ANNO UNDECIMO

Georgii III. Regis.

An Act for repairing and widening the Road from *Stone* to *Lane End*; and to the Road between *Leek* and *Sandon* on *Meir Heath*, and from thence to *Blythe Bridge*; and also from *Meir* to *Trentham*, and from thence to *Stableford Bridge*, in the County of *Stafford*.

WHEREAS the Road leading from Stone, in the County of Stafford, to the Turnpike Road between Newcastle and Uttoxeter, at Lane End, and to the Turnpike Road between Leek and Sandon on Meir Heath; and from the said Road on Meir Heath, to the Road between Newcastle and Uttoxeter at Blythe Bridge; and also from the said Turnpike Road between Newcastle and Uttoxeter at Meir, to the Turnpike Road in Trentham; and from thence to the Road between Stone and Nantwich, at Stableford Bridge, in the said County, are in many Places very ruinous, narrow, and incommodious, and cannot be effectually repaired, widened, and kept in Repair, by the ordinary Course of 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, Preamble.

in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Lord Archibald Hamilton, Thomas Anſon, George Adams, Joſeph Adams, Benjamin Adams, Henry Allen, Sampſon Adderley, Joſhua Aſtbury, Thomas Aſhwood, Sir William Bagot Baronet, Sir Thomas Broughton Baronet, William Beard, John Baddilay, John Bill Clerk, William Bill, James Brindley, John Brindley, Joſeph Bucknall, Thomas Broad, Samuel Boyer, John Beckett, Luke Bennett, Nathaniel Beard junior, James Bent, James Bourne, John Bourne, Iſaac Barbor, Aaron Brown, John Breck Clerk, Thomas Boulton, Hugh Boulton Clerk, Joſeph Barker, Thomas Barker, William Banks, John Beech, William Beech, Charles Barns, Thomas Bacchus, Thomas Birks, William Boulton, William Bower, John Brindley, John Bagnall, Jeffrey Bagnall, Edward Bourne, John Bourne, Thomas Bagnall, William Baker, Sir John Chetwood Baronet, Smith Child, John Clownam, John Cook, Thomas Child, Ephraim Chatterley, Charles Chatterley, William Clarke, John Child, Thomas Corbett, Richard Clarke, John Emery, John Emery junior, John Cooks, —— Cotgreave, Thomas Fitzherbert, Thomas Fitzherbert junior, John Fenton, John Fenton junior, Thomas Fenton, John Fenton Clerk, John Fernyhough Clerk, Thomas Fernyhough, Thomas Fletcher, Thomas Fletcher junior, Iſaac Ford, William Fowler, William Ford, Ralph Ford, Sir Nigel Greſley Baronet, the Honourable Booth Grey, the Honourable John Grey, Thomas Gilbert, John Gilbert, George Greatbach, James Godwin, Daniel Griffin, Thomas Griffin, George Green, Richard Hill, Hugh Henſhall, John Hales, John Haſſells, Thomas Heath, Joſhua Heath, John Hollins, Thomas Hollins, Thomas Hatrell junior, Henry Hatrell, Thomas Heath, John Harriſon, William Hyatt, Bleſt Hadderton, Robert Hurſt, Richard Hulme, Francis Hickin, John Hyatt junior, Abraham Hadderton, Joſeph Ingleby, Joſeph Jenkinſon, Jervis, Jeffries, George Kendall, William Kinnerſley, Obadiah Lane Clerk, Richard Lateward, John Lovatt, Thomas Lovatt, Francis Leigh, Edward Leigh, Edward Mainwaring, Edward Mainwaring junior, Thomas Mills, William Mills, Ralph Moreton, John Middleton Clerk, Thomas Middleton Clerk, John Mare, John Mare junior; the Mayor, Recorder, Juſtices, and Bailiffs of Newcaſtle under Line for the Time being; Thomas Mytton, Howard Moreton, James Morgan, Thomas Maſon, Iſaac Moreton Clerk, Lord Chief Baron Parker, Thomas Parker, George Parker, Humphrey Palmer, Samuel Perry, Thomas Price, Thomas Payne, Thomas Pratt, William Phillips, John Phillips, John Phillips junior, Michael Paxter, Thomas Phillips, Ralph Porter, William Robinſon Clerk, James Robiſon, Samuel Robiſon, Robert Robiſon, John Richards, Robert Rhodes, James Robinſon, Ralph Sneyd, William Swinnerton, Jeremiah Smith, Walter Sneyd, Edward Sneyd Clerk, Thomas Swinnerton, Ambroſe Smith, Thomas Swinnerton, John Sparrow, William Sutton, John Simpſon,

