Anno ſecundo

Georgii III. Regis.

An Act for amending, widening, and keeping in Repair, ſeveral Roads leading from *Cleobury Mortimer*, the Croſs Houſes, *Glazeley*, and the Turnpike Gate on *Abberley Hill*, in the Counties of *Salop* and *Worceſter*.

WHereas the Road leading from the Town of Cleobury Mortimer, through the Wall Town by the Vicarage in the Pariſh of Kinlet, and through the Pariſhes of Billingſley, Dewxhill, and Glazeley, by the Croſs Houſes, to a Village called Morvil in the County of Salop, being the Great Road from Cleobury to the Town of Shrewsbury, and from the Croſs Houſes on the one Side to Cleobury North, and through Priors Ditton, to the Foot of the Brown Clee Hill, and on the other Side to Bridgnorth in the ſaid County, and from Glazeley through Oldbury to Bridgnorth; and alſo from the ſaid Town of Cleobury Mortimer through Milſon and Spirtree Lane, and the Pariſh of Burford, to the Ludlow Turnpike Road in the Road to Tenbury; and from the Turnpike Gate on Abberley Hill to a Place called Poulters, in the Turnpike Road from Cleobury to Bewdley in the County of Worceſter, are in a ruinous Condition, and in many Parts very narrow and incommodious for Travellers and Carriages, and cannot effectually be amended, widened, and repaired by the Laws now in being for repairing the Highways in this King- Preamble.

dom; 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 Sir Richard Acton Baronet, Edward Acton Esquire, Richard Acton, William Aingworth, William Adams, Edward Addenbrook Esquire, Richard Adney, Thomas Adney, Richard Asbury, George Aston, John Attwood, John Attwood junior, Clerks; Thomas Bach, William Baker, Charles Baldwyn Esquire, John Baldwyn Clerk, William Bankes, James Bankes, Christopher Bankes, Rowland Berkley Esquire, Samuel Banister, William Bates, Thomas Bury junior, Herbert Bury, Edward Baugh Clerk, the Bailiffs of Bridgnorth for the time being, Thomas Blaney, John Booth, Richard Beacall, Benjamin Beale, George Beale, Francis Benbow, Lucy Berkeley Clerk, John Bell Clerk, Edward Bickerton, John Bill, Arthur Blaney, Sir Edward Blount Baronet, Walter Blount M. D. Thomas Boden, Edward Botterell, Job Boulton, Humphry Bowles Esquire, George Bowles Esquire, Thomas Bradney Esquire, Sir Orlando Bridgman Baronet, Henry Bridgeman Esquire, Edward Broadfield, William Bromley Esquire, Robert Bromley Esquire, Thomas Broome Clerk, John Broome, Bromwich Clerk, John Brooke, John Brookholding, William Brown, Thomas Bury, Joseph Bury, Benjamin Bushop, Francis Canning Esquire, Butler Capper Clerk, John Capper, William Carter, Sir Francis Charlton Baronet, Robert Job Charlton LL. D. Thomas Child, Thomas Child the younger, Thomas Cheese, Benjamin Cheese, Timothy Colebatch, James Compson Esquire, Edward Compson, William Congreve, William Colley, George Colley, John Congreve, John Cooper, Thomas Corbett, Joseph Corbett, James Corbett, William Corbett, Walter William Corbyn, John Corbyn, William Corser, Joseph Crane, Thomas Estcourt Cresswell Esquire, Thomas Crump, John Crump, John Dallow, John Dickenson, William Dowdeswell Esquire, William Downes, Somerset Davies Esquire, Stynt Duncombe, Benjamin Dunston, Humphry Duppa, John Dovey, Robert Edwards Clerk, John Edwards, Thomas Farmer, John Farmer, John Fleming Clerk, German Fox, John Farmer of Killington, John Fox, George Forrester Esquire, John Farmer of Abberley, John Gilbert, Thomas Gitton, Joseph Glover, Thomas Gale, Thomas Gattaker, Samuel Good, Thomas Good, Richard Goolden, John Goolden,

Trustees Names.

Aaron

Aaron Goolden, Francis Goolden, Richard Gorges Eſquire, Jonathan Green, Jonathan Green Clerk, the Right Honourable George Harry Grey, commonly called Lord Grey; the Honourable John Grey, George Gueſt, John Gueſt, Peter Habberley, William Hale Clerk, Edward Hale, John Hale, Herbert Herring, Joſeph Hancock, Thomas Hanley, Michael Hall, Henry Harris, Nicholas Harriſon, Joſeph Hill, Thomas Hughes, Thomas Hartſhorne Clerk, John Haſlewood, Edward Haſlewood, Benjamin Haſlewood, Thomas Haſlewood, Gentlemen; Thomas Haſlewood Hatter, Edward Haſſall, John Haſſall, John Hayward Clerk, Edward Herbert Eſquire, Thomas Hill Eſquire, Richard Hinckeſman, Bernard Holland, Charles Holland, Thomas Holland, Thomas Howard Clerk, Chriſtopher Hunt, Thomas James, Robert James, John Ingram Eſquire, Francis Ingram Eſquire, John Ingram, John Ingram junior, John Jackſon, Walter Ketilby Eſquire, Thomas King Clerk, Edward Knight Eſquire, Thomas Knight Eſquire, Thomas Knight Clerk, John Lamb, John Langley, John Langley junior, Edward Lee, Richard Lem, Thomas Littleton Clerk, Samuel Lloyd, John Lowick, Richard Lacon Eſquire, Edward Mather, John Mather, Thomas Marſton, Sturmey Manlin, Edmund Mawthill, Benjamin Medlicot, John Meyſey Clerk, Thomas Meyſey Clerk, William Milichamp, Edward Milner, Francis Milward, Richard More, Philip Morris, Michael Morris, Thomas Mytton of Shipton Eſquire, Thomas Mytton of Cleobury North Eſquire, Thomas Mytton the younger, William Naſh, John Naſh, James Wakeman Newport Eſquire, William Nicholls Eſquire, John Nichols, John Nott, John Nott of Worſley, Edward Nott, Edward Nott the younger, Thomas Noxon, Richard Norris, Francis Oakes, Thomas Oakes, John Oldbury, Joſeph Oldham, William Oliver, Thomas Ottley Eſquire, Henry Parſons, Thomas Pardo, Thomas Pardo the younger, Thomas Paſs, John Patten, John Phillips Mercer, John Phillips Apothecary, Allen Pollock, Powell of Fitts, John Powell, John Pratt, William Prattington, the Right Honourable William Pulteney, commonly called Lord Viſcount Pulteney; John Purcel Clerk, John Purton, Edmund Pytts Eſquire, John Perſhouſe, Joſeph Radnall, Francis Read Clerk, John Reynolds, Nathaniel Rhodes, George Ridley, W. A. Roberts, Thomas Roberts, Francis Rocke Eſquire, Thomas Rocke Clerk, William Rutter Clerk, Thomas Severn Clerk, Joſeph Sheward, Thomas Sheriff, John Sing, Jonathan Skey, Samuel Skey, the Reverend Walter Wilkins Shrawley, Nathaniel Smith, Thomas Shelding, John Smallman, William

