Anno decimo

Georgii III. Regis.

An Act for repairing and widening ſeveral Roads leading to and through the Borough of *Tamworth*, and other Roads therein mentioned, in the Counties of *Stafford*, *Warwick*, and *Derby*.

WHEREAS the Roads leading from the Turnpike Road between Coleſhill and the City of Lichfield, at the Green Man at Moxall Park Corner, through the Liberties and Pariſhes of Wiſhaw, Moxall, and Middleton, in the County of Warwick; and the Pariſh of Drayton Baſſett, in the County of Stafford; and the Borough and Pariſh of Tamworth, in the ſaid Counties of Stafford and Warwick; and the Pariſh of Elford, near the School there, into and through the Liberty of Hazelor, in the ſaid County of Stafford; and the Pariſh of Croxall, in the ſaid County of Stafford; and the Pariſh of Alrewas, to the Turnpike Road there, leading from Lichfield to Burton Upon Trent; and from the End of Oakley Lane next to the Meaſe Lane, to the End of Rye Lands Lane, in the ſaid Pariſh of Croxall and County of Derby; and from Elford Mill, through the Liberties of Hazelor, Harlaſton, Haunton, and Cliffton Capvill, to the Houſe of William Turner of Cliffton Capvill aforeſaid, Preamble.

in the ſaid County of Stafford; and alſo in and near the High Roads leading from Baſſett's Pole, in the ſaid Pariſh of Drayton Baſſett, to the ſaid Borough of Tamworth; and from the Bird in the Hand in Gungate, in the ſaid Borough of Tamworth, over Bow Bridge, to the Two Gates in the ſaid Pariſh of Tamworth and County of Warwick; and through the Pariſhes of Tamworth and the Liberty of Doſthill, and the Pariſh of Kinſbury by Drakenage, through the Liberties of Nether Whitacre and Over Whitacre, in the ſaid County of Warwick, to the croſs Roads in the Over Whitacre Field adjoining to the Turnpike Road leading to Coventry; and from the End of Silver-Street, in the ſaid Borough of Tamworth, over Hopwas Bridge, and through the ſaid Pariſh of Tamworth, and over Packington Lane, and Whittington Heath, and by Freeford Houſe, to the Gallows, in the County of the City of Lichfield, at the Turnpike Road leading from Lichfield to London; are very frequently rendered impaſſable by the high Floods to which they are now ſubject; and from the Nature of the Soil and other Circumſtances they are become ſo very ruinous and bad, that in the Winter Seaſon ſome Parts thereof are quite impaſſable, or at leaſt not without great and manifeſt Danger to Perſons travelling along the ſame; and other Parts thereof, by reaſon of their Narrowneſs, are rendered very incommodious and inconvenient to Paſſengers, and cannot, by the ordinary Courſe provided by the Laws now in being for repairing the Highways of this Kingdom, be effectually raiſed, amended, widened, and kept in ſufficient and good Repair: For Remedy whereof, and to the Intent that the ſaid ſeveral Roads may be well and ſufficiently raiſed, amended, widened, and kept in good 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 George Adams, Charles Bowyer Adderley, Chriſtopher Aſtley, Robert Whadcock Avery, William Aſtley, Eſquires; Addiſon Aſhbourne, William Alport, Gentlemen; the Right Honourable Robert Bertie commonly called Lord Robert Bertie, Sir William Bagot, Sir Robert Burdett, Baronets; Robert Burdett Eſquire, Theophilus Buckeridge Clerk, John Bindley, Edward Ball, William Burns, Robert Bage, Kemp Burns, John Barker, Michael Baxter, Stafford Square Baxter, Francis Burges, Joſeph Boultbee junior, Gilbert

Truſtees Names.

Gilbert Bradgate, Matthew Birch, Samuel Ball, John Blakesley, Matthew Butler, Humphrey Beck, Robert Blount, Gentlemen; the Right Honourable Lord Viscount Chetwynd in the Kingdom of Ireland, the Honourable John Chichester, Sir Thomas Cave Baronet, Thomas Cobb, Francis Cobb, Thomas Cave, Edward Croxall, Esquires; Simon Collins, Moses Cotterell, Thomas Clare, Clerks; Robert Cotton, John Cheatle, Thomas Clare, Thomas Capper, Gentlemen; the Right Honourable Arthur Earl of Donegall in the Kingdom of Ireland, Richard Dyott, William Dilke, Esquires; Erasmus Darwin Doctor of Physick; Edward Dickenson, Thomas Darlaston of Hazelor, Thomas Dabbs, William Dyall, Gentlemen; Edwards, William Eagleftone, Richard Edge, William Aberal, Allen England the elder, Allen England the younger, Joseph England, Thomas Edden, Gentlemen; Ralph Floyer, John Fletcher, Esquires; James Faulkner Clerk, William Fowler, Thomas Freeman, John Farmer, Philip Farmer, Gentlemen; Thomas Gilbert, Richard Geast, Sherrington Grosvenor, Esquires; Thomas Gresley Doctor in Divinity, George Godfrey, Thomas Greenway, Thomas Godwin, Thomas Geary, Michael Goodall, Gentlemen; Isaac Hawkins, Andrew Hackett the elder, Andrew Hackett the younger, George Hemmings, John Horton, George Hall, Charles Howard, Esquires; Brook Hector Doctor of Physick, Joseph Heath, Samuel Heath, William Harding, Thomas Holmes, Job Hunter, Richard Harrison, Francis Hamp, Walter Hollier, Thomas Herdsman, Richard Hinckley, William Hopley, Gentlemen; the Right Honourable Simon Lord Irnham in the Kingdom of Ireland, William Inge Esquire, Charles Jennings Esquire, Richard Jackson Clerk, Thomas Kent the younger, Joseph Knight Gentleman, Sir Robert Lawley Baronet, the Honourable Henry Laws Luttrell, Robert Lawley, John Levett, John Ludford, Esquires; Richard Levett Clerk, Thomas Levett, Walter Lyon, Henry Lakin, Edward Lyon, William Lawson, William Lyon, Christopher Lucas, Gentlemen; John Masey Esquire, Mitchell Clerk, John Moggs, Josiah Marshall, Humphry Milner, Gentlemen; Sir Roger Newdigate Baronet, Fettiplace Nott Esquire, Robert Nevill, William Norton, Gentlemen; Charles Oakes Esquire, James Oldershaw, George Orton, Gentlemen; Thomas Prinsep Esquire, Samuel Pipe Clerk, Joseph Paul, John Pemberton, Gentlemen; William Robinson Clerk, John Roby Gentleman, Miller Sadler, John Swinfen, Stephen Simpson, Charles Simpson, John Skipp the elder,

