ANNO UNDECIMO

Georgii III. Regis.

An Act for repairing and widening the Road leading from *Wem*, in the County of *Salop*, to the Lime Rocks at *Bron y Garth*, and ſeveral other Roads in the Counties of *Salop* and *Denbigh*.

WHEREAS the Road leading from Wem to Elleſmere, in the County of Salop, and from thence acroſs the Road from Oſweſtry to Wrexham, by Pryſgwen, to the Lime Rocks at Bron y Garth; the Road leading out of the laſt mentioned Road, over Pont y Blew, to join the Road from Oſweſtry to Wrexham, near the Houſe called Whitehurſt's Houſe, on the Road between Chirk and the new Bridge in the County of Denbigh; the Road from Horton (in the Way from Wem to Elleſmere) to join the Turnpike Road from Shrewſbury to Elleſmere at Burlton; and the Road leading from the End of Cotton Wood, in the Pariſh of Wem, to Whitchurch in the County of Salop; are in a ruinous Condition, narrow in many Places, and dangerous for Paſſengers and Carriages in the Winter Seaſon, and cannot be effectually repaired, widened, and kept in Repair by the ordinary Courſe of Law; Preamble.

may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Lord Viscount Kilmory, the Right Honourable Arthur Lord Viscount Dungannon, the Right Honourable Robert Lord Clive, Sir Lynch Salusbury Cotton, Sir Watkin Williams Wynn, Sir Rowland Hill, Baronets; Sir Thomas Jones Knight, Joshua Adams Clerk, Roger Atcherley of the Cross, Charles Bolas, Samuel Benion of Durnford, Vaughan Barrett, Major Bell of Wem, Samuel Beetenson of the same, Edward Brown of Oswestry, Edward Brown of Swinea, William Birch Basnett, Birch Basnett, Richard Basnett, William Basnett, William Brookes of Doddington, William Buckley of the same, Andrew Corbett of Park, Richard Prince Corbet, Asheton Curzon, John Corser of Whitchurch, William Chalnor of Kil Hendre, William Chalnor of Plas Shollin, Richard Chambre, Francis Chambre, the Reverend Rowland Chambre, John Dodd of Whitchurch, Robert Dodd of the same, Thomas Dickin of Aston, Thomas Dickin the younger of the same, William Davies Clerk, George Dickin of Wem Clerk, Francis Dorsett, George Dorsett, Joseph Dixon, Richard Davies of Ellesmere, John Edwards of Glyn, John Edwards the younger of the same, Humphrey Edwards of Old Port, Lewis Evans of the same, Evans of Duddlestone Clerk, Francis Finch of Shade Oak, Thomas Grosvenor, Daniel Griffiths Rector of Hordley, William Griffiths of Woodgate, Thomas Griffiths of Oswestry Clerk, William Griffiths of the same, Humphrey Hanmer of Hanmer Hall, Richard Hill of Hawkestone, John Hill of Prees, Bulkeley Hatchett of Lee, Richard Hatchett of the Oak, John Henshaw of Wem, John Horton of Dudleston, John Hayward of Whitchurch, Philip Jennings of Plas Warren, Charles Phillip Jennings, Roger Jennings of Soddyle, Roger Jennings the younger of the same, William Jeffreys of Wem, Thomas Jeffreys of Tilley, Lloyd Jones of Oswestry, Thomas Jenks of Whitchurch, Thomas Jones of Rhuabon, Edward Kynaston of Hardwick, Edward Kynaston of Oswestry, Edward Kinaston of Oatley, John Kinchant of Park, John Charlton Kinchant, John Kilvert of Grinsell, John Embrey of the same, John Knight of Whitchurch, Francis Lloyd of Crosemere, Francis Lloyd of Domgay, Richard Lloyd of Saint Martin's Clerk, Robert Lloyd of Oswestry, Robert Lloyd junior of the same, John Lloyd of the same, Joseph Lovett of Chirk, Thomas Lovell of Doddington, Richard Myddelton of Chirk Castle, Richard Myddelton the younger, John Mytton of Halston, John Mytton the younger, Edward Maurice of Petton, Edward Moreton of Ellesmere, Richard Maurice of Oswestry Clerk, Humphry Mostyn of the same, William Mostyn of Plas Kynaston, John Murhall of Whitchurch, Robert

Trustees Names.