liam Shallman, John Southall, Jacob Smith, Richard Smith, John Southall junior, John Soley Eſquire, John Soley junior, John Southall of Redmarley, John Smith, John Synge Eſquire, Thomas Lockley Soley Clerk, Lucas Spilsbury, John Stedman, the Reverend Edward Stillingfleet Rector of Lindridge, Robert Storey, Thomas Tedſtill, Charles Tucker Clerk, Thomas Vernon Clerk of Airley, Henry Wakeman, the Honourable John Ward, Robert Watkins Clerk, Thomas Wall, Edward Winwood, Samuel Wall, Edward Wall, John Watts, Benjamin Watts, Francis Walker Eſquire, Thomas Walker, William Wharton, John White Whitley, Samuel Wharton, Edward Weaver Eſquire, Arthur Weaver Eſquire, Thomas Weld Eſquire, Edmund Whitcombe, Edward Whitcombe, the Honourable Sir Thomas Whitmore Knight of the Bath, Major General William Whitmore, Henry Whitmore Clerk, Jeremiah Whitehouſe Clerk, Bernard Wilks, John Wilſon, John White, John White junior, John Windle, Sir Edward Winnington Baronet, Edward Winwood, Allen Wheeler, Edward Wheeler, Vincent Wood, John Wood, William Wright Eſquire, Thomas Wylde Eſquire, Charles Edmund Wylde Clerk, Maſter John Wylde Clerk, William Yates, John Yates, William Yarranton, Thomas Yarranton, ſhall be, and they are hereby appointed, Truſtees for amending, widening, and keeping in the Repair, the ſaid Roads, and for executing all and every the Powers by this Act given; and that ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, ſhall and may erect, or cauſe to be erected, a Turnpike or Turnpikes, Toll-houſe or Toll-houſes, in, upon, acroſs, or on the Side of, ſuch Roads; and ſhall demand and take the Tolls following, before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Calves, Swine, Sheep, or Lambs, ſhall be permitted to paſs through any Gates or Turnpikes to be erected upon the ſaid Roads leading from Cleobury Mortimer to Morvill, from Glazeley through Oldbury to Bridgnorth, from Cleobury Mortimer to the Ludlow Turnpike Road aforeſaid, and from the Turnpike Gate on Abberley Hill to Poulters aforeſaid; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes,

and take the following Tollsthereat.

The Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, or Beaſt of Burthen, laden or unladen, and not drawing, Six Pence.

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Draught, drawing any Coach, Waggon, or other Carriage, One Shilling.

For every Score of Cattle, Five Shillings.

And for every Score of Calves, Swine, Sheep, and Lambs, Two Shillings and Six Pence; and ſo in Proportion for any greater or leſſer Number.

And alſo ſhall demand and take the Tolls following before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Calves, Swine, Sheep, or Lambs, ſhall be permitted to paſs through any Gates or Turnpikes to be erected upon the ſaid Roads leading from the Croſs Houſes to Cleobury North, and from the Croſs Houſes through Priors Ditton, to the Foot of the Brown Clee Hill, or from the laſt-mentioned Places to Bridgnorth aforeſaid; that is to ſay,

For every Horſe, Mare, Gelding, Mule, Aſs, or Beaſt of Burthen, laden or unladen, and not drawing, Two Pence.

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Draught, drawing any Coach, Waggon, or other Carriage, Four Pence.

For every Score of Cattle, One Shilling and Eight Pence; and for every Score of Calves, Swine, Sheep, and Lambs, Ten Pence; and ſo in Proportion for any greater or leſſer Number.

Which Money ſhall be demanded and taken as a Toll, and is hereby veſted in the ſaid Truſtees; and the ſame, and every Part thereof, ſhall be applied and diſpoſed of to and for the ſeveral Uſes and Purpoſes, and in ſuch Manner as herein after is mentioned. Tolls veſted in the Truſtees.

Provided always, and be it enacted, That nothing herein contained ſhall enable or impower the ſaid Truſtees, or any of them, or any Perſon acting under their Authority, to demand or receive more at any One Toll-gate or Turnpike to be erected by virtue of this Act, than One Penny for every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Burthen, laden or unladen, and not drawing; nor more than Three Pence for every Horſe, Mare, Gelding, Mule, Aſs, or Pair of Oxen, drawing any Carriage; nor more than Ten Pence for every Score of Cattle; nor more than Five Pence for every Score of Calves, Swine, Sheep, or Lambs; nor more than in that Proportion for any greater or leſſer Number; nor ſhall ſuch Toll be demanded or taken at all or any of the Gates on the Road leading from the Turnpike Gate on Abberley Hill to Poulters aforeſaid, or on the Road from Glazeley, through Oldbury, to Bridgnorth, oftener than Reſtriction of Tolls.

than Once on the ſame Day for the ſame Horſe, or other Beaſt.

Diviſion of Tolls, and ſeparate Accounts to be kept.

And it is hereby further enacted, That all the Tolls to be collected by virtue of this Act, ſhall be divided into Six ſeparate and diſtinct Parts or Allotments; that is to ſay, The Tolls ariſing from the Turnpike Gate or Gates to be erected upon or on the Sides of the ſaid Road leading from Cleobury Mortimer, to the Ludlow Turnpike Road aforeſaid, into one Part or Lot; the Tolls ariſing from the Turnpike Gate or Gates to be erected upon or on the Sides of the ſaid Roads leading from Cleobury Mortimer to Morvill, and from Glazeley through Oldbury to Bridgnorth, into another Part or Lot; the Tolls ariſing from the Turnpike Gate or Gates to be erected upon or on the Sides of the ſaid Road leading from Bridgnorth to the Place where that Road divides, near Harpſwood, into two Roads (one leading through Priors Ditton to the Foot of the Brown Clee Hill, and the other to Cleobury North aforeſaid) into another Part or Lot; the Tolls ariſing from any Turnpike Gate or Gates to be erected upon or on the Sides of the ſaid Road leading from the Separation of the ſaid Roads near Harpſwood, through Priors Ditton, to the Foot of the Brown Clee Hill, into another Part or Lot; the Tolls ariſing from any Turnpike Gate or Gates to be erected upon or on the Sides of the ſaid Road leading from the Separation of the ſaid Roads near Harpſwood to Cleobury North, into another Part or Lot; and the Tolls ariſing from any Turnpike Gate or Gates to be erected upon or on the Sides of the ſaid Road, leading from the Turnpike Gate on Abberley Hill to Poulters aforeſaid, into another Part or Lot; and that ſeparate and diſtinct Accounts ſhall be kept of the ſaid Tolls reſpectively.