John Skipp the younger, Esquires; Richard Rider Short Doctor of Laws, Thomas Seward, William Sawrey, Clerks; William Seal, Thomas Storer, Thomas Spence, Harry Smith, Richard Smith, Gentlemen; the Honourable Henry Frederick Thynne, Edward Thurlow, Esquires; John Underwood Gentleman, Charles Vernon Esquire, John Vaughton Gentleman, the Honourable Thomas Willoughby, Sir John Wrottesley Baronet, Stanford Wolferstan, Wingfield Wildman, Esquires; Richard Watkins the elder, Richard Watkins the younger, Thomas White, Clerk; Captain John Wilson, John Willington, Walter Willoughby, Francis Woodcock, John Watterson, Richard Worthington, Henry Webb, William Webb, William Worthington, Humphry Woodcock of Haunton, Charles Wood, Joseph Williams, Thomas Wright, John Yeld, Samuel Yeomans, Gentlemen; John Hartill, Thomas Hartill, John Newbold, Richard Sale, Joseph Wilkes, William Wilkes, John Wilkes, Joseph Wilkes junior, John Smith, William Browne, Robert Capenhurst, John Capenhurst, John Capenhurst junior, John Hill, John Cotton, Robert King, John Cave Browne Esquire, John Mould, John Cooper, John Smith, Robert Smith, Robert Smith, the Reverend Doctor Gresley, Richard Baker, John Fox, John Mouseley, Humphrey Woodcock, Josiah Flavil, Josiah Marshall, William Lyon, Henry Webb, the Reverend James Chambers, Joseph Simmonds, Christopher Simmonds, William Benfield, Thomas Mouseley, Robert Lea, Robert Lea junior, Thomas Prisep Esquire, William Inge Esquire, the Reverend James Falconer, Thomas Moore, Humphry Millner, Thomas Dabbs, Christopher Astley, Thomas Levett Esquire, John Levett Esquire, Robert Bage, the Reverend Richard Levett, Richard Dyot Esquire, John Dolphin Esquire, Ralph Floyer Esquire, William Bournes, the Reverend Sawrey, Richard Salisbury, Thomas Anson, John Adinbrook Dean of Lichfield, Matthew Bolton, Uppingham Burn, Wild Buckeridge, Carey Butt, Thomas Barton, Samuel Clements, John Cotton, Thomas Doxey, Peter Garrick, Phineas Hussay, Robert Holbrook, George Hand, Samuel Mence, Samuel Palmer, Marshal Rider, Edward Sneyd, Samuel Swinfen, Samuel Smalbrook, John White, William Mosely Walsh, shall be, and they and their Successors, to be elected in Manner as is herein after mentioned, are hereby appointed Trustees for the raising, amending, widening, and keeping in Repair the said

said several Roads; and also for putting in Execution all the Powers in and by this given and granted.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, 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 Forty Pounds; or possessed of a Personal Estate of the Value of Eight hundred Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds: And if any Person, not being so qualified, shall presume to act, contrary to the 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 and 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 the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting, if unqualified.

Trustees may erect Turnpikes, &c.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may cause to be erected and set up One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, in, upon, and across any Part or Parts of the said several Roads; and shall and may, from Time to Time, remove such Gate or Gates, Turnpike or Turnpikes, to any other Part or Parts of the said several Roads, or any of them, as they shall see convenient.

and take the following Tolls thereat.

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

Tolls.

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

For every Pair of Mill-stones, Two Shillings and Sixpence.

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, Five-pence per Score; and so in proportion for a less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; 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, disposed of, and assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned and directed; and that it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands, 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 Person or Persons who shall (after Demand made thereof) neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle, together with their Furniture; or of any Carriage upon which any Toll is by this Act imposed; or by Distress of any of the Goods and Chattels carried or drawn by or on such Cattle or Carriage; or of any of the Goods and Chattels of such Person or Persons who ought to pay the said Tolls respectively; and if such Tolls and the reasonable Charges of such Distress shall not be paid within the Space of Four Days, such Person or Persons so distraining may sell the Horses, Cattle, Furniture, Carriages, and Goods so distrained, returning the Overplus (if any) upon Demand to the Owner thereof, after such Toll, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

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

Tolls may be levied by Distress.