Simpſon, Thomas Simpſon, James Smallwood, John Shrigley, William Sutton, Joſeph Stephens, Thomas Shelley, Thomas Shelley, George Twemlow, Thomas Twemlow, John Turner, William Tatton, John Terrick, Thomas Unett, William Unett, William Unett junior, Thomas Unett junior, Sir John Wrotesley Baronet, Thomas Whieldon, John Ward Clerk, William Whieldon, William Whieldon junior, Stephen Wood, John Wedgwood, Thomas Wedgwood, Joſiah Wedgwood, Thomas Warburton, Iſaac Warburton, Jacob Warburton, Jacob Warburton junior, John Woodhouſe, John Ward Clerk, Ralph Wootton, John Woolf Clerk, Thomas Ward, Thomas Wright, John Wright, John Walker, John Yates, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be, and are hereby appointed Truſtees for ſurveying, widening, repairing, and keeping in Repair the ſaid Road, and for putting in Execution all other the Powers of this Act.

Qualification of Truſtees.

Provided always, nevertheleſs, 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, or in Receipt of the Rents and Profits, of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or poſſeſſed of or intitled unto a perſonal Eſtate of the Value of One thouſand Pounds, or ſhall be Heir-apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, 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 hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, 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.

Penalty on acting if not qualified.

First Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of James Morgan, known by the Sign of the Crown in Stone aforeſaid, on the Tueſday Three Weeks after paſſing of this Act, and proceed to the Execution of this Act; and ſhall then chuſe a Clerk or Clerks to write their Orders, take Minutes, and make Entries of their Proceedings, and for other Purpoſes; and ſhall then and afterwards adjourn themſelves, from Time to Time, as they, or any Five or more of them, ſhall think proper; provided that no ſuch Meeting ſhall be adjourned for any longer Time than Three Months from the

the Day on which such Adjournment shall be made, and that no Business shall be done or proceeded upon at any of the said Meetings before the Hour of Ten in the Forenoon, and that no Adjournment shall be made to any Hour later than Two in the Afternoon of the Day on which such Meeting shall be appointed to be held: And if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from Time to Time, as often as such Case shall happen, by Notice in Writing to be fixed upon all the Turnpike-gates which shall then be erected upon or across the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on the Fourteenth Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorised to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless a superior Number of Trustees than concurred in the making such Order or Determination shall concur in revoking or altering the same; nor shall any Trustee be capable of acting in Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Power to adjourn.

Trustees to defray their own Expences.

All Orders to be made at publick Meetings; but not valid unless the Majority of Trustees present concur.

Trustees not to hold Places of Profit.

Trustees may act as Justices, but not where interested.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Road, at least Ten Days before every such Meeting, and all Persons who shall be so elected are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

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

Notice of Election to be given.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, from Time to Time, cause to be erected One or more Turnpike or Toll-gate, Turnpikes or Toll-gates, in, upon, or across any Part or Parts of the said Road, and on the Side or Sides thereof, or across any Lane or Way leading out of the same; and also a Toll-house or Toll-houses in, upon, or on the Side or Sides of the same Road; and may cause any Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered, and the Tolls following shall and may be demanded and taken, before any Cattle or Carriages shall be permitted to pass through any of the same Turnpikes or Toll-gates respectively; (that is to say) For every Horse, Mare, Gelding, Mule, or other Beast, drawing in any Carriage, the Sum of Three-pence; for every Horse, Mare, Gelding, Mule, 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, Swine, 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 if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful for the Person or Persons appointed to collect such Tolls, to seize and distrain any Horse, Beast, or other Cattle, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same: And if such Tolls, and the reasonable Charges of such Seizure or Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure or Distress made, the Person or Persons so distraining, shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattels so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and the Tolls collected and levied by virtue of this Act shall be, and are hereby vested in the said Trustees, and shall be applied, or may be assigned in such Manner as herein after mentioned.

