Anno tertio

Georgii III. Regis.

An Act for repairing and widening the Road leading from the Town of *Stafford* to *Sandon*, in the County of *Stafford*, and several other Roads in the Counties of *Salop* and *Stafford*.

WHEREAS the Road leading from the Town of Stafford to Sandon, in the County of Stafford; and also the Road leading from the said Town of Stafford, through Bridgford and Eccleshall, to Ireland's Cross, near Woore, in the County of Salop; and also the Road leading from Bridgford aforesaid, through Sutton, to the Whitchurch Turnpike Road, near Newport, in the said County of Salop; and also the Road branching from the said Road, between Bridgford and Newport, near a Place called Weston Wood, through Eccleshall aforesaid, to the present Turnpike Road at Tittensor, near Trentham, in the said County of Stafford; and also the Road from Newport, through Donnington, to the Buck's Head in Watling Street, near Wellington, in the said County of Salop; and also the Road branching from the said Road, through Newport to Donnington, from the Sign of The Harp, through Brocton and Edgmond, and from thence to the Whitchurch Turnpike Road at Chetwynd, in the County of Salop; and also the Road leading from the present Turnpike Road at Woodcote, near Newport aforesaid, through Shiffnall, to Bridgnorth, in the said County of Preamble.

Salop, are ruinous, and in several Places very narrow and incommodious, and liable to great Obstructions in Time of Floods, for want of Bridges or safe Fords, and cannot be properly amended, widened, and repaired, by the Laws now in being; 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 Thomas Anson, George Adams, Sir Walter Wagstaff Bagot Baronet, William Bagot, Brooke Boothby, Charles Baldwin, William Beard, Charles Bosvile, John Bourne, Edward Byard, John Buckanan, Michael Barbor, Charles Bromley, William Bill, Edward Bate Clerk, Samuel Barlow, James Ball Clerk, John Brindley, Charles Boothby Skrymsher, Weston Bayley, Robert Brooke Clerk, Baddeley of Ashley, the Right Honourable Lord Viscount Chetwynd in the Kingdom of Ireland, the Honourable William Richard Chetwynd, William Chetwynd of Stafford, William Chetwynd the younger, William Chetwynd of Brocton, Joseph Crewe Doctor in Divinity, John Crewe, John Crewe of Muckleston, Sir Philip Touchet Chetwode Baronet, John Chetwode, William Corne Clerk, James Cotes, Thomas Cotes, Randle Crewe Doctor in Divinity, Sir Jonathan Cope Baronet, Jonathan Cope, Cotton senior, Cotton junior, of Bellaport; Sir Bryan Broughton Delves Baronet, Joseph Dickinson Clerk, John Dickinson Clerk, Lewis Dickenson, John Dearle, Davis Doctor in Divinity, Samuel Dickenson, Thomas Dickenson, John Dutton, John Dive, Robert Daveson, Jeremiah Egginton, John Eld, Francis Eld, George Evans, John Ethell, Thomas Fernyhough, William Feepound, Robert Fowler Clerk, the Right Honourable George Harry Grey, commonly called Lord Grey; the Right Honourable John Campbell, commonly called Lord Glenorchy; the Honourable Booth Grey, the Honourable Baptist Leveson Gower, the Honourable John Leveson Gower, Edward Grove, George Green, William Garmston, James Godwin, James Godwin Butcher, Thomas Gilbert, Edward Green, Gretton Clerk, the Right Honourable Archibald Hamilton, commonly called Lord Archibald Hamilton; John Hall, Thomas Hill, John Holt, Robert Hopley, Robert Hodgson, Henry Hodgson, John Hurlbutt, William Hacket, George Hatherton of Hacton Hill, the Reverend Sambrooke Higgins Clerk, Richard Higgins, John Hickin, Samuel Hill, Newton Ikin, Thomas Jones, Jonathan Kendal, Sir Edward Littleton Baronet, Obadiah Lane

Trustees for the First District.