Proviſo.

Provided always, and be it enacted, That in repairing the Road from the Turnpike Gate on Abberley Hill to Poulters aforeſaid, that Part of the ſaid Road, which lies neareſt to the ſaid Turnpike Gate, ſhall be firſt repaired.

Application of the Monies.

And be it further enacted, That all the Coſts, Charges, and Expences, incident to and attending the obtaining and paſſing this Act, ſhall be paid in the firſt Place in the Proportions following; that is to ſay, One Moiety thereof out of the Money to be borrowed on the Credit of or ariſing from the Tolls to be collected on the Roads leading from Cleobury Mortimer to the Ludlow Turnpike Road aforeſaid; and from Cleobury Mortimer to Morvill, and from Glazeley through Oldbury to Bridgnorth, and from the Turnpike-gate on Abberley Hill to Poulters aforeſaid; and the other Moiety thereof in Manner following, videlicet,

videlicet, One Half of the said last mentioned Moiety by and out of the Money to be borrowed on the Credit of or arising from the Tolls to be collected on the said Roads leading from Bridgnorth to Cleobury North; and the other Half of the said last mentioned Moiety by and out of the Money to be borrowed on the Credit of or arising from the Tolls to be collected on the said Road leading from Bridgnorth through Priors Ditton to the Foot of the Brown Clee Hill; and that out of the Money arising from each of the said Roads (after paying the Charges of passing this Act) the Expences of erecting Toll-houses and Turnpike-gates on such Roads respectively shall be paid and discharged; and that the Residue of the Money arising from the said Tolls, or to be borrowed on the Credit thereof respectively, shall be applied and disposed of in Manner following, videlicet, So much thereof as shall arise from or be borrowed on the Credit of the Tolls to be collected on the said Roads leading from Cleobury Mortimer to the Ludlow Turnpike Road aforesaid, shall be applied in amending and keeping those Roads in Repair, and all other necessary Charges and Expences attending the same, in such Manner as the said Trustees, or any Five or more of them, shall direct; and so much thereof as shall arise from or be borrowed upon the Credit of the Tolls to be collected on the said Roads leading from Cleobury Mortimer to Morvil, and from Glazeley through Oldbury to Bridgnorth, shall be applied in amending and keeping those Roads in Repair, and all other necessary Charges and Expences attending the same, in such Manner as the said Trustees, or any Five or more of them, shall direct; and so much as shall arise from, or be borrowed on the Credit of the Tolls, to be collected on the said Roads leading from the Turnpike-gate on Abberley Hill to Poulters aforesaid, shall be applied in amending and keeping that Road in Repair, and all the other necessary Charges and Expences attending the same, in such Manner as the said Trustees, or any Five or more of them, shall direct; and so much as shall arise from or be borrowed on the Credit of the Tolls to be collected on the said Roads leading from Bridgnorth, to the Separation of the said Roads near Harpswood, and on the said Two Roads leading from thence to Cleobury North, and through Priors Ditton to the Foot of the Brown Clee Hill, shall be applied first in repairing the said Road leading from Bridgnorth to the Separation of the said Roads near Harpswood, and keeping the same in Repair, and all other necessary Charges and Expences attending the same; and afterwards, that so much as shall arise from

or be borrowed upon the Credit of the Tolls to be collected on the ſaid Road leading from the Separation of the ſaid Roads near Harpſwood to Cleobury North, ſhall be laid out in amending and keeping that Road only in Repair, and all other neceſſary Charges and Expences attending the ſame; and that ſo much as ſhall ariſe from, or be borrowed upon the Credit of the Tolls to be collected on the ſaid Road leading from the Separation of the ſaid Roads near Harpſwood, through Priors Ditton to the Foot of the Brown Clee Hill, ſhall be laid out in amending and keeping that Road only in Repair, and all other neceſſary Charges and Expences attending the ſame, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct.

Exemptions from Toll.

Provided always, and it is hereby declared, That no Perſon or Perſons ſhall be charged with any of the Tolls aforeſaid, for paſſing through any of the Turnpikes to be erected by virtue of this Act, and carrying Stones, Gravel, or other Materials for repairing the ſaid Roads, or for any Dung, Mould, or Compoſt (except Lime, which is intended to pay the Tolls hereby laid) for manuring of Lands or Gardens; nor for any Horſes, or other Cattle drawing Carts or other Carriages with Hay, Straw, Fodder, or Corn in the Straw, ariſing from Lands in their own Occupation, to be laid up in the Houſes, Outhouſes, Barns, or Yards, of or belonging to the Inhabitants of the ſeveral Pariſhes or Places in which any of the ſaid Roads do lie; nor for any Ploughs or other Implements whatſoever employed by ſuch Inhabitants in Husbandry, Manuring, or Stocking of Lands lying near the ſaid Roads; or for any Perſon or Perſons who ſhall paſs through the ſaid Turnpikes to and from any Election of a Knight or Knights to ſerve in Parliament for the Counties of Salop or Worceſter, or Burgeſſes for the Town of Bridgnorth, or going to or returning from ſuch Elections, or going to and from Church or Chapel, or other Place or Places of Religious Worſhip on Sundays, in their own proper Pariſhes, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die or be buried in any of the Pariſhes in which the ſaid Roads do lie or adjoin, or any Miniſter viſiting the Sick in thoſe Pariſhes; or for any Horſes, Geldings, Mares, or any Sort of Cattle going to or returning from Paſture or watering Places, or Shoeing, or for any Poſt-horſes carrying the Mail or Packet, or for the Horſes of Soldiers who are upon their March, or Horſes or other Cattle drawing Carts, Waggons, or other Carriages attending them, or laden with their Arms or Baggage, or for

Horſes

Horſes or Cattle drawing Carts or Waggons travelling with Vagrants ſent by legal Paſſes; nor for any Cattle or other Animal that ſhall not travel at leaſt Three hundred Yards upon the ſaid Roads.

Tolls to be paid but Once a Day.

Provided always, and it is hereby declared and enacted, That no Perſon or Perſons paſſing through any of the Gates to be erected as aforeſaid, who ſhall return the ſame Day before Twelve of the Clock at Night with the ſame Coach, or other Carriage, Horſe, or any Sort of Cattle, for which ſuch Toll ſhall have been paid, ſhall be liable to pay the ſaid Tolls more than Once the ſame Day.

Tolls to be levied by Diſtreſs and Sale.

And it is hereby further enacted, That it ſhall and may be lawful to and for ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, under their Hands and Seals, ſhall from time to time appoint, to take the Tolls hereby granted, and to levy the ſame upon ſuch Perſon or Perſons who ſhall (after Demand made) neglect or refuſe to pay the ſame, by Diſtreſs of any of the Goods, Cattle, and Effects, of ſuch Perſon or Perſons, and to detain ſuch Goods, Cattle, and Effects, ſo diſtrained, until ſuch Tolls, with the reaſonable Charges of ſuch Diſtreſs, Detaining and Keeping, ſhall be paid; and ſuch Perſon or Perſons ſo diſtraining ſhall and may, after the Space of Five Days after ſuch Diſtreſs made and taken, ſell the Goods and Effects ſo diſtrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after ſuch Tolls and reaſonable Charges for diſtraining, keeping, and ſelling, ſhall be deducted and paid.

