Anno ſexto

Georgii III. Regis.

An Act for repairing and widening the Road leading from *High Bullen*, in *Wednesbury*, to the further End of *Darlaſtone Lane*, next the *Portway*; and from thence through *Bilſton*, to the further End of *Gibbett Lane*; and ſeveral other Roads leading to and from *Bilſton*, in the County of *Stafford*.



WHEREAS the Roads leading from a Place called High Bullen, in Wedneſbury, in the County of Stafford, through Trouſe Lane, over Wedneſbury Fields, to and along Bull's Lane, and from the ſaid Lane acroſs Moxley Fields, to the farther End of Darlaſton Lane, next the Portway; and from thence to and through the Town of Bilſton, to Gibbett Lane End, next adjoining to the Townſhip of Bilſton, and from Bilſton aforeſaid, along Windmill Lane, to and through Gold Thorn Hill Lane, to the Turnpike Road leading from Wolverhampton, in the ſaid County of Stafford, towards Stourbridge, in the County of Worceſter; and from a certain Dwelling Houſe in Bilſton aforeſaid, now in the Occupation of Joſeph Brown, through a Lane on the Preamble.

North Side of Bilston Chapel Yard, to the Turnpike Road leading from Wolverhampton aforesaid, towards Walsal, in the said County of Stafford; and from the Bridge at Bilston, through Duck Lane, to a certain Dwelling House now in the Occupation of Amos Shale, into the last aforementioned Road, leading from Bilston aforesaid towards Walsal aforesaid, are in a ruinous Condition, and in some Places very narrow and incommodious, and cannot be properly amended, widened, and kept in good Repair, by the ordinary Course of Law; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable George Harry Grey, commonly called Lord Grey; the Honourable Booth Grey, the Honourable John Grey junior, the Honourable John Ward Esquire, the Honourable William Ward Esquire, Sir Walter Wagstaffe Bagot, Sir Lister Holt, Sir Edward Littleton, Baronets; Sir Samuel Hellier Knight, Thomas Anson, George Adams, William Bagott, Thomas Bradney, Henry Carver, Thomas Cobb, Francis Cobb, Richard Dyott, Thomas Fisher junior, Walter Gough, Henry Gough, Thomas Gilbert, Samuel Garbett, Thomas Hoo, John Hodgetts, William Horton, William Inge, John Burridge Lee, Walter Acton Moseley, Richard Pershouse, Abraham Spooner, Isaac Spooner, John Taylor, Joseph Turton, John Wyrley, Morton Wallhouse, Francis Whitgrave, Edward Whitby, Esquires; John Ash M. D. the Reverend Edward Best, Benjamin Briscoe, John Carver, Thomas Gough, Richard Groome, Joseph Honeyburne, Titus Neve, William Pigott, James Stafford, Jonas Slaney, John Wild, Matthew Wilmott, Jeremiah Addenbrook, Clerks; William Aitkin, Thomas Abney, John Turnpenny Altred, Thomas Burne, Edward Banton, Edward Baker, Benjamin Bickley, John Bickley, William Bickley, Isaac Beckett, John Butler senior, John Butler junior, Alexander Bunn, John Bird, Mark Bolton, Benjamin Brett, Dudley Bagley, James Bayley, Thomas Bingham, Samuel Bradborne, Randal Bradborne, Thomas Bedford, Luke Bell, John Baskerville, Matthew Bolton, Samuel Birch, George Birch, William John Banner, Nehemiah Bague, Thomas Bolton, William Bentley, John Bellears, Edward Cox, William Cox, John Cox, Job Caddick, William Croft, Richard Croft, Joseph Cartwright, Brooke Crutchley, Francis Clarke, John Cooper, Thomas Court, John Camden, Peter Capper, Thomas Cooper,

Trustees Names.