Distress may be sold after 4 Days.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to cause to be erected and set up One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of any of the said Roads, across any Lane or Way leading into the same; and to cause such Tolls to be collected and levied at such respective Side-gates or Turnpikes are by this Act made payable upon the said respective Roads; so as that the same do not extend to a double Charge, or subject any Person to the Payment of a larger Toll than is herein before appointed to be paid for afterwards passing or repassing the same Day through all or any of the Toll-gates or Turnpikes to be erected by virtue of this Act; and so as no Person or Persons be compelled to pay at any such Side-gate or Turnpike for crossing any of the Roads to be repaired by virtue hereof; or for travelling thereupon with any Horse, Cattle or Carriage whatsoever for the Space of One hundred Yards only.

Trustees may erect Side-gates,

and take Tolls thereat;

Provided always, and be it enacted, That no Turnpike, Side-bar or Gate shall be erected by virtue of this Act between Lady Bridge and Coton Cross-gate in the Parish of Tamworth aforesaid, or in the Parish of Elford aforesaid, or in the Parishes of Whittington and the Parish of Saint Michael, in the County of the City of Lichfield, or either of them, or upon any Part of the Watling-street Road, either in the said County of Warwick or in the said County of Stafford, or between the Bird in the Hand in Gungate in Tamworth aforesaid, and the Two Gates in the said Parish of Tamworth and County of Warwick.

except at the Places here mentioned.

Provided also, and be it further enacted, That no Turnpike, Side-bar, or Gate shall be erected by virtue of this Act between the said Borough of Tamworth and Hopwas Gate aforesaid, in the said Parish of Tamworth.

Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons shall be subject or liable to the Payment of any Toll hereby made payable more than Once in One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Toll-gates or Turnpikes to be erected in pursuance of this Act.

Tolls to be paid but Once a Day.

If a Turnpike should be erected between *Elford* and *Cliffton Campvill*, certain Inhabitants to pay only Half Toll.

Provided always, and be it enacted by the Authority aforesaid, That if it shall be found convenient and proper to erect a Toll-gate or Turnpike upon the said Road between the said Parish of Elford and the said House of William Turner in Cliffton Campvill aforesaid; then, and in such Case, the Inhabitants of Elford, Hazelor, Harlaston, Haunton, and Cliffton Campvill aforesaid, and their Horses and other Cattle, Coaches, Waggons, and other Carriages, passing and repassing through such Toll-gate or Turnpike only, shall pay but Half Toll at such Toll-gate or Turnpike so to be erected as aforesaid.

Penalty on evading the Tolls.

And for preventing the committing of Frauds and Abuses in the said Tolls and 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 Person or Persons in order to avoid the Payment of the said Tolls or Duties; every such Person or Persons so giving or disposing of such Note or Ticket, Notes or Tickets, and the Person or Persons receiving the same, being thereof convicted upon Oath before the said Trustees, or any Five or more of them, which Oath the said Trustees, or any Five or more of them, are hereby impowered and required to administer, shall respectively forfeit and pay the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety applied in such Manner as the Penalties and Forfeitures are herein after directed to be applied; and be recovered and levied as any other Penalty or Forfeiture is hereby directed to be recovered or levied.

Exemptions from Tolls.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle or Carriage going empty or unloaden for, or returning loaden only with Stones, Bricks, Gravel, Timber, Wood, or other Materials for repairing any of the said Roads; or for repairing the Highways in any Parish, Liberty or Township, through which any of the said Roads hereby directed to be repaired do lead; or for any Cattle or Carriage used or employed only in the drawing or carrying of any Dung, Mould, Compost, or other Manure, of what Nature or Kind soever, to be used in manuring or improving of Lands (Lime only excepted) or for any Cattle or Carriage used or employed in the drawing or carrying of any Hay, Straw,

Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, Yards, or other Places belonging to the Owners thereof, being Inhabitants in the several Townships in which any of the said Roads hereby intended to be repaired do lie (but not to exempt any Cattle or Carriages laden with any Hay or Straw for Sale); nor shall any Toll be demanded or taken for any Cattle drawing Ploughs, Harrows, or other Implements of Husbandry belonging to any of the said Inhabitants passing in order to the using or repairing the same, or for manuring or working of Land in the several Parishes and Townships in which any of the said Roads do lie; nor shall any of the said Tolls be demanded or taken at any of the Toll-gates or Turnpikes to be erected by virtue of this Act, from any Person or Persons residing in any Parish or Place in which any Toll-gate or Turnpike shall be erected by virtue of this Act, who shall pass through such Turnpike on Sundays, in his, her, or their Way to or from Church, or any other Place of Religious Worship tolerated by Law, which he, she, or they, usually attend, for any Cattle or Carriage used on such Occasion, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes in which the said Roads or any of them do lie; nor shall any Toll be demanded or taken for any Cattle belonging to any of the said Inhabitants which shall be only going to or returning from Pasture or Water; or for any Cattle or Carriage belonging to any such Inhabitant only passing to the Smith's Shop in order to be shoed or repaired, or for the Return of any such Cattle or Carriage unladen; or for any Post-horse carrying the Mail or Packet; or for the Horses of Soldiers upon their March, or for Cattle or Carriages attending them, or loaden only with their Arms or Baggage; or Cattle or Carriages travelling with Vagrants sent by Passes: And if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being thereunto entitled, such Person, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings; to be recovered and applied in Manner herein after directed. 20 s. Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, with the Consent of the Person or Persons intitled to Two Thirds of the Money borrowed on the Credit of the Tolls and Duties hereby granted, from Time to Time, Trustees may lessen the Tolls,

Time, to leſſen or reduce the ſeveral Tolls and Duties hereby granted and made payable, for ſuch Time as the ſaid Truſtees, or any Nine or more of them, ſhall think proper; and the ſaid Truſtees, or any Nine or more of them, may raiſe the ſaid Tolls and Duties again when they ſhall think proper, ſo as that the ſame do not exceed the reſpective Tolls and Duties hereby granted; and ſuch Tolls ſo reduced or raiſed again ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

and raiſe them again.