Penalty on Perſons paſſing forcibly through the Gates.

And it is hereby further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully force their Way through any ſuch Gate or Gates, or paſs through the ſame by Stealth, with any Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt, in order to avoid Payment of the ſaid Tolls, that he, ſhe, or they, ſhall forfeit, for every ſuch Offence, Forty Shillings, to be levied by Diſtreſs and Sale of ſuch Beaſt or Beaſts, or of any other Goods and Chattles of ſuch Offenders, in ſuch Manner as herein before directed on Neglect or Refuſal to pay the ſaid Tolls.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to demiſe or ſet the ſaid Tolls reſpectively, or any of them, from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years, upon Ten Days Notice in

Writing to be fixed on all the Turnpike Gates to be erected in purſuance of this Act ſeparately, to the higheſt Bidder, upon a publick Bidding, and for the beſt Price ſuch Truſtees can get for ſuch Tolls, or any Part thereof, payable at ſuch Times, and under ſuch Covenants, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit, and to be paid to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint.

Truſtees may contract for repairing the Roads.

Provided always, and it is hereby enacted and declared, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby impowered to contract with any Perſon or Perſons for repairing, amending, and widening, the ſaid Roads reſpectively, or any Part thereof, in ſuch Manner, and for ſuch Sum or Sums, as ſhall be agreed upon by and between the ſaid Truſtees, or any Five or more of them, and ſuch Perſon or Perſons: And that nothing in this Act ſhall enable the ſaid Truſtees, or their Succeſſors, or any of them, to repair or amend the Pavements or Cauſeways in any of the Streets in Cleobury Mortimer aforeſaid.

Truſtees not to repair *Cleobury* Streets.

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

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, owning or occupying any Lands, ſhall knowingly or wittingly ſuffer any Perſon or Perſons to paſs through the ſame with any Cattle liable to pay Tolls, whereby the Payment of any of the ſaid Tolls ſhall or may be avoided; or if any Perſon or Perſons, travelling the ſaid Roads with any Cattle liable to pay Toll, ſhall go out of ſuch Road, and afterwards return into the ſame, or go to any other Place to which ſuch Road leads, in order to avoid the Payment of any of the ſaid Tolls; every Perſon ſo offending, and alſo the Perſon avoiding Payment of the ſaid Tolls, in either of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings reſpectively, to be levied, applied, and diſpoſed of, as herein after directed.

Penalty on unloading, &c. to avoid paying the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time during the Continuance of this Act, unload, or cauſe to be unladen, any Sort of Goods or Merchandize, ; or take off, or cauſe to be taken off, any Horſe or Horſes, or other Beaſts, from any Waggon or other Carriage, at or before the ſame ſhall come to any of the Turnpikes to be erected by virtue of this Act; or ſhall put or leave in any Houſe or Place any Waggon or other Carriage, or any Cattle chargeable with, or liable to pay, the ſaid Tolls; or take out any Part of the Loading of ſuch Waggon or other Carriage, with an Intent to avoid Payment of the

ſaid Tolls, or any Part thereof; each and every Perſon ſo offending in any of the Caſes aforeſaid, ſhall forfeit and pay Forty Shillings; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied by Diſtreſs and Sale of the Offenders Goods and Chattles, and diſpoſed of as is herein after directed.

Penalty on Perſons avoiding the Tolls.

And, for preventing Frauds and Abuſes in the ſaid Tolls, be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons having paid the Tolls by this Act laid, and having a Note or Ticket, Notes or Tickets, as the ſaid Truſtees, or any Five or more of them, ſhall direct to be given, ſhall diſpoſe of the ſame to any other Perſon or Perſons, or alter the ſame, in order to avoid the Payment of any of the ſaid Tolls; every ſuch Perſon ſo altering or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and the Perſon or Perſons receiving the ſame; ſhall reſpectively forfeit and pay Forty Shillings, to be levied and diſpoſed of as herein after is directed.

Perſons lending Money, to appoint where it ſhall be laid out.

Provided alſo, and it is hereby enacted, That if any Perſon or Perſons ſhall lend any Money without Intereſt, for Seven Years, towards amending the ſaid Roads, ſuch Money ſhall be applied to the amending of ſuch Part of the ſaid Roads as the Lender or Lenders thereof ſhall appoint.

Truſtees may borrow Money upon the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, from time to time, borrow any Sum or Sums of Money upon the Credit of the ſaid Tolls reſpectively, and by Writing or Writings under their Hands and Seals, demiſe or mortgage the ſaid Tolls, or any Part thereof, to any Perſon or Perſons, in ſuch diſtinct Lots as aforeſaid, or any Part thereof, for any Term during the Continuance of this Act, as a Security for the Money ſo to be borrowed, with legal or leſs Intereſt for the ſame; which ſaid Money ſo to be borrowed, ſhall be applied and diſpoſed of as the Tolls are by this Act directed to be applied and diſpoſed of; but no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the Tolls hereby granted, after any Turnpike or Turnpikes ſhall be erected by virtue of this Act, unleſs Notice in Writing be given for that Purpoſe, by affixing the ſame on ſuch Turnpike Gate or Gates ſo to be erected reſpectively, at leaſt Twenty Days before the borrowing ſuch Money.

Twenty Days Notice.

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

And be it further enacted by the Authority aforeſaid, That the Right and Property of all and every the Turnpikes and Toll-houſes which ſhall be erected by virtue of this

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

Time and Place of Truſtees Meeting for appointing Officers.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at The Eagle and Serpent, in Cleobury Mortimer, on the Thurſday Fortnight next after the paſſing of this Act, between Ten and Twelve in the Forenoon, and ſhall then and there chuſe and elect a Treaſurer or Treaſurers, and ſuch other Officers as they ſhall think proper, for carrying ſo much of this Act into Execution as relates to the ſaid Roads leading from Cleobury Mortimer to Morvil, and from Glazeley, through Oldbury, to Bridgnorth, and from Cleobury Mortimer to the Ludlow Turnpike aforeſaid; and from the Turnpike Gate on Abberley Hill to Poulters aforeſaid; and on the next Day the ſaid Truſtees, or any Five or more of them, ſhall meet at The Crown Inn in the High Street in Bridgnorth, and ſhall then and there chooſe and elect a Treaſurer or Treaſurers, and ſuch other Officers as they ſhall think proper, for carrying ſo much of this Act into Execution as relates to the ſaid Roads leading from the Croſs Houſes to Cleobury North, and through Priors Ditton, to the Foot of the Brown Clee Hill, and to Bridgnorth; and no Perſon or Perſons then or at any other Time to be elected, ſhall gain a Settlement in any Pariſh through which ſuch Roads lead, by reaſon of his being appointed to, or ſerving in, ſuch Office; nor ſhall any Perſon ſelling Ale, Beer, Cyder, or Spirituous Liquors, be capable of holding any Office under the Authority of this Act.