Lane Clerk, Francis Lycet, Francis Lycet the younger, John Lee, James Lander, Thomas Lawton, John Leech Clerk, Lovat Clerk, Rector of Sandon, Sir George Montgomery Metham, Edward Manwaring, Hugo Meynell, Edward Minors, John Murhall, Thomas Marshall, Humphry Mackworth, Thomas Mills, John Moss, Herbert Mackworth junior, Charles Nichols, Thomas Parker, George Parker, Parker of Coventry Clerk, John Palmer, Robert Pigot, Dryden Pigot, Michael Peake, Walter Palmer, William Robinson Clerk, Jeremiah Robinson Clerk, George Ridgway, John Rutter, Joseph Rathbone Clerk, the Mayor, Justices, High Steward, Aldermen, and Capital Burgesses of the Borough of Stafford, for the time being; William Swinnerton, Ralph Sneyd, John Swinnerton, Walter Stubbs, John Stevenson Mercer, Thomas Salt, Thomas Scot, Thomas Smallwood, John Stevenson Watchmaker, John Stevenson the younger, Robert Silvester, John Savage, Thomas Stevenson, Thomas Spicer, Jeffery Snelson, John Turton, Richard Townsend, Martin Tomkinson, Henry Turner, John Turton the younger, Benjamin Tomkinson, Henry Vernon, George Venables Vernon, Thomas Unett Clerk, the Honourable John Ward, Richard Whitworth, James Webb, William Webb, John Woodhouse, John Wharton, Edward Whitby, John Williamson, John Wharton, Abraham Ward, Walker Clerk, Walter Young, and their Successors, to be elected in manner herein after-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Road leading from the Town of Stafford to the present Turnpike Road in Sandon, in the County of Stafford; and from the Town of Stafford, through Bridgford and Eccleshall, to a Place called Ireland's Cross, near Woore, in the County of Salop; and from Bridgford aforesaid, to a certain Stone which divides the Liberty of Ranton and Ellenhall, in the Road between Bridgford and Newport; and for putting all the Powers of this Act in Execution, in relation to the said Road, which shall be and is herein after called the First District of the Roads hereby intended to be repaired and widened: And that Thomas Anson, George Adams, Sir Orlando Bridgman, Henry Bridgman, Charles Baldwin, William Bagott, John Bourne, Robert Binnel Clerk, William Brookes, Richard Bayley, Beetenson, James Barbor, Ralph Barbor, William Bill, Sir Walter Wagstaff Bagot Baronet, William Beard, Charles Bosvile, Michael Barbor, John Brindley, Thomas Burne, Weston Bailey, William Baycott, Robert Brooke Clerk, Samuel Barlow, William Church, William Cludd, Edward Cludde, James Cotes, Thomas

Trustees for the Second District.

Thomas Cotes, Richard Corſer, John Cooke, Robert Crockett, Thomas Collier, the Right Honourable Lord Viſcount Chetwynd, the Honourable William Richard Chetwynd, Joſeph Crewe Doctor in Divinity, John Crewe, John Crewe of Muckleſton, Sir Philip Touchet Chetwode Baronet, Sir Jonathan Cope Baronet, Jonathan Cope, Charles Dugard Clerk, Samuel Dugard, Sir Bryan Braughton Delves, Samuel Dickinſon, Thomas Dickinſon junior, Thomas Dean, Lewis Dickenſon, Joſeph Dickenſon Clerk, Thomas Dickenſon, John Dive, Thomas Eyton, John Eld, Francis Eld, John Ethell, George Evans, William Fitzherbert, Brooke Forreſter, George Forreſter, Thomas Fernyhough, Charles Firchild, Robert Fowler Clerk, John Forreſter Clerk, the Right Honourable George Harry Grey, commonly called Lord Grey: the Right Honourable John Campbell, commonly called Lord Glenorchy; the Honourable Baptiſt Leveſon Gower, the Honourable John Leveſon Gower, Thomas Gilbert, Joſiah George, John Gollins, George Green, Edward Green, Sambrooke Higgins Clerk, John Paul Herringman, Richard Higgins, Saint John Haynes Clerk, Theophilus Holbrooke Clerk, Thomas Hill, William Hill, John Hickin, Samuel Hayley, Samuel Hill, Sedgley Hayley, George Hector, Thomas Hawkins of Lilleſhall, Swinfen Jervis, William Jervis, Jonathan Kendal, John Forſter Lamplow, Samuel Lea Clerk, John Leake, John Lovat, Obadiah Lane Clerk, William Lythall, Thomas Mills, Thomas Manſhall, William Maſefield, Sir George Montgomery Metham, Edward Mainwaring, Hugo Meynell, John Moſs, Charles Nicholls, Thomas Orme, William Oakley Clerk, Richard Old, Michael Orme of Edgmond, John Orme, Michael Orme, Edward Pemberton, Robert Pigott, Dryden Pigott, William Pigott Clerk, Thomas Parſons, Thomas Palin, Thomas Parker, George Parker, Robert Parkinſon, Richard Roe, William Robinſon Clerk, Thomas Roe, John Roe, Jeremiah Robinſon Clerk, William Stanley, Francis Skrymſher, Thomas Salt, John Spearman, Richard Shelton, John Spearman of the Grange, William Swinnerton, Ralph Sneyd, Walter Stubbs, Thomas Spicer, Charles Boothby Skrymſher, Jeffery Snelſon, John Taylor, Richard Townſend, Martin Tomkinſon, Benjamin Tomkinſon, Henry Vernon, Thomas Unett Clerk, William Unett, Richard Whitworth, John Woodhouſe, Walter Young, and their Succeſſors, to be elected in the Manner herein after-mentioned, ſhall be, and are hereby appointed Truſtees for repairing and widening the Road leading from the ſaid Stone which divides the Liberties of Ranton and Ellenhall, through Sutton, to the Whitchurch Turnpike Road, near Newport, in the County of Salop,