Turnpikes, &c. veſted in Truſtees.

And be it further enacted and declared by the Authority aforeſaid, That the ſaid ſeveral Toll-gates, Turnpikes, and Toll-houſes to be erected by virtue of this Act, and the Rights and Properties thereof, and the Materials for building the ſame, and for repairing the ſaid Roads, ſhall be and are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authoriſed and impowered to bring any Action or Actions in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treaſurer or Treaſurers, or to prefer a Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall keep Poſſeſſion of any Toll-gate, Turnpike, or Toll-houſe, after Notice given by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Treaſurer for the Time being, to ſuch Perſon or Perſons to quit the ſame; or who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, damage, or deſtroy any ſuch Toll-gates, Turnpikes, Toll-houſes, or Materials, or diſturb the ſaid Truſtees, or their Officer or Officers, Agent or Agents, in the Poſſeſſion thereof; or who ſhall dig up, fill up, injure, or deſtroy any Ditches, Mounds, or Fences which ſhall by virtue of this Act be erected or made upon, in, or acroſs, or on the Sides of the ſaid Roads, or Bye-ways, or any of them, or any Part thereof.

Tolls may be aſſigned.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, at any Meeting to be held for that Purpoſe (whereof Fourteen Days Notice ſhall be given in Writing, by affixing ſuch Notice under the Hand of the Clerk to the ſaid Truſtees, upon the ſeveral Toll-gates or Turnpikes which ſhall be erected by virtue of this Act) may and they are hereby authoriſed and impowered, from Time to Time, by any Writing or Inſtrument, without any Stamp to be impreſſed thereon, under their Hands

and

and Seals, to assign over or mortgage the Tolls or Duties to be collected, levied, and arising by virtue of this Act, or any Part or Parts thereof (the Costs and Charges of such Assignment or Mortgage to be paid out of such Tolls or Duties) together with the Turnpikes and Toll-houses to be erected in pursuance of this Act, or any of them when erected, for any Term or Terms during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Five or more of them, upon the Credit of such Tolls or Duties, to such Person or Persons, or his, her, or their Trustee or Trustees who shall advance and lend such Money, to secure the Repayment thereof with such Interest as shall be agreed upon, not exceeding Five Pounds per Centum per Annum; which said Money so borrowed shall (after paying the Expences of obtaining and passing this Act) be applied and disposed of in such Manner as the said Tolls or Duties are herein after directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and that the said Mortgages or Assignments shall be registered or entered in a Book or Books by the Clerk of the said Trustees; and such Mortgages, or the Sum or Sums thereby secured, or any Part thereof, may be, from Time to Time, assigned over by the Person or Persons to whom the same shall be respectively made or be due, his, her, or their Executors, Administrators, or Assigns, to any other Person or Persons whomsoever; and such Assignee may in like Manner assign again, and so toties quoties; and such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof and Payment thereon; provided that such Assignment be produced to, and an Entry of the Date, Parties Names, and Sums assigned, be made in a Book or Books to be kept for that Purpose by the Clerk of the said Trustees, within Three Months after the Date thereof, for which the Clerk shall be paid a Fee out of the said Tolls or Duties of Two Shillings and Sixpence, and no more.

Assignments be entered in a Book.

Clerk's Fee.

Provided always, and it is hereby enacted and declared, That no Preference or Priority shall be given to any Security or Securities that shall be made by the said Trustees to any Person or Persons whomsoever, who shall advance or lend any Sum or Sums of Money upon the Credit of the said Tolls or Duties.

No undue Preference to be given.

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 to be collected by virtue of this Act, or out of the First Money which shall be borrowed on the Credit of the Tolls or Duties by this Act granted, the said Trustees, or any Five or more of them, shall pay and discharge all the Expences of procuring and passing this Act, and of erecting and setting up such Toll-gates, Turnpikes, and Toll-houses as aforesaid; and from and after such Charges and Expences shall be fully paid and satisfied, then and from thenceforth the said Tolls and Duties shall be applied, laid out, and disposed of, in the repairing, widening, raising, and keeping in Repair the said several Roads, and in other necessary Charges incident thereto, in such Manner as the said Trustees, or any Five or more of them, shall, from Time to Time, order, direct, or appoint.

Trustees not to repair *Tamworth* Pavement.

Provided always, and be it further enacted, That nothing herein contained shall authorise the said Trustees, or any Surveyor or Surveyors to be appointed by them, to lay out or expend any Money to be raised under the Authority of this Act, in making or repairing any of the paved Streets within the Town of Tamworth.