Officers not to gain a Settlement under this Act.

No Victualler, &c. to have a Place of Profit.

Truſtees may adjourn Meetings.

And be it further enacted by the Authority aforeſaid, That the ſaid ſeveral Truſtees ſhall, at the ſaid reſpective Meetings, adjourn themſelves from time to time, and from time to time meet at the ſaid reſpective Houſes, or any other Place or Places in or near any Part of the ſaid reſpective Roads, as the ſaid Truſtees, or any Five or more of them, ſhall think moſt convenient, not exceeding One Calendar Month from Lady Day to Michaelmas, and Two Calendar Months from Michaelmas to Lady Day, as often as it ſhall be neceſſary for putting and carrying the Powers and Authorities by this Act given ſe-

parately into Execution; and that all the Buſineſs neceſſary to be done and tranſacted from time to time, which ſhall relate to the ſaid Roads leading from Cleobury Mortimer to Morvill, and from Glazeley, through Oldbury, to Bridgnorth, and from Cleobury Mortimer to the Ludlow Turnpike aforeſaid, and from the Turnpike Gate on Abberley Hill to Poulters aforeſaid, ſhall be tranſacted at the Eagle and Serpent in Cleobury Mortimer, or at ſuch other Place or Places to which the ſaid Meetings of the ſaid Truſtees at Cleobury Mortimer aforeſaid, ſhall, from time to time, be adjourned; and that all the Buſineſs neceſſary to be done and tranſacted from time to time relating to the ſaid Roads leading from the Croſs Houſes to Cleobury North, and through Priors Ditton to the Foot of the Brown Clee Hill and to Bridgnorth, ſhall be, from time to time, tranſacted at the ſaid Meetings, at the Crown Inn in Bridgnorth, or at ſuch other Place or Places to which the ſaid Meetings of the ſaid Truſtees at Bridgnorth aforeſaid, ſhall, from time to time, be adjourned; and that all Orders and Accounts relating to the ſaid ſeveral Roads ſhall be entered and kept in ſeparate Books; and if it ſhall happen that there ſhall not appear at any Meeting, which ſhall be appointed to be held by the ſaid Truſtees, a ſufficient Number of Truſtees to act at ſuch Meeting, and to adjourn to another Day, then and in ſuch Caſe the Clerk or Clerks to the ſaid Truſtees, by Notice in Writing under his Hand to be affixed on the ſaid Turnpike Gate or Gates, at leaſt Fourteen Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Houſe where the Meeting of the ſaid Truſtees was appointed to be held, in or at ſome convenient Houſe in the ſaid Places reſpectively, on that Day Three Weeks on which ſuch laſt Meeting of the ſaid Truſtees was appointed to be held; and that the ſaid Truſtees, at their firſt, and all other ſubſequent Meetings, ſhall defray their own Charges and Expences; and the ſaid Truſtees, or any Five or more of them, ſhall take ſuch Security for the due Execution of the reſpective Offices as they ſhall approve of, which Securities ſhall be lodged with ſuch Perſon as the ſaid Truſtees, or any Five or more of them, ſhall, at ſuch reſpective Meetings, direct: And the ſaid Truſtees, or any Five or more of them, are hereby impowered to remove ſuch Treaſurer or Treaſurers and other Officers, or any of them, as they ſhall ſee Occaſion, and appoint new ones in caſe of Death or ſuch Removal; and the Perſon or Perſons appointed to collect or receive the Tolls, and alſo ſuch other Officer or Officers to be appointed as aforeſaid, ſhall, upon Oath,

In Default of a ſufficient Number to act, Notice to be given of another Meeting.

Truſtees to defray their own Expences.

Officers to give Security.

Truſtees may remove and appoint Officers.

Officers to account upon Oath.

Oath, being thereunto required by the ſaid Truſtees, or any Five or more of them (which Oath the ſaid Truſtees, or any Five or more of them, are hereby impowered to adminiſter) on the firſt Thurſday in every Month, or oftener, if required, during the Continuance of this Act, give in a true and perfect Account in Writing under their reſpective Hands, to ſuch Truſtees ſo requiring the ſame, of all Money which he or they ſhall have received, paid, and diſburſed, by virtue of this Act; and in caſe any Money ſo received ſhall remain in their or any of their Hands, the ſame ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they the ſaid Truſtees, or any Five or more of them, ſhall, by any Writing or Writings under their Hands, authorize to receive the ſame: And the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Monies ariſing by the ſaid Tolls, make ſuch Allowance to the Treaſurer or Treaſurers, and other Officers by them ſo appointed, for his and their Care and Pains, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem proper; and in caſe the ſaid Receiver or Receivers, or other Officers, ſhall not make and deliver ſuch Accounts and Payments as aforeſaid, that then the ſaid Truſtees, or any Five or more of them, ſhall make Inquiry of or concerning ſuch Default, as well by Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Truſtees, or any Five or more of them, are hereby impowered and required to adminiſter without Fee or Reward) and if any Perſon or Perſons ſhall be thereof convicted by ſuch Truſtees, or any Five or more of them, they ſhall, upon ſuch Conviction, commit the Offender or Offenders to the Common Gaol, until he or they ſhall have made a true and perfect Account and Payment as aforeſaid.

Truſtees to allow Officers Salaries.

Officers refuſing to account,

Juſtices may enquire into the Default;

and commit the Offender, until Payment or Compoſition made.

And, for continuing a ſufficient Number of Truſtees to put this Act in Execution, be it enacted by the Authority aforeſaid, That when and as often as any of the Truſtees hereby appointed, or hereafter to be appointed, ſhall die, remove, or refuſe to act, it ſhall and may be lawful to and for ſuch of the ſaid Truſtees for the time being, as ſhall ſurvive and remain, or any Seven or more of them, by any Writing or Writings under their Hands, from time to time during the Continuance of this Act, to elect One or more fit Perſon or Perſons, living in the ſaid County of Salop, or in the County of Worceſter, in his and their Room; and ſuch Perſon and Perſons ſo elected

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

elected ſhall be joined with ſuch ſurviving or remaining Truſtees in Execution of all and every the Powers of this Act; and Notice of the Time and Place of Meeting for the Election of ſuch new Truſtee or Truſtees ſhall be given by the Clerk or Clerks to the ſaid Truſtees, or any Seven or more of them, who is and are hereby required to fix or cauſe to be fixed ſuch Notice in Writing at or on all the Turnpike Gates which ſhall be erected by virtue of this Act, at leaſt Ten Days before the Meeting for ſuch Election; and ſuch Election ſhall be made between the Hours of Eleven of the Clock in the Forenoon and Four in the Afternoon; and all and every ſuch Perſon and Perſons as ſhall be ſo choſen, ſhall and may, and is and are hereby authorized to act to all Intents and Purpoſes, in as full and ample Manner as the Truſtees nominated by this Act are authorized to act.