Robert Godolphin Owen, Francis Owen, John Owen of Woodhouſe, William Pulteney, David Price Vicar of Chirk, Robert Perrott of Elleſmere, Robert Perrott the younger, Edward Payne of Whitchurch, William Roberts Rector of Whittington, William Roberts the younger, Owen Roberts of Wem, David Roberts of Loppington, Owen Reynolds of Oſweſtry Clerk, Samuel Smallbroke Rector of Wem, John Swanwick of the ſame, John Swanwick of Lowe, Thomas Trevor Vicar of Oſweſtry, Edward Thornes of the ſame, John Tomley, William Turton of Whitchurch, George Tiler of Edſtaſton, William Tiler of Cotton, Joſeph Venables of Oſweſtry Clerk, Thomas Vernon of the ſame, Watkin Williams of Trenewydd, Rowland Wingfield, Richard Hill Waring, George Warrington Clerk, John Watſon of Terrick, George Walford of Wem, Samuel Walmſley, Thomas Whilton of Elleſmere, Thomas Whilton junior of the ſame, ſhall be, and they and their Succeſſors (to be elected in Manner herein-after mentioned) are hereby appointed Truſtees for putting this Act in Execution.

First Meeting of the Truſtees.

And be it further enacted, That a General Meeting ſhall be held by the Truſtees hereby nominated and appointed, or by any Nine or more of them, at the Royal Oak in Elleſmere, on Tueſday the Fourth Day of June, One thouſand ſeven hundred and ſeventy-one, and the Truſtees ſo aſſembled ſhall and may then and there, and at any General Meeting or Meetings to be afterwards held by the ſaid Truſtees, or any Five or more of them, either adjourn themſelves to, and appoint any other Time or Times, Place or Places for any ſubſequent General Meeting, or ſubdivide themſelves, and the other Truſtees not then preſent, and adjourn to, and appoint ſuch other Time or Times, Place or Places, in or near the ſaid ſeveral Roads hereby intended to be repaired, more effectually to execute the Purpoſes of this Act, as to the ſaid Truſtees aſſembled at ſuch General Meeting, or the major Part of them, ſhall ſeem requiſite and expedient; and any Two of the ſaid Truſtees ſhall be a ſufficient Number for the Purpoſe of Adjournment only; and if at any ſuch General or Subdiviſion Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act and 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 it ſhall ſo happen, by Notice in Writing to be affixed upon all the Turnpikes which ſhall be then erected upon 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 have been held, on the Fourteenth Day after the Day for which ſuch laſt Meeting was appointed; and the 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 thereof, 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 Nine Trustees shall be present, and unless Ten Days previous Notice shall have been given to One or more of the Trustees, who had been present at the making such Order or Resolution of the Intention to revoke or alter the same; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act, nor in any Case relating to the contracting for or purchasing of any Lands or Hereditaments wherein he shall be particularly concerned or interested; but all such Trustees as are in the Commission of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees (except only in such Cases where they shall be personally interested.)

Qualification of Trustees.

Provided nevertheless, and be it further enacted, 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 Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprises, or possessed of 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, 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 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 the 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.

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

And be it further enacted, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time, to elect One other Person qualified as aforesaid, to be a Trustee in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be fixed upon

upon all the Turnpikes in or upon the said Roads, at least Fourteen Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were invested with.

And be it further enacted, That the said Trustees, or any Seven or more of them, or such Person or Persons as they shall appoint, shall and may erect, or cause to be erected, on the said Roads, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, with suitable Out-buildings and Garden-spots thereto, in, upon, or across any Part or Parts of the said Roads, and on the Side or Sides of the said Roads, and across any Lane or Way leading into or out of the same, and pull down and remove, or alter the same, from Time to Time, as they the said Trustees, or any Five or more of them, shall judge proper: And the Tolls following shall be demanded and taken at each of the said Turnpikes, before any Cattle, Beast, or Carriage whatsoever shall be permitted to pass through the same; that is to say, Trustees may erect Toll-gates, &c.

For every Horse or other Beast, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, or Chair, the Sum of Three-pence. Tolls.

For every Horse or other Beast, Pair or Yoke of Oxen, drawing any Waggon, Wain, Cart, Tumbrel, Carr, Drag, or Sledge, the Sum of Three-pence.

For every Horse 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 less Number.