Trustees to elect Collectors and Surveyors;

And be it further enacted, That the said Trustees, or any Five or more of them, present at the First or any succeeding Meeting, may and are hereby authorised and impowered to choose and appoint fit and proper Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls aforesaid, Surveyor or Surveyors of the Roads aforesaid, or any Part or Parts thereof, and such other Officer or Officers as they shall think necessary to employ in the Execution of this Act, and such Officers and other Persons, or any or either of them, from Time to Time, to remove or displace, and to appoint others in case of Death or such Removal;

Notice thereof to be given.

Notice of the Time and Place of Meeting for that Purpose being fixed on the Toll-gates or Turnpikes to be erected by virtue of this Act, at least Ten Days before such Election; and may and they are hereby authorised and impowered, out of the Monies which shall arise by the Tolls and Duties aforesaid, to make such Allowances to such Officers and other Persons for their Services, as to the said Trustees, or any Five or more of them, shall seem reasonable.

And

And be it further enacted, That all and every such Officers and other Persons shall, from Time to Time (when thereunto required by the said Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing under their respective Hands upon Oath, to be taken before Two or more of the said Trustees (which Oath any Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively shall to that Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in his, her, their, or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same: And in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to make such Payment as aforesaid; then any One or more Justice or Justices of the Peace for the County wherein such Offender shall dwell, shall make Enquiry concerning such Default in a summary Way, as well by the Confession of the Party or Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath: And if any such Officer or other Person shall be convicted of all or any of the Offences or Defaults aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County where such Officer or Person shall live and reside, there to remain without Bail or Mainprize until he, she, or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he, she, or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Officers to account upon Oath.

On Refusal to account,

Justices to enquire into the Default;

and, on Conviction, commit the Offender,

till Payment or Composition made.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorised and required to take such Security from the Treasurer or Treasurers, or any other Officer or Officers to be appointed

Treasurer, &c. to give Security.

pointed for the Purposes of this Act, for the due Execution of his, her, and their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Trustees may compound for Tolls.

And be it further enacted, That the said Trustees, or any Five or more of them may, from Time to Time, at any of their Meetings, compound for any Time not exceeding One Year, with any Person or Persons using to travel through all or any of the Gates or Turnpikes to be erected by virtue of this Act, for any Sum or Sums of Money paid in lieu of the Payment of the said Tolls or Duties (save and except for Waggons, Wains, Carts, or other Carriages, the Fellies of the Wheels whereof are not of the Breadth or Gage of Nine Inches) Regard being had to the Length of Passage on and to the Statute-work done or to be done by such Compounders on the said Roads; which Composition shall be instantly paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint, and shall be applied towards the Repairs of the said Roads.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Five or more of them, may, at any Time during the Continuance of this Act, let the Tolls and Duties hereby granted, or any Part or Parts thereof, on Lease, to any Person or Persons by the Year, for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think reasonable; which Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

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 Surveyor or Surveyors to be appointed by virtue of this Act, and such Person or Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, and other Materials for repairing the said Roads, in and out of any River or Brook (except in the River Tame, within Half a Mile of Elford Hall) or any Waste or Common in any Parish, Town, Village, Hamlet, or Place in or near which any Part of the said Roads do lie, without paying any Thing for such Materials; such Surveyor or Surveyors causing to be levelled all such Holes and Pits

without paying for the same,

as shall be made on that Occasion, or causing the same to be fenced or railed about, so as that the same be not dangerous to Travellers or Cattle; and also that it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint (such Surveyor first having an Order for that Purpose from any Five or more of the Trustees) to search for, dig, gather, and take away any such Materials in and out of the several Grounds of any Person or Persons (not being the Ground whereon any House or Houses stand, or Garden, Orchard, Yard, Court, Park, or Paddock, planted Walk or Avenue to any House, or Parcel of Ground set apart and used as a Plantation or Nursery for Trees) paying such Rates for such Materials, and for the Damages done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, gathered, and carried away, or over which the same or any other Materials for the Repair of the same Roads shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, the Justices of the Peace, or the major Part of them at the next General Quarter-sessions of the Peace, or at the Second General Quarter-sessions at the farthest, to be holden in the County where such Materials shall be digged or gathered, and from whence the same shall be carried away, shall and may hear, adjudge, assess, and finally determine the same.

levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices may inquire into the Default, and convict the Offender.

And be it further enacted, That if any Person or Persons owning or occupying any Land near to any of the Turnpikes or Gates to be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, Inclosure, or private Way, with any Cattle or Carriage whatsoever; or if any Person or Persons shall pass through any such Gate, Passage, Inclosure, or private Way, with any Cattle or Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle from any such Carriage, with an Intent to avoid paying any of the said Tolls or Duties, or any Part thereof, or shall leave or cause to be left upon or near to any of the said Roads, any Cattle or Carriage used upon the said Roads, or any Part thereof, with an Intent to avoid paying any of

Penalty on permitting, or going through private Passage, &c.

the said Tolls or Duties, or any Part thereof; or if the Owner or Driver of any Carriage or Beast of Burthen shall unload, or cause to be unloaded, such Carriage or Beast of Burthen, either in the Whole or in Part, in order to avoid the Payment of any of the Tolls or Duties hereby granted; or if any Person or Persons shall forcibly pass through any such Gate or Turnpike with any Cattle or Carriage, whereby the Payment of any of the Tolls or Duties by this Act granted shall be avoided; every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses before any Justice or Justices of the Peace of and for the County or Place where the said Offence or Offences shall be committed, which Oath such Justice or Justices is and are hereby impowered to administer, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer or Informers upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses, and the other Moiety to the said Trustees, to be applied towards amending the said Roads.

