners or Occupiers of such Quarries respectively, at least Fourteen Days before the First Entrance therein for the Purposes aforesaid: And that if any Person whatsoever shall take away any Materials which shall be digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Purpose of amending the said Roads; or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty Days (except the Owner or Occupier of any private Ground, and Persons authorised by such Owner or Occupier to get Materials therein for his

making Satisfaction for the Damage.

Justices to determine Differences.

Surveyors may take Materials out of Stone Quarries,

without paying for the same.

Persons taking away Materials (except the Owner of any Ground) forfeit 5*l.*

own private Use only, and not for Sale); every Person so offending shall forfeit for every such Offence the Sum of Five Pounds.

Surveyors may remove Annoyances,

And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors, and such Person or Persons as they shall appoint, having an Order under the Hands of the said Trustees, or any Five or more of them, from Time to Time to remove all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise, and dispose of the same for the Benefit of the said Roads; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads, to the Prejudice thereof, into or through any adjoining Lands; and to open, scour, cleanse, widen, and make deeper, any Watercourses or Ditches adjoining thereto, as he or they shall think necessary; and to cut down, root up, top, or lop, any Trees growing within Twenty Feet of the Center of the said Roads, and to cut down or reduce all Hedges, Shrubs, or Bushes, to the Height of Five Feet, in case the Owners or Occupiers of the Premises shall neglect to remove such Annoyances, or to open, scour, cleanse, widen, or make deeper, such Watercourses or Ditches, or to cut down, root up, top or lop, or reduce and remove such Trees, Hedges, Shrubs, or Bushes, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Ten Days next after Notice in Writing for that Purpose shall be left at the House where the Occupier or the Tenant shall reside, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall forfeit for every such Offence the Sum of Forty Shillings, over and above the Charges and Expences of removing the same: And if any Person or Persons shall draw, or cause to be drawn, upon any Part of the said Roads, any Tree, or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages; or shall suffer any Part of any Tree, or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads to the Prejudice thereof; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

turn Watercourses,

scour Ditches, cut down Trees, &c.

Charges to be reimbursed to the surveyors.

Penalty on a Second Offence.

Timber to be drawn only upon Wheel Carriages.

And

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby impowered and required to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up on the Sides thereof, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit; and if any Person or Persons shall destroy, pull down, dig up, break, or injure the said Mile-stones or Posts, or erase, obliterate, or deface any of the Inscriptions which shall be made thereon, or any Part thereof; every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Mile-stone so destroyed, pulled down, dug up, broken, injured, obliterated, or defaced; and One Moiety of every such Penalty shall, when recovered and received, be paid to the Informer upon whose Oath such Offender or Offenders shall be convicted.

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

And be it further enacted, That where any particular Parts of the said Roads, or any Bridge, Drain, or Sewer, being in and upon the said Roads, hath been accustomed, or ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by either of the said Counties, or any Township therein; every such Parts of the said Roads, Bridge, Drain, or Sewer, so lying in and upon the said Roads, shall from Time to Time be maintained and kept in Repair by such Person or Persons, Body Corporate or Politick, County or Counties, Township or Townships, and Places, and in such Manner as the same ought to have been respectively maintained and kept in Repair before the passing of this Act; and it shall and may be lawful for the Justices of the Peace for the County wherein such particular Part of the Roads, Bridge, Drain, or Sewer shall lie, and they are hereby required and impowered, at their Petty or Special Sessions, upon Application made by the said Trustees, or any Five or more of them, or their Clerk or Clerks for the Time being, to adjudge and determine where, how, and in what Manner, the same from Time to Time shall be maintained and kept in Repair; and that it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree with all or any of the said Persons, Bodies Politick or Corporate, Townships, or Places, which are or shall be liable or chargeable for or towards repairing of any such particular Part of the said Roads, Bridge, Drain, or Sewer, (except the Bridges liable to be repaired by the County,

Persons, &c. liable to repair the Roads, to continue so.

Trustees may compound for Repairs, &c.

which shall continue to be respectively repaired as aforesaid) for a certain Sum of Money by the Year, or otherwise, as the said Trustees, or any Five or more of them, shall think fit, in lieu of such particular Works or Repairs to be done by such particular Person or Persons, Body Politick or Corporate, Township or Townships, or Places as aforesaid.

Rents, &c. applicable to the Repairs of the Highways to continue so.