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

Which said respective Sums of Money shall be demanded and taken in the Name of 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 be lawful for the Person or Persons appointed to collect such Tolls to seize and distrain any Horse or other Beast, or any Goods or Carriage upon which any Toll is by this Act imposed, or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of seizing, distraining, and keeping the same, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons distraining shall and may sell the Horse or Beast, Carriage, or Goods and Chattels distrained, returning the Overplus Penalty on Persons refusing to pay the Tolls.

Overplus (if any be) upon Demand, to the Owners thereof, after such Tolls, and all reasonable Charges, shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be, and they are hereby vested in the said Trustees, and shall be applied or assigned in Manner hereinafter mentioned.

Trustees may erect Side-gates.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may erect, or cause to be erected, any Gate or Gates, Turnpike or Turnpikes, where the same shall be necessary, on the Side or Sides of the said Roads, upon, in, or across any Lane or Bye-way that doth or shall lead into the same, and thereat take such Tolls as are by this Act made payable, so as the same do not extend to a double Charge upon any Person passing the same Day through any other of the Gates or Turnpikes to be erected upon the said Roads.

No Person subject to pay Tolls more than twice in One Day for passing certain Turnpikes;

Provided always, and be it further enacted, That no Person shall be subject to the Payment of any of the Tolls hereby granted, more than Twice in any One Day, (to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the succeeding Night) for passing and repassing with the same Horse or Beast, Cattle, and Carriage through all the Turnpikes which shall be erected between Wem and Ellesmere; nor more than Twice between Ellesmere and Bron y Garth; nor more than Twice between Ellesmere and the House called Whitehurst's House; nor more than Twice between Horton and Burlton; nor more than Once between Cotton Wood and Whitchurch; such Person producing a Note or Ticket denoting the Payment of the said Toll; which Note or Ticket the respective Collectors of the Tolls are hereby required to give gratis, on Receipt of such Toll.

Nor more than once at any Turnpike for going and returning the same Day;

but passing a third Time liable to another Toll.

Provided also, and be it further enacted, That no Person having paid Toll at any Gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket denoting the Payment of such Toll, shall be subject or liable to the Payment of any further or other Toll for repassing through the same Gate or Turnpike with the same Horse or Beast, Cattle, and Carriage, in One Day, to be computed as aforesaid; but if any Person shall have Occasion to pass a Third Time through any such Gate or Turnpike the same Day, such Person shall be subject and liable to the Payment of another Toll, and shall receive a Note or Ticket denoting the Payment thereof, which shall intitle such Person with the same Horse or Beast, Cattle and Carriage, to return Toll-free through the same Gate or Turnpike upon the same Day, to be computed as aforesaid; and so toties quoties every Third Time such Person shall with the same Horse or Beast, Cattle and Carriage pass or repass through such Gate or Turnpike as aforesaid.

And

And be it further enacted, That the Right and Property of all the 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 Materials which shall be actually got or collected 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 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 in the Name of their Treasurer or Clerk, or to prefer, or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof. Turnpikes and Toll-houses vested in Trustees.

And be it further enacted, That the Tolls collected and levied upon the said Roads, or the Money to be borrowed on the Credit thereof, shall, by the said Trustees, or any Five or more of them, in the First Place, be applied to pay all the Charges and Expences incurred in and in relation to the obtaining this Act; and afterwards all such Tolls and Money borrowed shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair the said Roads, and of executing the other Purposes of this Act, and to no other Use or Purpose whatsoever. Tolls collected, &c. how to be applied.

And be it enacted, That the said Trustees, or any Seven or more of them, may, if they think necessary, at their First or any subsequent Meeting or Meetings, lessen or reduce all or any of the Tolls hereby granted, for such Time as they the said Trustees, or any Seven or more of them, shall think proper; and may afterwards 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 may order and direct such Tolls so lessened and reduced, or raised again, to be collected, levied, and applied in such Manner as the said Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time 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 shall be made unless Twenty Days previous Notice thereof at the least shall be affixed upon all the Turnpikes which shall be then erected by virtue of this Act. Trustees may reduce the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, from Time to Time, as they shall see convenient, may compound and agree for any Term not exceeding Two Years, at any One Time, with any Person or Persons, for any Carriages, Horses, or Beasts travelling upon the said Roads, or any Part thereof (except such as travel for Hire), for all or any of the Tolls Trustees may compound, not exceeding two Years.

to be paid for or in respect of such Carriages, Horses, or Beasts; which Composition shall be paid quarterly in Advance to the Treasurer or Treasurers of the said Trustees, and in Default thereof the Composition or Agreement 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.