Surveyors may make Causeways, &c.

And be it further enacted, That the said Surveyor or Surveyors to be appointed by virtue of this Act, or any Person or Persons by them or any of them appointed or employed, may and is and are hereby authorised and impowered to make, or cause to be made, any Causeway or Causeways, in or along the Sides of any Part or Parts of the said Roads; and shall and may build, or cause to be built, any Bridges upon, in, or across the said Roads, or any Part thereof; and to cut or cause to be cut any Watercourses, in, through, or across any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable.

and make a temporary Road;

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors to be appointed in pursuance of this Act, by Order of the said Trustees, or any Five 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 respectively (not being the Ground whereon any House or Houses stand, or Garden, Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to any House or Parcel of Ground 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; and also to cause Ditches or Trenches to be made in such Places and in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary, for the better amending and keeping the said Roads in good Repair; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, through, over, or along which any such temporary Road or Roads shall be made, or in which such Drain or Drains shall be cut, for the Damages which such Owners or Occupiers respectively shall or may sustain thereby, as shall be assessed and adjudged by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching any such Damages as aforesaid, then it shall and may be lawful to and for the Justices of the Peace at the next General Quarter Session, or at the Second General Quarter Session at the farthest, to be holden for the County wherein the Matter in Dispute shall lie, to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners.

Justices may determine Differences.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads, and by Order of Three or more Trustees, having viewed the same, to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting

Surveyors may remove Annoyances,

and cut down Trees, &c.

Owners, &c. neglecting to do the same.

Surveyors to be reimbursed,

ing

ing to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County wherein the Offence shall be committed, from Time to Time, to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattels, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before any Justice or Justices of the Peace for such County, shall, for every such Offence, forfeit and pay to the said Trustees, the Sum of Forty Shillings; to be levied by Distress and Sale as aforesaid.

Charges may be levied by Distress.

Penalty on Second Offence.

Surveyors may scour Water courses, &c.

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse which shall lead into or out of any Part or Parts of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, and Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons shall respectively

Owners neglecting to do the same after Notice.

ſpectively live, ſhall and may, by a Warrant or Warrants under the Hand and Seal of ſuch Juſtice, be raiſed and levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons; rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

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

And be it further enacted, That in caſe the ſaid Truſtees, or any Five or more of them, ſhall at any Time or Times during the Continuance of this Act think proper to widen, turn, or alter any Part or Parts of the ſaid Roads for the better Accomodation of Paſſengers, that then the ſaid Truſtees, or any Five or more of them, ſhall have full Power and Authority to treat, contract, and agree with the ſeveral Owners, Proprietors, Occupiers of and Perſons intereſted in any Lands, Grounds, or Hereditaments, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, or altering any Part of ſuch Roads; and out of the Tolls or Duties by this Act granted, or out of any 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, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Five or more of them, and all the Coſts and Charges attending ſuch Agreement and Purchaſe.

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

And be it further enacted, 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, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes-covert, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands, Grounds, or Hereditaments, to treat, contract, and agree with the ſaid Truſtees, or any Five or more of them, for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, 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 thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

On Refusal, &c. to treat,

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon 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, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty-one Days after such Notice given or left as aforesaid, neglect or refuse treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments shall lie (which Oath any Two of the Trustees are hereby required and impowered to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, Occupiers, or other Person or Persons interested for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Five 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 whomsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any Two or more of the said Justices are hereby impowered to administer); and they shall also order and cause

Jury to settle the Damages.

Witnesses may be examined upon Oath.

cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers 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 Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever 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, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five 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 shall lie, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, 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 upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause

Verdict of the Jury to be final.

Trustees to issue their Warrant to the Sheriff for impannelling a Jury, &c.

cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Bye-standers, or that speedily can 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 Five or more of them, acting in the Premises, shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on 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 shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, or refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting 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 touching the Premises, shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence, and from Time to Time to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty, herein before mentioned, is hereby directed to be levied; so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for any One Offence; and all such Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Fine not to be more than 10*l.*

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and upon Payment thereof, or Tender thereof, to such Persons or their Agents; and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads, and shall to all Intents and Purposes whatsoever become and be deemed and taken

Satisfaction-monies to be paid out of the Tolls.

On Payment or Tender thereof, Lands to be taken into the Roads.

to be a publick and common Highway, and be from thenceforth Part of the said Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner as the old Roads so widened, altered, or turned, was and ought to have been kept in Repair.

Not to damage Houses, &c. in altering the Roads.

Provided always, and be it enacted, That in widening, altering, turning, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation or Nursery of Trees, or any Walk of Trees or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

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

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making of this Act hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts whatsoever, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subjected and liable to, and charged and chargeable with the repairing and keeping in Repair the same Parts of the same same Roads, in the same Manner as they, every, or any of them, hath or have heretofore usually done or ought to do; and that if it shall appear to the said Trustees, or any Five or more of them, that any Lands, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, are given or settled for, or are liable or chargeable towards, the repairing of any Part of the said Roads intended to be repaired by virtue of this Act; such Lands, Tenements, and Hereditaments shall still remain liable and chargeable; and the said Trustees, or any Five or more of them, may demand, and if not paid on Demand, sue by Bill or Information for the Recovery thereof; and the Possessors and 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 the receive the same; which Rents and Profits, when received or recovered, shall be applied, from Time to Time, for repairing the said Roads, and to no other Use or Purpose whatsoever; and that the Inha-

bitants of the several Towns, Parishes, Hamlets, and Places through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work; and shall and are hereby required to do and perform such and so many Days Work in each Year in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places in which such Inhabitants respectively shall live, as the said Trustees, or any Five or more of them, shall yearly direct or appoint, not exceeding Two Days in any One Year in the said Parish of Saint Michael, and not exceeding Three Days in One Year in any other Parish or Place, having Regard to the Quantity and Condition of the other Highways in such Townships, Parishes, or Places respectively which are not to be repaired by virtue of this Act, and at such Time and in such Manner as the Surveyor or Surveyors by them authorised, shall direct or appoint.