Joseph Clemson, Benjamin Clemson, Lewis Dickenson, John Davies, Joseph Duncomb, James Dallaway, George Dallaway, John Dawes, Jos. Dixon, George Dunton, Thomas Eaton, Richard Edge, Silvanus Earp, William Falkener, John Ford, Daniel Fellow, Thomas Ford, John Fothergill, Samuel Freeth, John Freer, James Farquharson, Thomas Falconbridge, Harry Gough, John Gibbons, John Gibbons, Benjamin Gibbons, John Groome, John Green senior, John Green junior, Edward Gusaft, John Gold, John Geast, Francis Garbett, Joshua Glover, Samuel Galton, Michael Grazebrook, Thomas Gibbons, Joseph Green, Stephen Gorton, Thomas Homer, George Holyoake, Francis Holyoake, William Homer senior, William Homer junior, Harry Homer, Benjamin Homer junior, John Hartell, Richard Hawkesford, John Hanson, Walldron Hill, Samuel Hudson, Humphry Hopkins, Thomas Hill senior, Thomas Hill junior, Stephen Harrison, William Holden senior, William Holden junior, Edward Harper, Thomas Hickin, Hyla Holden, Thomas Hopkins senior, Thomas Hopkins junior, John Hill, William Haughton, Edward Horton, John Hopkins, Thomas Hopkins, Samuel Harvey, George Haslewood, John Humphreys, Francis Hurod, James Haden, Thomas Hawkes, George Holloway, Henry Henn, Thomas Hurde, John Harris, Joseph Harris, Edmund Hecton, Thomas Highway, Samuel Heely, Thomas Hinkes, John Hinkes, Joseph Hinkes, Thomas Hobson, Richard Hicks, Gregory Hicks, John Hadley, Joseph Hand, Thomas Hadley, Thomas Hopkins, John Bracebridge Hawkesford, Robert Horneyburne, John Jesson, Thomas Jesson, Mulchamp Jevon, John Jevon, Richard Keelinge, John Keelinge, Willis Kempson, William Kempson, Samuel Kempson, Edward Kempson, Jonathan Kendrick, John Kettle, William Kettle, Sampson Lloyd senior, Sampson Lloyd junior, Steward Low, John Lee, John Lane, Thomas Laurence, Benjamin Molineux, George Molineux, William Molt, John Mogge, George Millard, Isaac Moore, Richard Mee, John Moody, Robert Moore, Robert Moore, William Mason, William Matthews, William May, Thomas Minors, James Male, Benjamin Male, Jos. Molineux, William Hateley Noble, Thomas Newton, John Ozeland, William Perks, George Perry, Samuel Proud junior, John Parkes, Amos Parkes, Thomas Parkes, William Perry, Thomas Pemberton, Richard Parkes, John Pidcock, Francis Parrott, Edward Palmer, Henry Perkins, Edmund Wace Patteson, Richard Pedley, John Pretty, Alexander Perry, William Pargiter, Thomas Rogers, William Russell, Thomas Richards, Samuel Richards, John Richards, John