10 Days Notice of Election to be given.

Provided always, and be it further enacted, That no Perſon or Perſons whatſoever, who is or are, or ſhall be, by virtue of this Act, a Truſtee or Truſtees for putting this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of or by reaſon of this Act; but ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting, and during the Enjoyment of ſuch Place of Profit as aforeſaid.

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

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Perſon whatſoever ſhall be qualified to act, or capable of acting as a Truſtee in any Caſe in the Execution of this Act (except in ſwearing of other Truſtees) unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or poſſeſſed of, or intitled to Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount or Value of One thouſand two hundred Pounds, more than ſufficient to pay his Debts, and unleſs the Perſon or Perſons claiming ſo to have Fifty Pounds a Year, or One thouſand two hundred Pounds Perſonal Eſtate alone, or Real and Perſonal Eſtate together as aforeſaid, ſhall take the Oath following, or being of the People called Quakers, an Affirmation to the Purport of the ſaid Oath, before any Two or more of the ſaid Truſtees (who are hereby authorized and required to adminiſter the ſame) before he takes upon himſelf to act in the ſaid Truſts and Authorities by this Act granted; which Oath or Affirmation ſhall be in the Words, or to the Effect following; that is to ſay,

Qualification of Truſtees.

The Oath.

I *A. B.* do swear *(or, being one of the People called Quakers, do affirm)* That I truly and *bona fide* am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the yearly Value of Fifty Pounds above Reprizes, or possessed of or intitled to a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand two hundred Pounds, more than sufficient to pay all my Debts.

So help me GOD.

Penalty on acting, not being qualified.

And if any Person unqualified or incapable to act for any of the Causes aforesaid, shall nevertheless presume to act, contrary to the true Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager at Law, or more than One Imparlance, shall be allowed.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Brook, River, Waste, or Common, of or in any Parish or Place through which any of the said Roads do pass; and for want of sufficient Materials there, to dig, take, and carry away the same out of any Brook, River, Waste, or Common, of any neighbouring Parish or Place, without paying any thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, or otherwise secured, all such Holes and Pits out of which any such Materials as aforesaid shall be taken; and when there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carrying the same out of, the Grounds of any Person or Persons (not being the Ground whereon any Houses stand, or a Garden, Orchard, Yard, or Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground, set apart or used as a Plantation or Nursery for Trees) where such Materials are or may be found; and, from time to time, to carry away the same, paying

without paying for the same; levelling the Pits: If sufficient Materials cannot be had there, they may be taken from private Grounds;

such

such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged or carried away, or over which the same shall be carried, out of the Tolls hereby granted, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees, touching such Damages aforesaid, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the County where such Grounds lie, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, by the Direction of the said Trustees, or any Five or more of them, under their Hands, from time to time, to remove and prevent Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Watercourses, Sinks, or Drains; and to cleanse, open, scour, drain, deepen, or enlarge any Ditch or Watercourse adjoining to the said Roads; and to cut down, lop, or top, any Trees or Bushes growing on the said Roads, or in the Hedges or Banks adjacent; and to take, carry away, and sell the same, and apply the Money in repairing the said Roads, in case the Owners or Occupiers shall neglect to cut down, lop, or top, such Trees or Bushes, or to remove such other Annoyances, for the Space of Thirty Days next after Notice in Writing shall be given for that Purpose, or to be left at the Capital or Mansion-house belonging to the Land on which the same shall stand, under the Hands of the said Trustees, or any Five or more of them; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid; And if, after the Removal of the said Annoyances, any Person or Persons shall again offending in the like Kind, every such Person or Persons so offending, and being thereof convicted on Oath before any One or more Justice or Justices of the Peace of the County or Place where the Offence shall be committed, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be recovered and applied as is herein after directed.

Surveyors may remove Annoyances,

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges,

Penalty on a Second Offence

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they

Surveyors may make Causeways, &c.

they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, Drains, and Ditches, through any Grounds lying near, or contiguous to, the said Roads; and to erect Arches and Bridges upon the said Roads; and to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (not being a Garden, Walk, or Avenue to an House) for amending and keeping the Roads aforesaid in good Repair, making such reasonable Satisfaction to the Owners and Occupiers of such Grounds respectively as shall be so laid in or into the said Roads, or through which any such Drain or Ditch shall be cut, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them: And in case any Difference shall happen between such Owners or Occupiers and the Trustees touching such Damages, that then it shall and may be lawful to and for the Justices, at their next General Quarter Sessions, to be holden for the Counties of Salop or Worcester respectively, or the major Part of such Justices then present, to hear and finally determine the same: And if any Owner or Owners, Occupier or Occupiers of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Road, shall neglect or refuse to scour and cleanse, or to make the same so deep and in such Manner as such Surveyor or Surveyors shall from time to time adjudge proper, after Thirty Days Notice shall be given for that Purpose by such Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to cleanse the same, and by Warrant from any Five or more of the Trustees for the time being, to levy the Charge thereof upon the Goods or Effects of the Owner or Owners, Occupier or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale, in Manner as other Distresses and Sales are herein before directed to be made, of his, her, or their Goods and Effects, rendering the Overplus (if any) after all Charges of such Distress and Sale thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

and erect Bridges, &c.

making Satisfaction to the Owners of the Grounds, &c.

Owners neglecting to scour their Watercourses, &c. after Notice given for that Purpose,

the Surveyors may set Men to work thereon, and levy the Charges.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, by Order of the Trustees for the time being, or any Five or more of them, to make or cause to be made a Road or Way through, over, or along, any

Surveyors may make a temporary Road.

Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road intended to be repaired (not being a Garden, Orchard, Yard, Park, or planted Walk or Walks, Avenue to a Houſe, or Nurſery for Trees) to be made uſe of as a Common Highway by all Paſſengers, whilſt the old, narrow, or ruinous Road is repairing, and until ſuch Time as it ſhall be convenient and ſafe for Paſſengers and Carriages to travel and go along the ſame.