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

and take the following Tolls.

Provided also, and be it further enacted by the Authority aforesaid, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall only cross the said Roads, nor more than Two-pence for the Passage of any Horse, or other Beast, through any Turnpike or Toll-gate to be erected upon the said Roads, drawing any Carriage not travelling for Hire, laden with, or going empty for, or returning after having been laden with

No Toll to be taken for crossing the Road only.

Coals, or going to, or returning from, any Mill or Mills erected upon or near the said Roads, for the grinding of Corn or Flint; nor more than One Halfpenny for the Paſſage of any Horſe or other Beaſt going for, or carrying, or returning after carrying, Coals, or going to or from any ſuch Mill or Mills.

Property of Turnpikes, &c. veſted in Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right and Property of all the ſaid Turnpikes and Toll-houſes to be erected or provided by virtue of this Act, and of the Materials of which the ſame ſhall conſiſt, and alſo all Rails, Stiles, Poſts, and Fences, which ſhall be in or belonging to the ſaid Roads, and alſo all Materials which ſhall be actually got or collected for repairing the ſaid Roads, or any Part thereof, ſhall be, and 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, any Action or Actions, in the Name or Names of any One or more of them, or of their Treaſurer or Treaſurers, Clerk or Clerks, or to prefer, or order the preferring of Indictments againſt any Perſon or Perſons who ſhall injure or diſturb them, the ſaid Truſtees, in the Poſſeſſion thereof.

Application of the Tolls.

And be it further enacted by the Authority aforeſaid, That out of the Tolls collected and levied upon or in reſpect of the ſaid Roads, or the Monies to be borrowed on account thereof, or on the Credit of this preſent Act, the ſaid Truſtees ſhall, in the firſt Place, pay all the Coſts, Charges, and Expences, of obtaining and paſſing this Act, or any-wiſe relating thereunto; and all the Reſidue of the ſaid Money ſhall be paid, laid out, and expended, in repairing and widening the ſaid Roads, and the other Purpoſes of this Act, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Truſtees may leſſen or vary the Tolls, and raiſe them again, ſo as not to exceed thoſe formerly granted.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five of them, at their firſt Meeting, and from Time to Time aſſembled at any ſubſequent Meeting or Meetings to be held for that Purpoſe, to leſſen or reduce all or any of the Tolls hereby granted, and for ſuch Time or Times as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and may afterwards, from Time to Time, advance all or any of the Tolls ſo leſſened, to any Sum or Sums of Money not exceeding the reſpective Rates herein before mentioned; and to order and direct ſuch Tolls ſo leſſened, or reduced, or advanced, to be collected, received, taken, laid out, and applied, for the Purpoſes of this Act, in ſuch Manner as the ſaid reſpective Tolls are herein before directed to be collected, levied, and applied; but no ſuch Reduction ſhall be made after ſuch firſt Meeting unleſs the Perſon or Perſons who ſhall be intitled to Two-thirds of the Money which ſhall have been lent upon the Credit of the Tolls intended to be reduced ſhall be conſenting thereto, and that no ſuch Reduction

duction shall be made unless Ten Days Notice at least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, expressing the Intention to make such Reduction.

Provided also, and be it further enacted by the Authority aforesaid, That no Person shall be liable to pay more than One full Toll for passing at any Time or Times with the same Horses, Cattle, or Carriages, in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, through all and every the Turnpikes or Toll-gates to be erected by virtue of this Act; but all and every such Person and Persons, after having paid such full Toll or Tolls as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payment or Payments, afterwards pass with such Horses, Cattle, Beasts, or Carriages, Toll-free, during such Day, to be computed as aforesaid, through all or any such Gate or Gates, which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Tolls. Tolls to be paid but once a Day.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered, from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with any Person or Persons for any Horses, Cattle, Beasts, or Carriages, travelling upon the said Roads, or any Part thereof, for all or any of the Tolls to be paid for or in Respect of such Horses, Cattle, Beasts, or Carriages, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition-money shall be paid quarterly in Advance to the Treasurer or Treasurers of the said Roads, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition-money shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied. Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, from Time to Time, by Writing under their Hands and Seals, to lease the Tolls arising within or in relation to the said Roads, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term not exceeding Two Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons as they the said Trustees, or any Seven or more of them, shall direct or appoint; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied. Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Penalty on Persons passing through or permitting private Passages.