And be it further enacted, That if any Rents, Profits, or Sum or Sums of Money issuing out of any Lands, Tenements, or Hereditaments now are or hereafter shall be applicable towards the amending any Part of the said Roads, the same shall remain so, and the Lands, and Tenements, or Hereditaments out of which the same is payable, shall remain liable to and chargeable therewith; and the Possessors or Occupiers of such Lands, Tenements, and Hereditaments are hereby directed and required to pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and upon Default of Payment thereof it shall be lawful to and for any Justice or Justices of the Peace of the County wherein such Lands, Tenements, or Hereditaments shall be, by Warrant under his or their Hand and Seal, or Hand and Seals, to levy and recover 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, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered, shall be applied from Time to Time for and towards the amending the said Roads, and to no other Use or Purpose whatsoever.

Persons liable to Statute-work to continue so.

And be it further enacted, That all Persons who by Law are or shall be chargeable with Statute-work, within the Parishes and Places where any Parts of the Roads hereby directed to be repaired do lie, shall yearly and every Year do and perform such Proportion of Statute-work, not exceeding Three Days, and on such Part or Parts of the said Roads within their respective Townships, Parishes, Tithings, Places, and Divisions, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors of the said Roads by them appointed, shall appoint and require; and that the Surveyor or Surveyors of the Highways of and for every of the said Parishes, Tithings, Hamlets, and Places shall and they are hereby required, within Seven Days after Notice or Warning signed by the Clerk, Treasurer, or Surveyor to the said Trustees shall be given to him or them, or left at his or their House

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

or

or Houses, or last Place of Habitation, for that Purpose, to return or deliver in to the said Trustees, at any Meeting to be by them held agreeable to such Notice, true and perfect Lists in Writing upon Oath, if thereunto required (to be administered by the said Trustees, or any Two or more of them) of the Names of all the Inhabitants of and Occupiers of Lands, Tenements and Hereditaments in such Parishes, Tithings, Hamlets, and Places respectively that are liable to do their Statute-work or Duty, and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers keep a Team or Teams, and what Lands Tenements, or Hereditaments, and to what annual reputed Value they respectively occupy, and which of them are Labourers, or liable to do their Statute Duties as Labourers only; and if the Surveyor or Surveyors of the several Parishes, Tithings, Hamlets, or Places wherein any Part of the said Roads shall lie, shall not deliver in such Lists as aforesaid respectively, at or before such Times and in such Manner as by this Act are required and directed to be delivered, or shall refuse to verify the same upon Oath if thereunto required; or if the Name or Names of any Person or Persons who ought to have been inserted in such List or Lists are by Design omitted; or if such Surveyor or Surveyors shall refuse or decline to give publick Summons or Notice to such Person or Persons who ought by Law to do and perform such Statute Labour or Duty as aforesaid, according to the Directions of the said Surveyor or Surveyors appointed by the said Trustees; such Parish Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds: And if all or any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments in the said several Parishes, Tithings, Hamlets, or Places, being obliged by Law to do Statute-duty in and upon the Highways, shall not do so much Statute-work in and upon the said Roads, at such Times and Places, and in such Manner as they shall, by the said Surveyor or Surveyors, appointed by the said Trustees, be appointed or directed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of the Laws now in being is compellable to furnish a Team or Teams, for every Day's Default of every Team the Sum of Twelve Shillings; and every other Inhabitant or Person liable to work on the said Roads as a Labourer

Penalty on not giving in such Lists, &c.

Penalties for not doing Statute-work.

rer only, or to find and send One or more Labourer or Labourers thereon, for every Day's Default of himself, and every such Labourer or Labourers, the Sum of Two Shillings: And if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team or Draught to work on the said Roads, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor and Surveyors is and are hereby impowered to remove and turn off such Person and Persons, and in that Case, the respective Forfeitures and Payments before mentioned shall be incurred and made payable, as if such Person or Persons had refused or neglected to come, or such Team or Draught had not been sent out: And that it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree with the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments of and in all or any of the said Townships, Parishes, Places, and Divisions, from, to, or through which the said Roads lead (their Consent being first signified in Writing at a Vestry or other publick Meeting of such Inhabitants summoned to assemble for that Purpose) for a certain Sum of Money by the Year, or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the whole Statute or other Work to be by all the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors, or other Officer of the Parish so compounding, to the Treasurer of the said Trustees, on or before the First Day of February in each Year, or otherwise the Inhabitants and Occupiers of the said Parish or Place shall not be permitted to compound.

Trustees may compound for Statute-work.

And be it further enacted, That all the Penalties, Forfeitures, and Fines hereby inflicted, or authorised to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby impowered and

Penalties how recovered.

and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers of the said Trustees, and applied in the Repair of the said Roads: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid; it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place; there to remain without Bail or Mainprize for any Time not exceeding Six Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; videlicet,

Form of Conviction.