Tolls may be leased.

And be it further enacted, That it shall 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 thereof, unto any Person or Persons from Year to Year, or for any Term of Years, not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, under such Covenants, and to such Person or Persons as the said Trustees, or any Seven or more of them, shall direct or appoint; and Security shall be given to the Satisfaction of the said Trustees, or any Seven or more of them, for the due Payment of the Money for which the Tolls shall be so leased; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

What Roads to be stopped up.

And, to prevent evading the Payment of Tolls, be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to stop up, or cause to be stopped up and discontinued, the Lane or Way called Llwyn Lane, near the Town of Oswestry; the Road or Way opposite Halston, leading to Hindford; the Road or Way near Kinsall, leading to Berghill; the Road or Way near Cae Gwern, leading towards Lower Francton; the Lane or Way leading from Haenhafod House to Lower Francton; the Lane leading from the Rhydychen Ford of the River Ceiriog to Bryngwila; the Lane called the Gledrydd Lane; the Lane or Way lying between the Gledrydd Lane and the Road from Bryngwila to Prys Gwen; the Lane or Way leading from or near Prys Gwen aforesaid to Trehowel; and also the Lane or Way leading from the House called Jonas's House to the Rhyn, severally and respectively, in such Manner as they the said Trustees, or any Five or more of them, shall think fit; and it shall not be lawful for any Person or Persons whomsoever, with any Horse, Cattle, or Carriage whatsoever, to use or claim the Use of the said Lanes or Ways, or either of them, as a publick Highway during the Continuance of this Act; but nothing herein contained shall extend to prejudice or hinder the Owners or Occupiers of any Lands, Grounds, or Hereditaments, adjoining or lying contiguous to any Lane or Way, which shall be stopped up as aforesaid, their Servants, Horses, Cattle, or Carriages passing or repassing to or from such Lands, Grounds, or Hereditaments.

Provided

Provided nevertheless, and be it enacted, That the said Trustees, or any Five or more of them, shall, and are hereby required, to make, or cause to be made, a Bridle-road from Hindford Common to the Turnpike-road leading from Ellesmere to Oswestry, to be used instead and in lieu of the Road or Way opposite Halston leading to Hindford, before the same shall be stopped up and discontinued as aforesaid; and shall also make, or cause to be made, a High Road out of the Turnpike-road aforesaid between Cae Gwern and Evenal, into the Township of Berghill, to be used instead and in lieu of the Roads or Ways near Kinsall, leading to Berghill, and near Cae Gwern, leading towards Lower Francton, and also from Haenfod House to Lower Francton, before the same, or any or either of them, shall be stopped up or discontinued as aforesaid; any Thing herein contained, or any Law or Statute to the Contrary notwithstanding. and making Bridle-roads to be used instead thereof.

And be it further enacted, That if any Person or Persons shall, with any Horse, Beast, or Carriage, pass through any Land, Ground, or Hereditament, lying near any Turnpike which shall be erected by virtue of this Act, (the same not being a publick Highway), or if the Owner or Occupier of such Land, Ground, or Hereditament, shall knowingly permit or suffer any Person or Persons with any Horse, 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 directed 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 Turnpike with any Horse or other Beast, without Payment of the said Tolls; or shall take off, or cause to be taken off, any Horse or other Beast, from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, or other Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; or with such Intent shall unload any Goods from any Horse or other Beast, or Carriage, or secrete any Goods chargeable with Toll; or shall strike, or use any Violence, against the Person or Persons appointed to collect the said Tolls, (being in the Execution of his Office); every Person so offending, in each of the Cases aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties are herein directed to be applied. Penalty on going through or permitting private Passages.

Provided always, and be it enacted, That no Toll shall be taken for any Carriage, or any Horse or other Beast, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with Gravel, Stone, or other Materials, for repairing the said Roads, or any of the Exemptions from Toll.

the Roads in the Parish or Hamlet in which such Roads do lie; or with any Muck, Dung, Compost, or other Materials, (Lime and Lime-stones excepted), for the manuring and improving of Land, during the Months of May, June, July, August, and September; or with any Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up in the Outhouses, or on the Lands of the Owners thereof; or from Persons going to or from their proper parochial Church or Place of religious Worship on Sundays, or attending the Funeral of any Person who shall die and be buried in any Parish in which the Roads hereby intended to be repaired do lie; or for any Ploughs, Harrows, or Implements of Husbandry, or Corn for Seed; 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 Carriages employed in the conveying of Vagrants sent by 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 Salop or Denbigh, 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 and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit for every Offence the Sum of Forty Shillings.