Cattle, Beaſt, or Carriage, paſs through any Lands, Grounds, or Hereditaments, lying near any Turnpike which ſhall be erected by virtue of this Act, (the ſame not being a publick Highway); or if any Owner or Occupier of any ſuch Lands, Grounds, or Hereditaments, ſhall knowingly permit or ſuffer any Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through the ſame; or if any Perſon or Perſons ſhall give to, or receive from any Perſon or Perſons, or forge or counterfeit any Ticket by virtue of this Act to be given, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike with any Horſe, or other Cattle, or Beaſt, without Payment of Toll, or ſhall take off, or cauſe to be taken off, any Horſe, or other Cattle, or Beaſt, from any Carriage, or ſhall leave, or cauſe to be left, upon or near to any Part of the ſaid Road, any Carriage, Horſe, Cattle, or Beaſt, with an Intent to avoid the Payment of any of the ſaid Tolls, or any Part thereof, or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage, or ſecrete any Goods chargeable with any ſuch Toll; every Perſon ſo offending in each or any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings; One Moiety whereof ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are hereby directed to be applied.

To prevent Perſons travelling for Hire going other Roads to avoid Payment of Tolls.

And be it further enacted by the Authority aforeſaid, That no Waggon, Cart, or other Carriage, travelling for Hire upon the ſaid Road, ſhall be drove or turned out of the ſame into any of the Roads adjacent, not being Turnpike Roads, in order to avoid and thereby avoiding Payment of the Tolls and Duties appointed by this Act to be paid at any Gate or Turnpike which ſhall be erected for collecting and receiving the ſame, upon Pain of forfeiting any of the Horſes drawing ſuch Waggon, Cart, or Carriage, not being the Shaft or Thill Horſe, with all his Geers and Accoutrements, to and for the ſole Uſe and Benefit of any Perſon or Perſons who ſhall ſeize and diſtrain the ſame.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That no Toll ſhall be taken for any Horſe, Cattle, Beaſt, or Carriage, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with on the ſame Day, Gravel, Stone, or other Materials, for repairing the ſaid Roads, or any Part thereof, or any of the Roads in the Pariſhes in which the ſaid Roads do lie; or with Hay, Straw, or Corn in the Straw only, or Muck, Dung, Compoſt, or other Manure, for the Improvement of Land (except Lime) not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes, or on the Lands of the Owners thereof;

or

or for any Ploughs, Harrows, or Implements of Husbandry; or for any Person or Persons going to or returning from their proper parochial Church, Chapel, or other Place of religious Worship, or attending the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; or for any Post-horse or Vehicle carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in conveying of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Stafford, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Trustees may borrow Money.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered, at their First or any subsequent Meeting, to borrow or take up at Interest, any Sum or Sums of Money upon the Credit of the Tolls, payable by virtue of this Act, and to assign over and convey the said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons who shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof as aforesaid; and Copies of all such Assignments and Conveyances shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the said Turnpikes or Toll-gates at least Fourteen Days before the borrowing such Money; and all and every Person and Persons to whom any such Assignment shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal or Interest-money thereby secured to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified

tified to the Clerk or Treasurer to the said Trustees, within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned, to be assigned or transferred in the said Book or Books, to be kept for entering the said original Assignments, for which the Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence and no more; and which said Book or Books shall and may at all seasonable Times be perused and inspected without any Fee or Reward: And after such Entry made, and not otherwise, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Money due thereon; and such Assignee may in like Manner assign and transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Creditors deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in Respect to the Priority of advancing such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on this Act in equal Degree one with another.

Proviso.

Provided always, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignments, or other Securities, to be made in pursuance of this Act, or any of them.