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

And be it enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall think proper to turn, widen, or alter, any Part of the ſaid Roads, that then it ſhall and may be lawful to and for the ſaid Truſtees, for the time being, or any Seven or more of them, to purchaſe any Lands or Grounds of the Owner or Owners, Proprietor or Proprietors thereof, and to pay for the ſame out of the Tolls by this Act granted, or out of the Money to be borrowed on the Credit of the ſaid reſpective Roads, ſuch Sum and Sums as ſhall be agreed upon between them, with the Coſt and Charges attending ſuch Purchaſe or Purchaſes; and ſuch Lands and Grounds, when purchaſed as aforeſaid, ſhall be laid into and made Part of the Roads directed to be amended by this Act, and ſhall be ſufficiently ditched and fenced out Sixty Feet wide at the leaſt: And after ſuch new Roads ſhall be capable of being made uſe of, the old Roads formerly uſed, in lieu whereof ſuch new Roads ſhall be purchaſed, ſhall be veſted in ſuch Truſtees, and their Succeſſors for ever; and it ſhall be lawful for any Seven or more of them, to make Sale of ſuch old Road and Roads to ſuch Perſon and Perſons as ſhall be willing to contract for the ſame, and the Money to ariſe, by Sale thereof, ſhall be applied and diſpoſed for Repair and Amendment of ſuch Roads as aforeſaid.

Bodies Politick, &c. to contract for Sale of ſuch Lands.

And whereas it may happen, That ſome Perſon or Perſons, Bodies Corporate or Collegiate, or Feoffees in Truſt for them or others, are ſeiſed or poſſeſſed of Lands or Hereditaments, which may be neceſſary to be taken into the ſaid Roads for turning, widening, or altering, the ſame, and may be willing to treat and agree for Sale of ſuch Lands or Hereditaments, but are incapable of granting or conveying the ſame by reaſon of Infancy or other Diſability, and others may refuſe to treat or agree for the ſame; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for all Bodies Politick, Corporate, Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians,

dians, and other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any such or other Lands or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, not interested in such Lands, for the Purchase of such Lands or Hereditaments, or any Part thereof, or their Interest therein, and to sell and convey the same as Occasion shall require; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, and all such Persons are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Where Persons refuse to treat for Sale of such Lands,

And be it further enacted by the Authority aforesaid, That if any such Owner, or any other Person or Persons interested in such Lands and Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses of such Owner or Owners, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of such Lands or Hereditaments so to be taken in, or added to, the said Roads as aforesaid, shall, by the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the Trustees, or any Seven or more of them, shall cause the Value of the said Lands or Hereditaments to be inquired into, and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County where such Lands lie (which Oath any Seven or more of the said Trustees are hereby impowered to administer) and the said Trustees, or any seven or more of them, are hereby impowered, from time to time, to summon and call before the said Jury any Witness or Witnesses, and examine them upon Oath concerining the Premisses (which Oath any Seven or more of such Trustees are hereby impowered to administer) and they shall also cause the said Jury to view the Places in Question, if there be Occasion, and use all other lawful Means, as well for their own, as for the said Jury's better Information of the Premisses: And after the said Jury shall have ascertained and settled such Damages, the said Trustees, or any Seven or more of them, shall order the Money assessed by the said Jury to be paid to the Occupiers or Proprietors of the said Lands or Hereditaments, out of the Money arising by the Tolls hereby granted, or which shall be borrowed on the Credit thereof,

Jury to assess the Damages.

Witnesses may be summoned and examined upon Oath.

thereof, and such Determination shall be final and conclusive to all Intents and Purposes against all Parties and Persons whatsoever; and such Lands and Hereditaments, and the Fee Simple and Inheritance thereof, shall, after such Verdict be absolutely vested in the said Trustees, their Heirs, and Successors, and shall be laid into and made Part of the respective Roads, in such Manner as the said Trustees, or any Seven or more of them, shall order and direct, and such Roads shall be repaired by this Act, and to all Intents and Purposes whatsoever shall become and be, and shall be deemed and taken be publick and common Highways for ever. Verdict of the Jury to be binding.

And, for the summoning or returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County where such Lands lie, requiring him to impannel, summon, and return an indifferent Jury of Twenty four Persons or more, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in the said Warrant shall be appointed: And the said Sheriff, or his Deputy, is hereby required to impannel, summon, and return, such Number accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear, the said Trustees, or any Seven or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy 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 as aforesaid. Trustees may issue a Warrant to the Sheriff, to impanel a Jury.

Provided always, and be it further enacted by the Authority aforesaid, That 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, shall have Power to impose any reasonable Fine on such Sheriff, his Deputy, Bailiffs, or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give their Verdict, or in any other Manner wilfully neglect their Duty therein; and on any of the Persons who being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence; and from time to time to levy such Fines in the Jurors may be challenged. Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

the same Manner as any Penalty or Forfeiture herein before mentioned are hereby directed to be levied, so as that no such Fine exceeds the Sum of Ten Pounds upon any One Person for One Offence.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Conveyance, Deed, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, touching the Execution of any Power or Authority hereby vested in such Trustees or Justices of the Peace, shall be charged with any Stamp Duty whatsoever.

Roads to be measured, and Mile-stones erected.

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 of such Roads; each Stone or Post to be placed at the Distance of One Mile from another, with Letters and Figures thereon, denoting the Distance of every such Stone or Post from such Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily or maliciously break any of the said Stones or Posts, or any Part thereof, or shall obliterate or deface any of the Words, Figures, Letters, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or on the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the County or Place where such Offence shall be committed, every such Person so offending shall forfeit and pay Forty Shillings, to be levied by Distress and Sale of the Goods of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices before whom such Conviction shall be made: And in case the Persons so convicted shall have no Goods or Effects, then it shall and may be lawful to and for any One or more of such Justice or Justices, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Person or Persons to the Common Gaol for the Space of Three Months, and such Person or Persons shall not be discharged until he, she, or they, shall have paid the said Forty Shillings, or until the Expiration of the Term for which he, she, or they, shall be so committed.

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

For want of Distress the Offender to be committed.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures hereby imposed, touching which no other Provision is by this Act made, shall be levied by Distress and Sale of the Offender's Goods,

Cattle, and Effects, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to issue upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and the Penalties and Forfeitures, when recovered (after rendering the Overplus, if any be, upon Demand, to the Party or Parties whose Goods or Effects shall be so distrained and sold, the Charges of such Distress being first deducted) shall be applied as follows, videlicet, One Moiety to the Informer, and the other Moiety for and towards amending the said Roads respectively.

Lands, &c. chargeable to the Highways to continue so.

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 Road, 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 Roads do lie, 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 Seven 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

Inhabitants to do Statute-work.

Persons renting 50*l. per Ann.* deemed Team-holders.

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

Townships, Parishes, and Places, 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 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 Trustees for such respective District, or any Five or more of them, or the Surveyor or Surveyors for such District, shall from time to time direct and appoint; so that no more than Three Days Work shall be done by any One Person or Team on the said Road in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, 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, and how many of such Persons are to do such Work upon any Part or Parts of the Road, shall give Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds:

Penalty on Surveyors neglecting to deliver in such Lists.

Penalty on Persons not performing Statute-work.

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, 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 Six Pence: And every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any 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

Persons found idle may be turned off.

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 reſpective Forfeitures before mentioned; and all Perſons doing ſuch Days Work on the ſaid Road ſhall not be liable to do any other Statute-work thereon.