3 Bridges in *Tamworth* may be taken down.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors to be appointed by virtue of this Act, or for the Person or Persons to be employed by him or them, to take down and remove the High Bridge, Little Bridge, and Foot Bridge, in the said Parish of Tamworth, standing near or adjoining to Lady Bridge, and to apply, use, and dispose of the Materials thereof for and towards making other and more commodious Bridges and Ways in Lieu and Stead thereof.

Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

And to the End that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places wherein the Roads by virtue of this Act intended to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do, be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places wherein any Part of the said Roads do lie, or, in case no Surveyor or Surveyors of the Highways is or are appointed for any such Towns, Parishes, Hamlets, or Places, then the Churchwardens or Overseers of the Poor for such Towns, Hamlets, or Places respectively shall, and they are hereby required, before the Twenty-fifth Day of March in every Year (or oftener, if thereunto required by the said Trustees,

Truſtees, or any Five or more of them) during the Continuance of this Act, to return and deliver in to the ſaid Truſtees, at ſome of their Meetings, or to the Surveyor or Surveyors of the ſaid Roads, to be appointed by virtue of this Act, true and perfect Liſts in Writing, under their reſpective Hands, of the Names of all the Inhabitants of ſuch Towns, Pariſhes, Hamlets, and Places reſpectively, who are liable to do their Statute-work in and upon the ſaid Highways; and ſhall in ſuch Liſts diſtinguiſh and ſet forth the particular Sorts and Kinds of Statute-work ſuch Inhabitants are by Law reſpectively obliged to perform and do.

Penalty on Surveyors, &c. not delivering Liſts of Perſons liable to do Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the ſeveral Towns, Pariſhes, Hamlets, or Places in which the ſaid Roads, or any Part of them do lie, or Churchwardens or Overſeers of the Poor as aforeſaid, ſhall not deliver in Liſts of the Inhabitants of their ſaid ſeveral Towns, Pariſhes, Hamlets, or Places, at ſuch Times and in ſuch Manner, to the ſaid Truſtees, or their Surveyor or Surveyors, as by this Act is directed and required to be delivered; ſuch Surveyor or Surveyors of the Highways, and Churchwardens, or Overſeers of the Poor, and every of them, ſhall forfeit and pay for every ſuch Default the Sum of Five Pounds: And if any of the Inhabitants of the ſaid ſeveral Towns, Pariſhes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, ſhall not do ſuch Statute-work in and upon the ſaid Roads, at ſuch Times and Places, and in ſuch Manner as they ſhall, by the Surveyor or Surveyors appointed by the ſaid Truſtees, be directed or appointed to do; ſuch Inhabitants, 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 Law be deemed to keep a Team, Wain, Cart, or Carriage, Teams, Wains, Carts, or Carriages, for every Day's Work for each Team, Wain Cart, or Carriage, the Sum of Ten Shillings; and every other Inhabitant or Perſon not keeping, or by Law not deemed to keep a Team, Wain, Cart, or Carriage, for every Day's Work the Sum of One Shilling and Sixpence; and if any Perſon or Perſons who ſhall come to work as a Labourer or Labourers, or be ſent with any Team, Wain, Cart, or Carriage, to work on the ſaid Roads for the Repairs thereof, commonly called Statute-work, are found idle or negligent, or ſhall not properly perform ſuch Statute-

Penalty on not performing Statute-work.

Perſons found idle to be diſcharged.

work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person or Persons, and it shall be deemand taken as if such Person or Persons had not come or sent any Team, Wain, Cart or Carriage to work on the said Roads; and he, she, or they, shall be subject and liable to the respective Forfeitures, as if, he, she, or they, had neglected or refused to do or perform the said respective Days Work.

Trustees may compound for Statute-work.

And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorised and impowered to compound with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places within which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum and Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, and the said Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

Persons aggrieved may appeal to the Quarter-sessions.

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any of the Towns, Parishes, Hamlets, or Places wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways, to appeal to the Quarter-session of the Peace next after such Direction or Appointment (unless the same shall be made within Ten Days preceding such Quarter-session, and then to the Second Quarter-session after such Direction or Appointment) and the Justices in their said Quarter-session are hereby authorised and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Justices may determine the Proportion of Statute-work.

Roads to be measured,

And be it further enacted, That the said Trustees, or any Five or more of them, may cause the said Roads to be

be measured, and Stones to be set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places; and also Posts at the several Roads leading out of the Roads hereby directed to be repaired, with Inscriptions thereon denoting to what Place or Places the said Roads respectively lead, if they shall think fit: And if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses, or by his or her own Confession before any Justice of the Peace for the County or Place wherein such Offence shall be committed; every such Person so offending shall forfeit the Sum of Forty Shillings for every such Post or Stone so pulled down, broke, or damaged, or Inscription so obliterated, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the House of Correction for such County or Place, there to remain without Bail or Mainprize for One Month; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

and Milestones erected.