Trustees may appoint Officers;

and remove them and appoint others.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from Time to Time, by Writing under their Hands, appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Five or more of them shall think necessary; and, from Time to Time, to remove any such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Money to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said Trustees, or any Five or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more them shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them

them shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper 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 appoint: And all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereto required by the said Trustees, or any Five or more of them, which Oath the said Trustees, or any One or more of them are hereby impowered to administer, verify their said Accounts; and if any such Officer or Person shall not render, or make, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Twenty-one Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing shall be and reside, such Justice or Justices may, and is and are hereby authorised and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers so refusing or neglecting to be brought before him or them, and upon his or their disappearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act might have done: And if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses, upon Oath, (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward), it shall appear to such Justice or Justices that any of the Monies that shall

Officers to account upon Oath.

Officers refusing to account and make Payment, or deliver up Books, &c. may be sued.

Justices to inquire into the Default.

Balance to be levied by Distress.

have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorised and required, upon Nonpayment thereof, 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 Seal of the Goods and Chattels of such Officer or Officers, Person or Persons respectively: And if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money and the Charges of levying the same; then, and in either of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the common Gaol for such County or Place, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and 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 them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

For want of Distress may commit Offender.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer or Treasurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall appoint.

Treasurer to give Security.

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Five or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for the Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Trustees may appoint Officers, though not at a publick Meeting.

And be it further enacted by the Authority aforesaid, That if any Toll-gatherer, or other Person appointed by the said Trustees, or any Five or more of them, in Manner herein before mentioned, to collect and receive any of the Tolls by this Act granted, shall, at any Time or Times, neglect or refuse to quit his Employment, conformable to the Orders of the said Trustees, or any Five or more of them, and to deliver up the Possession of the Turnpike or Toll-gate and Toll-house to the said Trustees, or to such Person or Persons as they, or any Five or more of them shall appoint, and shall be convicted of such Neglect or Refusal

Power to remove Toll-takers, and punish them for not removing on Notice.

refusal before One or more Justice or Justices of the Peace of the County or Place where such Neglect or Refusal shall be, either upon Confession of the Party, or by Oath of One or more credible Witness or Witnesses, then it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required to issue his or their Warrant or Warrants to the Constable, Tythingman, or other Officer or Officers of the Peace of the said County or Place, to turn such Toll-gatherer or Collector out of the Possession of the said Turnpike, or Toll-gate and Toll-house, and to deliver the Possession thereof to such Person or Persons as the said Trustees, or any Five or more of them, shall have directed and appointed, in Manner aforesaid; and also to bring such Toll-gatherer or Collector, so neglecting or refusing as aforesaid, before such Justice or Justices, who is and are hereby impowered and required to commit him or them to the House of Correction, there to be kept to hard Labour, for any Time not exceeding the Space of Three Calendar Months.

No Victualler shall hold any Place of Profit.

Provided also, and be it further enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, shall be capable of holding any Place of Profit under this Act.

Surveyors, &c. may take Gravel from waste Ground,

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Roads, or any Part of them, and such other Person or 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, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the repairing the said Roads, out of and from any waste Grounds, Stone Quarries, or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Roads do lie, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground, from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle: And if such Quantities of Furze, Heath, Stones, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Road intended therewith to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig and make Pits, get, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of and from the Stone Quarries and Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted or set apart as a Nursery for Trees) paying or tendering Payment of such

without paying for the same;

levelling the Pits;

or from private Grounds;

making Satisfaction.

such Rates for such Materials, and for such 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, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop or top any Trees, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto, not being a Garden, Orchard, Plantation, or Avenue to a House; and to take and carry away the same (in case the Owners or Occupiers of the Premises shall, for the Space of Fourteen Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop or top, cut down, and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or to remove such other Annoyances in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall require) the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors 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, for every such Offence, forfeit the Sum of Forty Shillings.

and cut down Trees, &c.

if Owners neglect to do the same after Fourteen Days Notice.

Charges to be reimbursed the Surveyors.

Penalty on second Offence.