Salop, from a certain Part of the said Road between Bridgford and Newport, at or near a Place called Weston Wood, either over Wood's Eves Common, or through High Offley, and through the Town of Eccleshall, to the present Turnpike Road at Tittensor, near Trentham, in the said County of Stafford; and from Newport, through Donnington, to the Buck's Head at Watling Street, near Wellington, in the County of Salop; and the Road branching from the said Road, through Newport, to Donnington, from the Sign of The Harp, through Brocton and Edgmond, and from thence to the Whitchurch Turnpike Road at Chetwynd, in the County of Salop; and for putting all the Powers of this Act in Execution in relation to the said Road, which shall be, and is herein after called the Second District of the Roads hereby intended to be repaired and widened: And that Sir John Astley, Edward Acton, Thomas Adney, Richard Asberry the elder, Sir Orlando Bridgman, Thomas Bache, John Bache, Henry Bridgman, Charles Baldwyn, Thomas Barker, Robert Binnell Clerk, Bromwich Clerk, Browne Clerk, John Brooke, Edward Bickerton, William Baker, Job Boulton, Francis Benbow, Arthur Blaney, Sir Hugh Briggs, Richard Bennett, Thomas Beddows, Richard Beddows, John Bayley, John Barker, John Brooke Clerk, Doctor William Congreve, John Congreve, C addock, Thomas Child, George Colley, Thomas Cotes, James Cotes, James Corbett, William Corser, Thomas Corbett, William Colley, Richard Corbett, Thomas Cuxson, Thomas Cuxson Butcher, Richard Cuxson, Matthew Cowper, John Charlton, Richard Corser, John Dovey, Sherrington Davenport, Abraham Darby, Chardin Davenport, Robert Dawbrie Clerk, Humphry Duppa, John Dickenson Clerk, Richard Davis, Samuel Dickenson, John Eykin, Brook Forrester, George Forrester, William Ferriday, John Foxall, the Honourable John Grey, German Grove, Edward Gattacre, Thomas Gitton, George Goodwin, Aaron Goolden, Richard Goolden, Hayward Clerk, John Haslewood, Benjamin Haslewood, Thomas Haslewood, Thomas Haslewood Attorney at Law, Michael Hall, Edward Hassall, Nicholas Harrison, Thomas Hill, William Hill, Samuel Jones, Jasper of Stableford, William Jenks, Lancelot Lee, Lyttleton Clerk, Joseph Littleford, John Langley, John Forster Lamplowe, Walter Acton Moseley, Maddox, Benjamin Medlicott, Walter Mansell, William Oliver, Thomas Oakes, John Revell Phillips, William Pratt, John Perton, Richard Phillips senior, Phillips junior, Benjamin Poole, John Parsons, Phillips of The Farm, Thomas Poole, John Phillips, Thomas

Trustees for the Third District.