Penalty on Persons making illegal Claims.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, to borrow and take up at legal or less Interest such Sum and Sums of Money as they, or any Five or more of them, shall think fit, and, by Writing under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof, (the Charge of such Mortgages or Assignments to be paid out of such Tolls), to any Person or Persons for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the several Sums that shall be so borrowed, with the Interest thereof; and Copies of all such Mortgages or Assignments 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 after the First Meeting, unless Notice in Writing be for that Purpose fixed upon all the Turnpikes erected by virtue of this Act, at least Twenty Days before the borrowing thereof; and the Person and Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from Time to Time, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest Money

Money thereby secured to any Person or Persons whomsoever, by proper Words of Assignment to be indorsed on the Back of such Security, executed in the Presence of One credible Witness; which said Transfer or Assignment shall be produced and notified to the Clerk or Treasurer, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book or Books to be kept for that Purpose, for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made, and not till then, such Assignment shall intitle the Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and every such Assignee may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of the Person or Persons making such Assignment to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof: And in case any Sum or Sums of Money so assigned shall not exceed the Sum of Fifty Pounds, it shall and may be lawful to and for the Person or Persons intitled to such Assignment, by an Indorsement of his, her, or their proper Name or Names, without Witness, to transfer his, her, or their Property in such Assignment or Assignments to any other Person or Persons, without any Entry to be made thereof as aforesaid: And all and every Person and Persons to whom any Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing such Monies.

No undue Preference to be given.

And be it enacted, That the said Trustees, or any Five or more of them, may, from Time to Time, appoint such Officers, and other Persons as they shall think necessary to employ in the Execution of this Act, and, from Time to Time, remove such Officers and other Persons, and appoint others in their Stead; and out of the Money to arise by virtue of this Act, make such Allowance 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 of them, shall direct, deliver to such Trustees, or such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all the Money which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint;

Trustees may appoint Officers, and remove them, and appoint others.

Officers to account upon Oath.

and all Officers and Persons so accounting, as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any Two of them, are hereby impowered to administer), verify their said Accounts: And if any such Officer or Person shall not make and render, or refuse to verify his Account upon Oath, 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 Ten Days after being thereunto required by 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 Money as, upon the Balance of any Account or Accounts, shall appear to be in his Hands; in each or any of the Cases aforesaid, any One Justice of the Peace for the County or Place wherein such Officer or Person shall be and reside, shall make Enquiry concerning such Default, either by the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby required to administer without Fee or Reward); and if any Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice shall commit every such Offender to the common Gaol for such County or Place, there to remain without Bail or Mainprize, until he shall make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint, 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.

Officers refusing to account and make Payment,

Justices to enquire into the Default,

and may commit the Offender, &c.

And be it further enacted, 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 think proper.

Treasurer to give Security.

Provided always, That when any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Two of the Trustees, though not assembled at a Meeting in pursuance of this Act, by Writing under their Hands, to appoint a Person to collect such Tolls; and the Person so appointed shall have the like Power and Authority for 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 Collectors, though not at a publick Meeting.

Provided also, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of a Trustee,

Victuallers not to hold Places of Profit.

Trustee, shall be capable of holding any Place of Profit under this Act.

Surveyors may dig Gravel in Waste Grounds, &c.

And be it further enacted, That the Surveyor or Surveyors, appointed by any Five or more of the said Trustees, and such Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away any Furze, Heath, Sand, Stone, Gravel, or other Materials proper for making and repairing of Roads, or for the Purpose of building Tollhouses, and Bridges or Arches, and Causeways, and making Fences in and upon the said Roads, out of or from any waste Grounds or Commons, Rivers or Brooks, in any Parish, Hamlet, or Place in which any Part of the said Roads doth lie, or in any neighbouring Parish, Hamlet, or Place, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits, sloping or levelling the Ground from whence 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 also by Order of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away any such Materials as aforesaid, in, upon, or out of, from, and over the 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 and set apart as a Nursery for Trees), paying, or tendering Payment for such Materials, and for the Damage done to the Owner or Occupier of the Lands and Grounds where and from whence the same shall be digged, gathered, taken, and carried away, or over which the same or any other Materials gotten in any waste Ground or Common, River or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

or from private Grounds,

paying for Materials.