BE it remembered, That on the in the Year of our Lord One thousand seven hundred and *A B* is convicted before me *C D*, One of His Majesty's Justices of the Peace for the said County of *(specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be)*. Given under my Hand and Seal the Day and Year aforesaid.

Persons aggrieved may appeal to the Quarter-sessions,

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed and declared to be final; such Person may appeal to the Justices of the Peace at any General Quarter-sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within One Month after the Cause of such Complaint shall have arisen; such Appellant first giving, or or causing to be given,

giving Notice,

given, Twelve Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter-session; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter-session shall be final, binding, and conclusive, to all Intents and Purposes.

and entering into Recognizance.

Proceedings not to be quashed for want of Form;

And be it further enacted, 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 Act, shall be quashed for want of Form; or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

nor removeable by *Certiorari*.

Distress not unlawful for want of Form,

nor Parties distraining deemed Trespassers *ab initio*, for subsequent Irregularity.

Provided always, and be it further enacted, That such of the Trustees appointed, or to be appointed, by virtue of this Act, who is, or are, or shall be a Justice or Justices of the Peace, may, and is and are hereby authorised and impowered to act as a Justice or Justices of the Peace in all Matters relating to the Execution of this Act, notwithstanding

Trustees being Justices, may act as such.

standing his or their being so appointed a Trustee or Trustees as aforesaid, except in such Matters and Things only in which he or they shall be personally interested.

Meetings of Trustees.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House of William Finney, at the Hayes Yate in the Parish of Alstonefield, in the said County of Stafford, upon the Wednesday Fortnight after the Passing of this Act, for putting this Act in Execution; and shall then adjourn themselves, and afterwards meet at the same Place, or at any other Place near the said Roads, as they, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act into 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, or to adjourn to any other Day, then, and in such Case, the Clerk to the said Trustees shall appoint the said Trustees to meet at the House where the last Meeting was held, or appointed to be held, on that Day Fortnight on which such last Meeting was appointed to have been held; and shall give Notice in Writing of such Appointment or Appointments, by fixing up the Notices thereof upon all the Toll-gates which shall be then erected by virtue of this Act, at least Ten Days before such Appointment or Appointments so to be made by the Clerk as aforesaid; and that the said Trustees at all their Meetings shall defray their own Charges and Expences.

concur.

Trustees to defray their own Expences.

Proceedings to be entered in a Book.

And be it further enacted, That all Orders and Proceedings of the said Trustees at their several Meetings shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, when entered, shall be signed by the said Trustees, or such competent Number of them as is by this Act required for the several Purposes herein before mentioned; and that the said Orders and Proceedings, so signed, shall be deemed and taken to be original Proceedings, and shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any Thing done by the Authority of this Act; and that no Order made by the said Trustees, or any Five or more of them, in and for the Execution of any of the Trusts, Powers, and Authorities of this Act, shall be varied, revoked, repealed, or set aside by any subsequent Order of the said Trustees, unless Nine Trustees shall be then present and concur therein.

No Order to be revoked unless Nine Trustees

Writings to be without Stamps.

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

Owner of *Ecton* Copper Mine to open a Road from thence to *Wetton Mill.*

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to hinder or prevent the Owner or Occupier of Ecton Copper Mine from opening or making any Road or Way leading from the said Copper Mine to Wetton Mill, or any Person or Persons from making use of such Road or Way with any Horses, Cattle, or Carriages whatsoever; any Thing herein contained to the contrary notwithstanding.

Limitation of Actions.

Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act by Order of the said Trustees, or such competent Number of them as is herein required, until Twenty-one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Two Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place where the Matter shall arise, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may, at his or their Election, plead Specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall

General Issue.

be Nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law. Treble Coſts.

And be it further enacted, That this Act ſhall commence from the Day of the Paſſing of this Act, and ſhall continue in Force for and during the full Term of Twenty-one Years. Commencement and Continuance of this Act.

And be it further enacted, 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 other Perſons whatſoever, without ſpecially pleading the ſame; and that the Roads hereby directed to be repaired and amended, ſhall be deemed and taken to be Turnpike Roads within the Intent and Meaning of an Act of Parliament made in the Seventh Year of the Reign of his preſent Majeſty, intituled, An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purpoſes therein mentioned; and that all and every Clauſe and Proviſion contained in the ſaid laſt-mentioned Act ſhall be in full Force, with regard to the Roads hereby directed to be repaired and amended, during the Continuance of this Act, as if the ſame had been herein repeated and re-enacted, excepting ſo far as the Subject Matter of the ſame, or any Part thereof, is herein otherwiſe ordered and provided for. Publick Act. General Turnpike Act 7 *Geo.* III, extended to this.

FINIS.