Thomas Powell, John Parſons, Thomas Paſs, John Paddey, Francis Paddey, Humphry Pitt, Robert Piggot, Dryden Piggot, William Reynolds, John Reynolds Clerk, Richard Reynolds, John Suker Clerk, John Smith, William Smith, William Stokes, Walter Stubbs, Rowland Smitheman, John Stubbs ſenior, John Smythiman, William Stubbs, Thomas Smith, William Slater, John Smallman, Daniel Sealy, John Stedman, Thomas Skeldin, John Synge, Plowden Slaney, Walter Smythe, Walter Stubbs, Thomas Sambrooke, William Smith, Richard Slaney, John Thomaſon, Teſtil of Badger, Wiggan Tole, Sir Thomas Whitmore, Thomas Weld, Thomas Wylde, Charles Whitehill, John Wilkinſon, Harry Whitmore Clerk, Charles Wylde Clerk, William White, William Whightwick, John Walford, Rice Williams Clerk, Thomas Wenlock, Peter Wickſted, Guſtavus Younge, and their Succeſſors, to be elected in the Manner herein after-mentioned, ſhall be, and are hereby appointed Truſtees for repairing and widening the Road leading from the preſent Turnpike Road at Woodcote, near Newport aforeſaid, through Shiffnall, to Bridgnorth, in the ſaid County of Salop, and for putting all the Powers of this Act in Execution, in relation to the ſaid Road, which ſhall be, and is herein after called the Third Diſtrict of the Roads hereby intended to be repaired and widened.

Times and Places of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the Truſtees for the ſaid Firſt Diſtrict, or any Five or more of them, ſhall meet at the Houſe of Edward Birch, known by the Sign of the Star at Stafford, on that Day Month next after the paſſing of this Act; and the Truſtees for the ſaid Second Diſtrict, or any Five or more of them, ſhall meet at the Houſe of William Church, known by the Sign of the White Bear in Newport aforeſaid, on that Day Month next after the paſſing of this Act; and the Truſtees for the ſaid Third Diſtrict, or any Five or more of them, ſhall meet at the Houſe known by the Sign of the Talbot in Shiffnall, on that Day Month next after the paſſing of this Act; and reſpectively proceed to the Execution of this Act; and ſhall then and from time to time afterwards adjourn themſelves to meet at ſuch Place or Places, within or near ſuch reſpective Diſtricts, as they the ſaid reſpective Truſtees, or any Five or more of them, ſhall from time to time think moſt convenient for putting this Act in Execution: And if at any Meeting or Meetings appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees reſpectively,

In Default of a ſufficient Number of Truſtees to act,

spectively, shall, from time to time, as often as such Case shall so happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected within the respective District where such Default shall be, at least Ten Days before the next Meeting, appoint such Trustees respectively to meet at the Place where the last Meeting was appointed to be held, on the Fourteenth Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the said respective Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless a Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized 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; 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; but all such Trustees as are Justices of Peace may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees.

Notice to be given of any other Meeting.

Trustees to bear their own Expences.

No Order to be repealed, unless 9 Trustees be present.

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

Trustees who are in the Commission of the Peace to act as Justices.

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed or hereafter to be chosen for the said Districts respectively, it shall be lawful for the surviving or remaining Trustees for such District respectively, or any Seven or more of them, from time to time to elect One other Person 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 all the Turnpikes within such respective District, at least Ten 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 vested with.

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

Notice to be given of such Election.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in 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 Reprizes, or possessed of, or intitled unto, a Personal Estate alone, or

Qualification of Trustees.

Real and Personal Estate together, of the Value of One thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; and if any Person not being so qualified shall presume to act contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Nine or more of them, or any such Person or Persons as they, or any Nine or more of them, shall appoint, shall and may erect One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Road or Roads within their respective Districts; and also One or more Toll-house or Toll-houses in and upon the same, in each of the said Districts, and pull down and remove the same, as they the said respective Trustees, or any Nine or more of them, shall judge proper; and the Tolls following shall be demanded and taken by such Person or Persons as the said respective Trustees, or any Nine or more of them, shall from time to time appoint to receive the same, at each of the said Turnpikes, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereat.