Penalty on Persons taking away Materials.

Provided always, and be it further enacted, That in case the Owner of the Soil, or Occupier of the Ground where such Materials shall be dug or gathered, or any other Person or Persons, shall at any Time take or carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors, or Person or Persons employed by him or them, shall have got or gathered, or dug out of any waste or common Land, River, or Brook, or private Ground, for the Purpose of repairing the said Roads, or any Part thereof, or shall dig, gather, get, take, or carry away any Sand, Gravel, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person or Persons by him appointed, shall have made or opened, for the Purpose of getting Materials for such Repairs as aforesaid, until the said Surveyor or his Workmen shall have discontinued getting Materials, or working therein, for the Space of Six Months, the Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

And

Surveyors may remove Annoyances,

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, (having an Order for that Purpose from any Five or more of the said Trustees), by Notice under his or their Hand or Hands delivered to or left at the Dwelling-house or Place of Abode of the Owner or Occupier of such Lands or Grounds as shall adjoin upon any Part or Parts of the Roads hereby directed to be repaired, to require such Owner or Occupier to remove all Annoyances on such Part or Parts of the said Roads by Filth, Dung, Ashes, Rubbish, or otherwise; to turn any Watercourses, Sinks, or Drains, along, into, or out of the said Roads, to the Prejudice thereof; 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; to take down all Gates being on, over, or across any Part or Parts of the said Roads; to cut down, lop, or top any Trees, Shrubs, or Bushes growing in the said Roads, or in the Hedges, Lands, or Banks, adjacent thereto, and to take and carry away the same: And if by the Space of Ten Days after such Notice given, any such Owner or Occupier shall refuse or neglect to do or perform such Work as by such Notice he shall be required to do and perform; then, and in every such Case, it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, to take away such Gates, to lop or top, cut down, and remove such Trees, Shrubs, or Bushes, to open, scour, cleanse, widen, or make deeper such Watercourses or Ditches, and to remove and prevent all other Annoyances in such Manner as he or they shall think fit; the Charges whereof (being settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by the Owner or Occupier refusing or neglecting as aforesaid, and shall 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, such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

cut down Trees, &c.

Owners neglecting to remove the same after Notice, shall reimburse the Charges to the Surveyor.

Penalty on Second Offence.

Surveyor to make Causeways,

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors for the said Roads, or such Person or Persons as he or they shall appoint, by an Order from the said Trustees, or any Five or more of them, to make Causeways, Ditches, or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto, and to erect, build, rebuild, and keep in Repair Bridges and Arches upon the said Roads, or cross any River or Brook running into, across, or out of the same, or across any Ditch or Drain where necessary; and also to widen any narrow Parts of the said Roads, by opening, clearing, and laying into the same the Land or Ground of any Person or Persons lying contiguous thereto,

widen narrow Parts of the Road,

to, so as to make such Parts of the said Roads Forty Feet in Width; and also to make a Road through the Grounds 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 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, or whilst such Bridges or Arches are erecting or repairing, 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 no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood, Common, or waste Ground.

making Satisfaction to the Owners of the Grounds.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall, and are hereby impowered to direct, turn, or alter the Course or Path of any Part or Parts of the said Roads 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 Seven 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, and 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 Infants or Issue unborn, Lunaticks, Ideots, Femes-covert, or other Person or Persons whatsoever, and to and for all Femes-covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell or convey unto them, or any Seven or more of them, all or any of such 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:

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

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

withstanding: 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 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 Abode 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 is intended to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be 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 Seven 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 such Person and Persons whomsoever who shall be thought necessary to be examined concerning the Premises, (which Oath any Two of the said Trustees are hereby impowered to administer); and such Trustees, or any Seven or more of them, shall, by ordering a View, or otherwise, use all lawful 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, 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 Owners and Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which Verdict or Inquisition, and the Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming, or to claim in Possession, Reversion, or otherwise, their Heirs 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 or Sole, as well as all other Person or Persons

Bodies Politick, &c, refusing to treat,

Jury to settle the Damage and Recompence,

whose Verdict shall be final.