Surveyors to make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, or such 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 Five or more of them) to make Causeways, and also Ditches and Drains, in and upon the said Roads, and also through any Ground lying contiguous thereto, in order to conduct the Water off the said Roads; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Ground of any Person or Persons lying contiguous thereto, so as to make such Parts of the

said Road Forty Feet in Width, and also to make a Road through the Ground adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground heretofore planted and set apart as a Nursery for Trees) to be made use of as a publick Highway whilst the old Road is repairing or widening; and also by Order of any Five 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 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 Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood or waste Ground.

widen the narrow Parts of the Road,

and erect Bridges,

making Satisfaction to the Owners of the Ground.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and are hereby fully impowered to divert, turn, or alter the Course or Path of any Part or Parts of the said Road, through any Wood or waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering 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, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes-covert, Infants, or Issue unborn, Lunaticks, Ideots, or other Person or Persons whatsoever, and to and for all Femes-covert, who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of and in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Five or more of them, all, or any of such

Trustees may divert the Road through waste Ground.

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

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

Lands, or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, 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, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, 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, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads are intended to be diverted, turned, or altered, shall, for the Space of Thirty Days 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 Five or more of them, shall cause such Damage and Recompence to be inquired into, and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands and Hereditaments do lie; 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 require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises, (which Oath any One or more of the said Trustees are hereby impowered to administer); and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all Ways and Means, as well for their own as for the said Jury's Information in the Premises: And after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Five 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 and 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 any Estate in Possession, Reversion, or otherwise, their Heirs and

Where Persons shall refuse or neglect to treat,

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned upon Oath.

Verdict of the Jury to be binding and conclusive.

and Succeſſors, as well abſent as preſent, Infants, Femes-covert, Lunaticks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, as well as all other Perſon or Perſons whomſoever: And for ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, commanding him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons qualified to ſerve upon Juries, to appear before ſuch Truſtees, or any Five 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 impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby impowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be a 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 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 Five or more of them, acting in the Premiſes, ſhall have Power from Time to Time, to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiff or 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 ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give, or not giving their Verdict, or 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 which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed, ſo that no ſuch Fine be more than Five Pounds, nor leſs than Forty Shillings, on any One Perſon for One Offence.

Truſtees to iſſue Warrants to impannel a Jury.

Jurors may be challenged.

Truſtees may impoſe a Fine on the Sheriff, &c. making Default in the Premiſes, or on the Jury or Witneſſes.

Fine.

Provided always, and it is hereby enacted by the Authority aforeſaid, That if the ſaid Jury, upon ſuch Inqueſt, ſhall find or aſſeſs an equal or leſs Sum of Money for ſuch Damage and Recompence than hath by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, or other Perſon or Perſons, by virtue of their Order, tendered to the Party or Parties ſo refuſing or neglecting to treat

Charges of Jury, &c.

treat as aforesaid; then, and in such Case, the Person or Persons so refusing or neglecting to treat, shall pay the Costs occasioned by such Refusal or Neglect; which Costs shall be settled and ascertained by the said Jury, and shall be deducted out of the Sum of Money by them assessed for such Damage and Recompence.

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, after deducting the Costs as aforesaid thereout, shall be paid out of the Tolls arising within or upon Account of the said Road, 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 Clerk or Clerks 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 divert or turn such Road through such Lands or Hereditaments, and do all and every such 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 Road as shall be diverted or turned through any private Grounds, to be ditched or fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall be for ever hereafter, 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 repared are by this or any other Law 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 compleated, 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 the said Trustees, and shall and may be sold and conveyed by them, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of that Part of the said Road so diverted and turned; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any Thing herein contained to the Contrary notwithstanding.

Lands when purchased to be made Part of the Road,

and kept in Repair as such.

Old Roads to be sold.

Buildings not to be injured.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

Provided

Provided always, That if any new Road shall be made as aforesaid, instead of any former Road, over any Moor or Waste Ground, the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

Where a new Road shall be made, Inhabitants not liable to Repair of former Road.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Road lies, and all other Persons liable to perform the Work commonly called Statute-work upon the said Roads, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work, as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Road lies, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall, yearly, and every Year, within Fourteen Days after Demand made to him or them respectively, in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who within such respective Townships, Parishes, and Places, as are liable to do Statute-work; and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the said Road hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Five or more of them, or the said Turnpike Surveyor or Surveyors shall from Time to Time direct and appoint; so that no more than Three Day's Work shall be done by any One Person or Team, on any Part of the said Road, in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers

Persons liable to Repair of Roads to continue so.