The Tolls.

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

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number. And

For every Drove of Calves, Hogs, Swine, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting of such Tolls, to seize and distrain any Horse or Cattle, Beast, or any Goods or Carriage upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles so distrained, returning the Overplus, if any be, upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be, and are hereby vested in the said respective Trustees, and shall be applied or may be assigned in such Manner as is herein after mentioned.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Trustees, or any Nine or more of them, within each of the said Districts, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and upon, in, or across, any Lane or By-way that does or shall lead into or out of the same; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof within such District, so as the same do not extend to a double Charge upon any Person or Persons passing the same Day through any other of the Gates or Turnpikes to be erected by virtue of this Act upon the same District of Road on which such Side Gate or Gates shall be erected.

Trustees may erect Side-gates,

and take Tolls thereat,

so as the same do not extend to a double Charge.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be demanded or taken, at any Gate to be erected in the said Second District for the Carriage of any Lime, not above Six Pence for every Waggon, not above Four Pence for every Cart going empty for, or laden with, or returning empty, having been laden with Coals; and that no more than One Toll shall be demanded or taken for any Horse or other Beast, laden with or drawing Coal only, for passing or repassing on the same

Particular Exemptions in the Second District of Road.

same Day through all or any of the Turnpikes to be erected in the said District.

No Gate to be erected between *Woodcote* and *Shiffnall*.

Provided always, and be it enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected by virtue of this Act between Woodcote and Shiffnall; any thing herein contained to the contrary notwithstanding.

No Toll to be taken unless travelling 300 Yards on the Road.

Provided always, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall not travel at least Three hundred Yards upon the said Roads.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act within the said respective Districts, and of the Materials for building the same, and also of all Materials which shall be actually got or collected for repairing the Roads within such Districts, shall be and are hereby vested in the said Trustees for such Districts respectively, and they or any Five or more of them are hereby impowered to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer or 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.

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied within the said Districts, or the Monies to be borrowed upon the Credit thereof, the said respective Trustees, or any Five or more of them, shall, in the First Place, pay all the Expences incurred in, and in relation to, the obtaining of this Act; and that Four Twelfth Parts of such Expences shall be defrayed out of the Monies arising within or upon account of the said First District; and Five Twelfth Parts of such Expences shall be defrayed out of the Monies arising within or upon account of the said Second District; and the other Three Twelfth Parts of such Expences shall be defrayed out of the Monies arising within or upon account of the said Third District; and afterwards all such Tolls and Monies 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 respective Roads in the District wherein or on account whereof such Tolls are collected or levied, and for which such Monies are borrowed, and of executing the other Purposes of this Act within and in relation to such Districts respectively, and to no other Use whatsoever.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Nine or more of them, at their first Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce, within such Districts respectively, all or any of the Tolls by this Act granted, and for such Time or Times as they the said respective Trustees, or any Nine or more of them, shall think proper; and may afterwards from time to time advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein before-mentioned; and the said respective Trustees, or any Nine or more of them, may, from time to time, direct the Tolls hereby granted or so reduced as aforesaid, to be collected in such Parts and Proportions at the Turnpikes in such Districts respectively, as they the said respective Trustees, or any Nine or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the said respective Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the said First Meeting for such District respectively, 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 subsequent Meeting shall be held for any of the Purposes aforesaid, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act within such District respectively.

Trustees may lessen the Tolls, &c.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than once for passing or repassing at any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts, or Carriages, through all or any of the Turnpikes to be erected by virtue of this Act upon the Road and on the Sides thereof in each respective District, and cross any Lane or Way leading into the same respectively; but all and every Person and Persons, after having paid Toll once, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages, Toll-free, during such Day, through all the Turnpikes in and belonging to the respective District

Tolls to be paid but once a Day.

wherein or in relation whereto such Tolls were paid; and which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Nine or more of them, may, and they are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term, not exceeding Two Years at any one Time, with any Person or Persons, for any Carriages, Horses, Cattle, or Beasts travelling upon the said respective Roads, or any Part thereof, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts; and all such Composition-money shall be paid Quarterly, in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void: And all such Composition-monies shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine 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, such respective Districts, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Two Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons as they the said respective Trustees, or any Nine or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