Persons whomsoever: And for summoning and returning such Jury 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, requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons summoned, impannelled, 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 to be sworn, Twelve Men, 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 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 Jurymen when they come to be sworn: And the said Trustees, or any Seven 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, 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 shall refuse to be sworn on the said Jury, or being sworn, shall refuse 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 shall refuse or neglect to appear, or appearing shall refuse to be examined or give Evidence; which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are hereinafter directed to be levied and applied; but no such Fine shall exceed Five Pounds, nor less than Forty Shillings for One Offence.

Trustees may issue their Warrant to Sheriff to summon a Jury.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Provided always, That in case any Jury, summoned and sworn pursuant to the Directions of this Act, shall give in or deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning such Jury, then the Costs and Expences attending the summoning of the Jury and Witnesses, and all other Expences incident thereto, shall be paid by the said Trustees, or any Seven or more of them; but in case the Verdict or Assessment of such Jury shall be for no more or for less Money

Expences of summoning a Jury how to be borne.

ney than shall have been agreed to and offered by the said Trustees as aforesaid, the Costs and Expences attending the summoning of the Jury and Witnesses, and all other Expences incident thereto, shall be paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Money given for Lands to be paid out of the Tolls, &c.

And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising within or upon account of the Roads intended to be diverted, turned, or altered, or out of the Monies to be borrowed upon the Credit thereof, to the Parties or Persons respectively intitled thereto, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same upon leaving the same in the Hands of the Clerk or Treasurer 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 Roads through such Lands or Hereditaments, and to 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 Roads as shall be diverted or turned through any private Grounds to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are by this 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 such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or waste Ground, or to some Village, Town, or Place to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repair of that Part of the Road so diverted and turned.

Roads to be fenced from adjoining Lands.

Old Road may be sold.

Trustees not to divert the Course of a certain Road without the Consent of *R. Myddelton* Esq.

Provided always, That nothing herein contained shall extend to authorise or impower the said Trustees to divert, change, or alter the Course of the Road between Pont y Blew and the House called Whitehurst's House, through the Lands of Richard Myddelton Esquire, without the Consent of him the said Richard Myddelton, his Heirs or Assigns, in Writing first had and obtained for that Purpose; nor to take down any House or other Building, or to take in any Garden, Orchard, Park, Paddock, or planted Walk, built, planted, and set apart as such before

before the Tenth Day of October, One thousand seven hundred and Sixty-nine; any Thing herein contained, or any Law or Statute to the Contrary notwithstanding.

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

Provided also, That where any new Road shall be made as aforesaid over any Moor or waste Ground, such new Road shall be made Forty Feet wide at the least between the Ditches; and the Inhabitants of the Parish or Place shall not be obliged to repair the old or former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

Rates and Money, &c. applicable to Repair of the Roads to continue.

And be it further enacted, That all Owners, 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 and maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, and all Inhabitants of any Towns, Villages, and other Places through which any Part of the Roads hereby intended to be repaired doth lead, shall still remain liable and subject to such Repairs as they were respectively subject and liable unto before the making of this Act; and that all Inhabitants of Parishes, Hamlets, and Places, in which any Part of the said Roads 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 or ought to do: And that the Surveyor or Surveyors of the Highways for the respective Parishes, Hamlets, and Places in which any Part of the said Roads doth lie; and in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Parishes, Hamlets, or Places, shall, yearly, and every Year, within Ten Days after Demand made in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact List in Writing under his or their Hand or Hands of the Christian and Surname of every Person who within such respective Parishes, Hamlets, and Places, are liable to do Statute-work, and shall distinguish in such List which of such Persons shall or by this Act shall be deemed to keep a Team or Teams, as also the yearly Rent or Value of the Lands or Estate in respect whereof such Statute-work is to be done and performed, 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 such Persons on such Parts of the said Roads hereby intended to be repaired, as lie within the said respective Parishes, Hamlets, and Places, in such

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

Inhabitants to do Statute-work.