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

Inhabitants to do Statute Work.

Penalty on Surveyors not delivering such Lists.

seers of the Poor for such Townships, Parishes, or Places respectively, within Fourteen Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors of the Time or Times when, where, and how many of such Persons are to do such Work upon any Part or Parts of the said Road, shall give publick Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay any Sum not exceeding Five Pounds: And every Person who shall neglect or refuse to do such Work, at such Time and Places, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein-after mentioned; (that is to say) Every Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Default for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Default the Sum of One Shilling: And every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with a Team, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person; and it shall be deemed as if such Person, or such Team, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Forfeitures before mentioned; and all Persons doing such Day's Work on the said Road shall not be liable to do any other Statute-work thereon.

Penalty on Persons not performing their Statute-work.

Labourers found idle to be turned off.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, to compound or agree by the Year, or otherwise, with the Possessors or Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, and Hereditaments, which are or shall be liable or chargeable with the Repair of any Part of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry, or other publick Meeting of such Inhabitants, to compound

Trustees may compound with Parishes

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

pound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-monies shall from Time to Time be paid in Advance, and shall be applied in the Repair of the said Road in respect whereof such Composition-monies are paid; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for reparing the Highways.

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

And be it further enacted by the Authority aforesaid, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than on Wheel-carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be conveyed on Wheel-carriages, to drag upon any Part of such Road, to the Prejudice thereof; or shall wilfully drive any loaden Waggon, Wain, or Cart, along any Foot or Horse Causeway, being Part of, or lying near to, or adjoining to the said Road; or shall shovel up, take, or carry away any Stones, Gravel, Sand, or Soil from off or on the Sides of the said Roads or Causeways as aforesaid; or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Road or Causeway; every such Person, for every such Offence, shall forfeit and pay the Sum of Forty Shillings.

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

And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required to cause the said Road to be measured, and Stones or Posts 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 Distance of every such Stone or Post from any Town or Place as they shall think fit; and also to erect Guide and Direction Posts, with such Inscriptions thereon, as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or obliterate any Inscription that 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 where such Offence shall be committed, (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated, whereof One Moiety shall be paid to the Informer,

Road to be measured, and Mile Stones set up

Penalty on defacing Mile Stones.

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 Penalties shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol, or House of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Three Calendar Months, nor less than One Calendar Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid; 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.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties, Forfeitures, and Fines, hereby inflicted, or authorised to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, 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, (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby impowered 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, shall be, if not otherwise directed to be applied by this Act, from Time to Time, paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, 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, or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied.

Offender to be committed for want of sufficient Distress.

Provided

Provided always, and be it further enacted by the Authority aforesaid, 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 Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace, to be holden for the said County of Stafford, within Six Calendar 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, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Road, and within Two Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions, 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 Sessions, shall be final, binding, and conclusive, to all Intents and Purposes.

Persons aggrieved may appeal to Justices at their Quarter Sessions,

Notice of Appeal.

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, on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; 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 may recover full Satisfaction for the Special Damage in an Action on the Case.

Distress not to be deemed unlawful for want of Form;

nor the Party be deemed a Trespasser *ab initio*, &c.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, Orders, and Judgements, shall be had, made, and given in and by

Not to recover Damages, if Satisfaction be made or tendered.

such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or Security for borrowing Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, or under the Hands and Seals or Hand and Seal of, or only signed by any other Person or Persons whomsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Proceedings to be entered in a Book.

Provided always, and it is hereby enacted by the Authority aforesaid, That all Orders and Proceedings shall be entered in a Book or Books, to be kept for that Purpose, and such Orders and Proceedings so entered, shall be signed by the Clerk or Clerks, at any Meeting of Five or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for the registering the said Mortgages, Assignments, and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be quashed or vacated for want of Form, nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed 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.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten 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 Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County of Stafford, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his 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

General Issue.

was

was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be given thereof 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 than as aforesaid, 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 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 other Remedy for the same, as any Defendant or Defendants have or hath in any other Cases by Law. Treble Costs.

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

FINIS.