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 shall, with any Horse, Cattle, 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 public Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse,

or

or other Cattle or Beast, or shall take off any Horse, or other Cattle, from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said respective Roads, any Carriage, Horse, Cattle, or 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, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereafter directed to be applied.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, having been laden only with, on the same Day, Gravel, Stone, or other Materials for repairing any of the said Roads, or any of the Roads in the Townships in which such Road doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry; or Mould, Dung, Lime, Compost, or Manure employed in Husbandry for manuring or improving of Lands; or for any Person or Persons, residing in any Township in which either of the said respective Roads doth lie, going to or from their proper Parochial Church, Chapel, or other Place of Religious Worship, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post-horse carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Stafford or Salop, 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

Person shall forfeit for every such Offence the Sum of Twenty Shillings.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Five or more of them, at their first or any subsequent Meeting, upon the Credit of the Tolls arising within, or in relation to the said respective Districts, in such Manner as they the said respective Trustees, or any Five or more of them, 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 may, and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and 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 respective Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after such first Meeting, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes within the District for which such Monies shall be borrowed, at least Twenty Days before the borrowing thereof; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign or transfer his, her, or their Right to the Principal and Interest Money thereby secured: And all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such respective Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

Assignments to be entered in a Book.

All Creditors to be deemed equal in Degree.

Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons will advance and lend the Sum of One hundred Pounds, or upwards, upon the Credit of the respective Tolls by this Act granted,

for

for the Term of Three Years, without Interest for the same; every such Person so lending such Sum, without Interest as aforesaid, shall and may, and he is hereby impowered to order and direct upon what Part of the Road in the respective Districts the Money so lent on the Credit of the Tolls respectively shall be expended and laid out; and the respective Trustees are hereby directed and impowered to apply such Money so lent, without Interest as aforesaid, to the repairing and widening such Part of the Road in their respective Districts accordingly; any thing herein contained to the contrary thereof notwithstanding.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees for the said respective Districts, or any Five or more of such Trustees, 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 Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said respective 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 respective Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing, of all the Monies which shall have been 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 proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oaths the said Trustees, or any Five or more 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, upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said respective Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act;

and remove them, and appoint others.

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default,

in each, any, or either of the said Cases, any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside, shall make Enquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer, without any Fee or Reward); and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County or Place, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said respective Trustees, or any Five or more of them, and shall have paid such Composition, in such Manner as they shall appoint; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make, 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.

and commit the Offender,

until Payment or Composition made.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, in each of the said Districts, shall take such Security from their Treasurer or Treasurers, Receiver and 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.

Trustees may appoint Officers, tho' not at a publick Meeting.

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

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

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

Surveyors may dig Gravel, &c. in waste Grounds,

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Five or more of the said Trustees respectively, and such other 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, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said respective Roads, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said respective Roads lie, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from 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 respective 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 Grounds planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said respective Trustees, or any Five or more of them, shall adjudge reasonable.

without paying for the same;

levelling the Pits.

For want of sufficient Materials, the same may be taken from private Grounds;

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said respective Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said respective Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said respective Roads, or in the Hedges or Banks adjacent thereto; and to take and carry away the same, in case the Owners or Occupiers of the Premises shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said respective Surveyor or Surveyors shall require,

Surveyors may remove Annoyances, &c.

cleanse Watercourses,

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

quire, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said respective Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Charges to be reimburled the Surveyor.

Penalty of a Second Offence.

Trustees may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains, in and upon the said respective Roads, and also through any Ground lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, or cross any such Ditch or Drain, where necessary; and also 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, 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; 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 respective 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 Moor or Waste Ground.

erect Bridges, &c.

and also widen the narrow Parts of the Roads;

and make a temporary Road,

making Satisfaction to the Owners.

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall be, and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the Road, within their respective Districts, through any Moor or Waste Ground, without making any Satisfaction

tion for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose, it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain, by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Road, 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, 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 Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five 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; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of 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

Bodies Politick, &c. impowered to treat for the Sale of such Lands.