Penalty on haling Timber, &c. otherwiſe than on Wheel Carriages.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone (Mill-ſtones excepted) otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of ſuch Road, to the Prejudice thereof; or ſhall wilfully drive any loaded Waggon or Cart along any Foot or Horſe Cauſeway, being Part of, or lying near, 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 Road, or ſuch Cauſeway 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 Cauſeways; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Proceedings to be entered in a Book.

Provided always, and be it further enacted by the Authority aforeſaid, That all Orders, Deeds, Agreements, Aſſignments, Transfers, and other Proceedings of the Truſtees, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Clerk to the ſaid Truſtees at a Meeting of Five or more of the ſaid Truſtees; which ſaid Book or Books, Aſſignments and Transfers, ſhall and may be produced and read in Evidence in all Caſes of Appeal, Suits, or Actions, touching any thing to be done in purſuance, and by the Authority, of this Act.

Books may be read in Evidence.

Perſons aggrieved may appeal.

Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, ſhall think him, her, or themſelves, aggrieved by any Penalty or Forfeiture incurred or impoſed by virtue of this Act, it ſhall and may be lawful to and for him, her, or them, to appeal to the Juſtices of the Peace at their General Quarter Seſſions of the Peace to be held for the ſaid County of Salop or Worceſter, where the Offence ſhall be committed, next and immediately after ſuch Perſon or Perſons are aggrieved (unleſs ſuch Aggrievance ſhall happen within Fourteen Days preceeding ſuch next Quarter Seſſions, in which Caſe ſuch Appeal ſhall be brought at the Quarter

Sessions then next after) who are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints; and, if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties and Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise ratify and confirm the same, with such Costs as to them, in their Discretions, shall seem reasonable, and to levy such Costs so awarded by Distress and Sale of the Goods, Cattle, and Effects, of the Person or Persons who shall refuse to obey the same; and for want of sufficient Distress, to commit the Party to the Common Gaol of such County respectively, for any Time not exceeding Three Months, or until Payment of such Costs: But the Person or Persons so appealing as aforesaid shall, and he, she, or they, is and are hereby directed to give Notice in Writing to the Treasurer or Treasurers for the time being of the Tolls granted by this Act of such his, her, or their Intention of bringing or prosecuting any Appeal, Fourteen Days before the Quarter Sessions; and shall, before such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace for such County, with Two sufficient Sureties, with Condition to try such Appeal at the Quarter Sessions of the Peace which shall be held for such County next and immediately after bringing such Appeal; and every such Appeal shall, at the then next Quarter Sessions, be there heard and finally determined.

14 Days Notice of Appeal to be given.

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

Provided always, and it is hereby enacted by the Authority aforesaid, That no Order touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster.

or removable by *Certiorari*.

No Order to be repealed, unless Notice thereof given.

Provided always, and it is hereby enacted and declared, That no Order made by the said Trustees and their Successors, legally authorized to make the same, touching or concerning all or any the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Fourteen Days Notice in Writing at least shall be given and set up on all the Turnpike-gates to be erected by virtue of this Act, specifying the Date, Import, and

Contents, of ſuch Order, and the Time when Application is intended to be made for revoking or repealing thereof.

Provided always, and it is hereby further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, are hereby authorized, from time to time, to leſſen the ſeveral Tolls hereby granted, and to order and direct the Tolls which ſhall be collected and received, to be laid out and applied for the Purpoſes of this Act, in ſuch Manner, Parts, Places, and Proportions, as they ſhall think fit, ſo as ſuch Reduction be no Prejudice to, or be with the Conſent of, the Perſon or Perſons who ſhall have advanced any Money on the Credit of the ſaid Tolls, or who, at the Time of ſuch Reduction, ſhall have any Money ſecured thereby; but ſuch Reduction ſhall not be made, unleſs Notice in Writing be given for that Purpoſe, by affixing the ſame upon the Turnpike-gates to be erected by virtue of this Act, at leaſt Twenty Days before making ſuch Reduction. Truſtees, with Conſent of the Creditors, may leſſen the Tolls,

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

And be it further enacted by the Authority aforeſaid, That the Tolls hereby granted ſhall commence and take place from and immediately after paſſing of this Act, and ſhall continue and be paid (ſubject nevertheleſs to ſuch Reduction and Raiſing as aforeſaid) from thence for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament: But if at any Time before the Expiration of the ſaid Term of Twenty one Years, all the ſaid Roads ſhall be ſufficiently amended and repaired, and ſo adjudged by the ſaid Truſtees, or any Seven or more of them; that then, and from and after ſuch Adjudication made, and Repayment of all ſuch Money as ſhall have been advanced, lent, borrowed, and taken up, on the Credit of the ſaid Tolls hereby granted, with Intereſt for the ſame, and the Coſts and Charges thereof, and of obtaining this Act of Parliament, the aforeſaid Tolls ſhall ceaſe and determine. Commencement and Continuance of this Act. If the Roads ſhall be adjudged to be ſufficiently repaired before the Expiration of the ſaid Term, and the Money due be repaid, the Tolls, &c. to ceaſe.

And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons to whom any Mortgage or Demiſe ſhall be made, as a Security for any Money Aſſignments may be tranſferred.

ney lent and advanced for the Purposes of this Act, or what shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Mortgage or Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money by such Mortgage secured, or any Part thereof, to any Person or Persons whomsoever; which Assignments shall be produced to the Treasurer or Treasurers within Three Months after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment, containing the Date, Parties Names, Sum or Sums of Money therein mentioned respectively, in a Book to be kept for entering the original Mortgage or Demise, as well as such Assignment, for which the Clerk or Clerks shall be paid the Sum of Two Shillings and Six Pence, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, may in like Manner assign, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall make such Assignments, to make void, release, or discharge such Mortgages or Assignments respectively, or any Monies thereby due, or any Part thereof.

Entries to be made of all Assignments.

Clerk's Fee.

No Toll-gate to be erected on the Road from *Ludlow* to *Bewdley*, &c.

Provided always, That nothing herein contained shall authorize or enable the said Trustees to demand or receive any Tolls, or erect any Toll-gate or Turnpike in, upon, or on the Sides of, any of the Roads leading from Ludlow to Bewdley, or from Wyres Common to Wyres Gate, or at Wyres Gate, or in, upon, across, or on the Sides of, the Roads where the same cross each other at the Cross Houses, or in, across, upon, or on the Side of, the Turnpike Road leading from Bewdley aforesaid to Prescot in the said County of Salop.

Limitation of Actions.

Provided always, and be it enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing to be done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the Counties of Salop or Worcester respectively, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue,

General Issue.

Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance, and by the Authority, of this Act; and if the same shall appear so to be done, or if such Action or Suit shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict or Verdicts, and if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall or may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law. Treble Costs.

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

FINIS.