Penalty on defacing Milestones.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Castle Inn in Tamworth aforesaid, on the First Day of May One thousand seven hundred and seventy, and shall proceed to the Execution of this Act; and shall then adjourn themselves, from Time to Time, to the House aforesaid, or to any other House in Tamworth aforesaid, as the said Trustees, or any Five or more of them, shall think proper for putting this Act in Execution: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act or to adjourn to any other Time and Place, then the Clerk to the said Trustees shall adjourn the said Meeting to,

Trustees may meet and adjourn.

If a sufficient Number be not present, Clerk may appoint another Meeting.

and appoint the Truſtees to meet at, the Houſe where the laſt Meeting was appointed to be held; and ſhall cauſe Notice thereof to be given in Writing, and fixed upon the ſaid Toll-gates or Turnpikes to be erected by virtue of this Act, at leaſt Six Days before ſuch Meeting; and the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences; provided always, that Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment.

Notice thereof to be given.

Truſtees to defray their own Expences.

No Turnpike to be taken down, &c. but by Order of Nine Truſtees.

And be it further enacted, That no Gate, Turnpike, or Toll-houſe erected by virtue of this Act ſhall be taken down and removed to any other Place, except by Order under the Hands and Seals of the ſaid Truſtees, or any Nine of them at leaſt, at ſome of their publick Meetings by Adjournment.

No Order to be repealed unleſs Nine Truſtees be preſent.

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

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

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

Truſtees may act as Juſtices.

And be it further enacted, That a Truſtee or Truſtees nominated or appointed in or by virtue of this Act, who 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 the Execution of the Powers and Authorities hereby given to any Juſtice or Juſtices of the Peace, notwithſtanding his or their being a Truſtee or Truſtees.

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

And be it further enacted, That as often as any of the ſaid Truſtees ſhall die or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, under their Hands and Seals, to appoint another Truſtee in the Room of each Truſtee ſo dying or refuſing to act; but Notice of the Time and Place of Meeting for the Election of ſuch Truſtee or Truſtees ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing on all the Collgates or Turnpikes which ſhall be erected by virtue of this Act, at leaſt Fourteen Days before the Meeting for ſuch Election; and every Perſon ſo appointed, being qualified as aforeſaid,

Notice of Election to be given.

aforesaid, shall and may act in the Execution of this Act as fully as the said Trustees hereby nominated are impowered to do.

Penalty on haling Timber, &c. otherwise than on Wheel-carriages.

And be it further enacted, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn upon, in, or along any Part of the said Roads hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber, otherwise than upon Wheel-carriages; every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of recovering or levying whereof is not otherwise particularly directed) shall be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County wherein the Offence shall be committed; which Warrant such Justice or Justices is and are hereby impowered and required to grant upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward); and the said Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Roads: And in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorised and required, by Warrant under his or their Hands and Seals, to commit such Offender or Offenders to the House of Correction for any Time not exceeding Two Months.

Persons aggrieved may appeal to the Quarter Sessions.

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, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be held for the County or

or Place wherein the Cause of such Complaint shall arise, within Four Months after the Cause of such Complaint shall have arisen; such Appellant first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees; and within Two Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned try such apeal at, 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 the Session, upon due Proof of such Notice having been 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 by their Warrant levy such Costs; and the Determination of such Quarter-session shall be binding and conclusive to all Intents and Purposes.

Notice thereof to be given,

and Recognizance entered into.

Determination of Justices to be final.

And be it further enacted, That no Conviction or Proceeding in or relating to the Execution of this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceedings not unlawful for Want of Form;

nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, 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 unlawful, nor the Party or Parties making the same 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 may recover full Satisfaction for the special Damages in Action upon the Case.

Distress not to be deemed unlawful for want of Form; nor the Party be deemed a Trespasser *ab initio*, for subsequent Irregularity.

Provided always, and be it further enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Appointment, Information, Contract, Order, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by any Trustee or Trustees, Justice or Justices of the Peace, or exhibited before them, relating to this

Writings exempted from Stamp Duties.

this Act, or the Execution hereof, shall be chargeable with any Stamp-duty whatsoever.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered at any Meeting, and signed by Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders; which said Book or Books, and also the said Books directed to be kept for registering such Mortgages and Assignments as aforesaid, shall and may be read in Evidence in all such Cases of Appeal, and in all Suits or Actions in any Court or Courts whatsoever touching any Thing done in pursuance of this Act. Proceedings to be entered in a Book.

And be it further enacted, That no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Ale, Wine, or Spirituous Liquors by Retail. Victuallers, &c. not to enjoy Places of Profit.

And be it further enacted, That this Act shall commence and have Continuance from and after the passing thereof, for and during the Term and Continuance of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and that no Action or Suit shall be commenced against any Person or Persons for any Thing which shall be done in pursuance of this Act, until Twenty-One Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact complained of committed; and every Action or Suit shall be laid or brought in the County where the Cause thereof shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his or their Election, plead specially, or 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 virtue of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before the End of Twenty-one Days after Notice 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 be nonsuited, or discontinue his, her, or their Action Commencement and Continuance of this Act. Limitation of Actions. General Issue.

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.

Publick 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.

FINIS.