Persons neglecting to treat, &c.

such Road is intended to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into, and ascertained, by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer); and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own, as for the said Jury's Information in the Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, 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 whomsoever: And, for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

Trustees may issue a Warrant to the Sheriff, to impanel a Jury.

such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall and they are hereby impowered and required to 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 said Jurymen, when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the Premisses, 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 Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or, being so sworn, 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 to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine be more than Five Pounds, nor less than Twenty Shillings, on any One Person, for One Offence.

Jurors may be challenged.

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

And be it further enacted by the Authority aforesaid, 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 respective District wherein such Road is intended to be diverted, turned, or altered, or out of the Monies to be borrowed upon the Credit of such respective Tolls, to the Parties or Persons respectively intitled to such Monies, 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 to the said respective Trustees for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing,

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

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 Road 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 Road hereby appointed to be repaired within such respective District is by this or any other Law to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be 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 the Road within such respective District: But this Act shall not extend to the taking down any Dwelling-house, or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Old Road to be sold.

Buildings, &c. not to be injured.

Trustees not to act where interested.

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

Exception.

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

And whereas some Parts of the Roads by this Act to be repaired lie over several Moors, Commons, Waste Grounds, Open Fields, or Pastures, and if the same were to be inclosed, the said Roads may not be left of a sufficient Breadth for the Accommodation of Travellers; be it therefore enacted, That when any Part of the said Roads, over any Moor, Common, Waste Grounds, Open Fields, or Pastures, shall be made or repaired in pursuance of this Act, the said Roads shall for ever thereafter be and remain

Roads over Moors, &c. may be fenc'd off, and to be 40 Feet in Breadth.

remain Forty Feet broad, and be deemed publick and common Highways.

Persons, &c. chargeable to the Highways to continue &c.

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 Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Road lies, and all other Persons liable to perform the Work, commonly called Statute-work, upon the said Roads, shall remain subject to the Performance of such Work: And every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads doth 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 Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act for such respective Districts, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, 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 respective Roads in any One

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

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

Year; and the said Surveyor or Surveyors of the High-ways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, and 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 within such District respectively, 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, or 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 respective 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 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 as aforesaid, shall not be liable to do any other Statute-work thereon.

Penalty on Surveyors neglecting to deliver in such Lists, &c.

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the respective Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with 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 Road within such District respectively, or with any Person or

Trustees may compound for Statute work, &c.

or Persons, for the Performance of his or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships or Places, first had at any Vestry or other publick Meeting of such Inhabitants) to compound and agree, by the Year or otherwise, with the said respective Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said respective Roads; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of such Road respectively; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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 Roads, 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 Roads, to the Prejudice thereof, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, may cause the said Roads to be measured, and Stones or Posts to be set up in, upon, or near, the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath, by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offence shall be committed (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke or damaged,

Penalty on defacing Mile-stones, &c.

maged, or Inscription so obliterated, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied: And in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Two Months, nor less than One Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender before any Justice of the Peace to be dealt with according to Law and the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted, or authorized to be imposed (the Manner of Levying and Recovery whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively before any Five or more of the Trustees for the District wherein, or in relation whereto, such Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath any Two of such Trustees, or such Justice of the Peace, is or are hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hands and Seals, or Hand and Seal, of any Five or more of such Trustees, or of such Justice (which Warrant or Warrants such Trustees, or Justice, is or are hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to any Five or more of the said Trustees for such District, or to their Treasurer, and applied in the Repair of the Road within such District: And in case sufficient Distress shall not be found, or such Penalties

Overplus Money to be returned to the Owner.

and

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and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied,

For want of sufficient Distress, the Offender to be committed.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved, by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Session of the Peace, to be held for the County or Place wherein the Cause of Complaint shall arise, and within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Ten intire 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 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 the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive to all Intents and Purposes.

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

Recognizance to be entered into.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved

Distress not to be deemed unlawful for want of Form only;

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

grieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, 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, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book.

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

Books may be read in Evidence.

Commencement and Continuance of this Act.

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

Proceedings not to be quashed for want of Form;

And be it further enacted by the Authority aforesaid, 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 liable to 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.

nor removeable by *Certiorari*.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said respective Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Offence

fence shall be committed, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead Specially, or the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and that the same 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 limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. General Issue. Treble Costs.

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

FINIS.