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: And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Parishes, Hamlets, or Places respectively, within Seven 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 Roads, shall give publick Notice thereof to such Persons; and if any such Surveyor, Churchwarden, or Overseer of the Poor for any Parish, Hamlet, or Place 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 the Sum of Five Pounds; and every Person who shall neglect or refuse to do such Work, at such Times 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, 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 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 Sixpence: And every Person who, according to such Notice as aforesaid, shall come as a Labourer, or with a Team, to work on the said Roads, and shall be found idle or negligent by the Turnpike Surveyor or Surveyors, shall be discharged by such Surveyor or Surveyors, and it shall be deemed as if such Person or Team had not come or been sent to work on the said Roads; and every Labourer and Person, or Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned; and the Persons doing such Days Work on the said Roads shall not be liable to do any other Statute-work thereon.

Penalty on Surveyor neglecting to deliver in Lists.

Penalty on Persons not performing their Statute-work.

Labourers found idle to be turned off.

Provided always, and be it enacted, That it shall be lawful for the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or any Person or Persons liable to perform Statute-work thereon, or the Surveyor or Surveyors of the Highways of any Parish, Hamlet, or Place, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parish, Hamlet, or Place first had at a Vestry, or other publick Meeting, to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of such Repairs or Statute-work to

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

be performed by such Inhabitants upon any Part of the said Roads; all which Composition-money shall be from Time to Time paid in Advance, and shall be applied to the Repair of the Road in respect whereof such Composition is made; and all such Surveyors, Churchwardens, or Overseers of the Poor shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Surveyors paying the Composition-money how to be reimbursed.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Roads any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon some Wheel-carriage, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be conveyed upon such Carriage, to drag upon any Part of the Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

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

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides 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 or Direction Posts, with such Inscriptions thereon as the said Trustees, or any Five or more of them, shall think proper: And if any Person shall wilfully pull down, break, or damage any such Mile-stone or Post, or any such Guide or Direction 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 any credible Witness, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offence shall be committed, (which Oath such Justice is hereby required to administer without Fee or Reward) the Person so offending shall forfeit the Sum of Forty Shillings for every such Offence; 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 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 Time not exceeding Two Months, nor less than One Month, unless such Forfeiture and all reasonable Charges shall be sooner paid; and every 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,

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender, to be dealt with according the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all the Penalties and Forfeitures hereby inflicted or authorised to be imposed, (the Manner of levying and recovering whereof not being hereby otherwise particularly directed) shall, upon Proof of the Offence respectively before any Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be or reside, or before any Three or more of the said Trustees, either by the Confession of the Party or Parties offending, or by the Oath of One credible Witness (which Oath such Justice or Trustees respectively is and are hereby 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, or under the Hands and Seals of the said Trustees, and the Overplus, after such Penalties and Forfeitures, and the Charges of Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties and Forfeitures, when paid or levied, shall be, (if not otherwise directed to applied by this Act) from Time to Time, paid to any Five or more of the said Trustees, or to their Treasurer or Clerk, and applied in repair of that Part of the Roads in relation whereunto or in respect whereof such Offence shall be committed: And in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, or Trustees respectively, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, 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 Two Calendar Months, nor less than One Month, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid.

Persons aggrieved may appeal to the General Quarter Sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, such Appellant first giving, or causing to be given Ten entire Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice entering

Notice of Appeal to be given.

tering into a Recognizance before some Justice of the Peace for such County or Place, 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 Session: And the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes.

Justices to determine finally in all Appeals.

And be it further enacted, 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 Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding 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; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in any Action upon the Case.

Distress not to be deemed unlawful for Want of Form;

nor the Party distraining be deemed a Trespasser *ab initio*.

Provided always, and be it enacted, That no Mortgage, Assignment, Transfer, or other 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 any of them, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Writings to be without Stamps.

Provided always, and be it enacted, That all Orders and Proceedings of the said Trustees at their Meetings 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 to the said Trustees at any Meeting of Five or more of them assembled, as the Case shall require, and shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book or Books directed to be kept for registering the said Mortgages, Assignments, and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Proceedings to be entered in a Book.

And be it further enacted, That this Act shall commence and have Continuance from and after the Fourth Day of June, One thousand seven hundred and seventy-one, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

Proceedings not to be quashed for Want of Form, nor be removeable by *Certiorari*.

And be it further enacted, That no Proceeding 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.

And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or Tender of Amends 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 Salop or Denbigh, as the Cause or Causes of such Action shall arise respectively, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead

General Issue.

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 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 Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limitted 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 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.

Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act.

And be it 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 whomsoever, without specially pleading the same.

FINIS.