Ruſſell, Richard Rabone, Edward Ruſton, John Rodbuck, Thomas Rock, Samuel Ray, John Stone, Thomas Smith, Thomas Smith ſenior, Robert Silveſter, John Simmons, Thomas Silveſter, Thomas Seager, Thomas Saunders, Thomas Silveſter ſenior, Charles Stuart, Joſ. Smith, Thomas Salt, Daniel Short, John Starkin, Humphrey Short, John Turton, Joſ. Traunter, Ambroſe Tibbats ſenior, Ambroſe Tibbats junior, William Turton, John Turner, Stephen Taylor, Thomas Taylor, Thomas Tomkys, Thomas Tibbats ſenior, Thomas Tibbats junior, Henry Tibbats, John Taylor, John Taylor junior, Price Thomas, John Turner, John Tongue, William Tongue, Edward Thomaſon, John Twigg, Joſ. Undrell, Henry Venour, Thomas Vallant, Edward Walters, Abraham Whitehouſe, John Wood, William Watſon, Benjamin Willets, John Willets, Joſeph Wall, John Wall, John Wright, Godfrey Ward, William Welch, Joſeph Wilkenſon, Joſeph Webſter, Elias Wallin, Samuel Walford, Nathaniel Whitehead, Thomas Wight, Joſeph Walker, John Walker, Thomas Weſtley, Jeremiah Wright, John Walford, William Ward, John Ward, Thomas Wright, Daniel Winwood, William Wenman, Francis Woodcock, Benjamin Winwood, Joſeph Walters, John Williams, Sir John Aſtley Baronet, Charles Alton, William Adams, Thomas Adenbrook, Robert Barber Eſquire, William Brett, Richard Blackbourne, Edward Birch junior, Aron Bourne, Nathaniel Bradſhaw, Edward Bambrook, Francis Butler, Thomas Biſhop, Thomas Baker ſenior, Thomas Baker junior, John Baker, James Briſcoe, Rowland Carr, William Cooper, Benjamin Corſon, Joſeph Cotterill, John Chandliſs, Benjamin Clement Clerk, Samuel Doleman, John Davis, Henry Dixon, James Evans, Henry Eld, Horner Edwards, James Eykin, Roger Eykin, Edward Evans, Vincent Edwards, Richard Fryer ſenior, Richard Fryer junior, John Fryer, Humphry Fleming, William Fewſter Mercer, Richard Fowler Baker, Edward Farmer, James Fieldhouſe, Richard Fowler Hatter, John Groome, William Gaſkell, Thomas Gibbons ſenior, James Grove Eſquire, Thomas Green, William Hawkesford, William Huſkiſſon, William Haſelwood, James Haſeldine, Daniel Hichcox, Richard Huſſey, George Hatchet, Henry Higgins, Thomas Hayes, Peter Hinckes, Gregorey Hickman, William Hill, William Hilliard, Serjeant Heath, Robert Hunter, Abraham Hill, Walter Haynes, John Hinman, Thomas Hartſhorne Clerk, Thomas Jarvis, Richard Johnſon, William Jennings, John Jervis, Joſeph Jones Surgeon, William Jones, Thomas Jones Grocer, John Jeſſon Ironmonger, John Jeſſon junior, William Kaye, Richard Law, Walter Lane, Joſhua Latham,

John Leebridge, Joseph Lane, Thomas Lane, William Lotty, John Langley, William Mansfield, Walter Mansfield, John Molineux, Richard Molineux, John Manly, John Marshall, James Marsh Clerk, George Molesworth, John Morris, Richard Morris, Thomas Marston, John Offley, Thomas Offley, the Right Honourable Lord Pigot, Joseph Philips, Charles Perry, Benjamin Pountney, Robert Prettie, Edward Pearson, Thomas Pearson, John Pearson, John Pountney, George Pountney, Samuel Preston, John Lilly Parker, John Perthouse, James Perry, Edward Pearson of Wolverhampton, Thomas Peach, Joseph Pearson, Samuel Powell, Richard Price, Joseph Price, James Rowlinson, Thomas Ready, James Raby, Francis Stokes Esquire, John Stokes, Gilbert Stuart, John Weston Smith, John Smith Stephens, George Spencer, Benjamin Stubbs, John Savadge, Richard Savadge, Thomas Smith, William Salt, John Snow, Walter Snow, Henry John Smith, Walter Stubbs, Edward Shaw Clerk, John Scott, James Steward, William Spittle, James Turner, John Turner, Hope Tomkys, Joseph Turner, William Timmins, Thomas Turton, Joseph Turton junior, William Thacker, Peter Talbot, Henry Taylor, the Reverend Sir Richard Wrottesley Baronet, John Wrottesley Esquire, Thomas Watkins, William Watkins, William Webb, John Wightwick Esquire, Thomas Wightwick, Thomas Wight, John Walker, James Walker, Bernard Wilkes, John Wilkes, Richard Wilkes, Thomas Wilkes, John White, George Wood, Henry Wood senior, Henry Wood junior, Joseph Wood, William Whittingham, Thomas Whittingham, Richard Wright, Thomas Zouch, and William Cooper, and their Successors, to be elected in Manner herein after mentioned, shall be and are hereby appointed Trustees for putting in Execution all the Powers in and by this Act given and granted.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet and hold their First Meeting for carrying this Act into Execution, at the House known by the Sign of the White Lyon in Wednesbury, on the Wednesday Sevennight next after the passing this Act, between the Hours of Eleven and Twelve in the Forenoon, and shall then and there proceed to the Execution of this Act; and the said Trustees shall, at the said First Meeting, adjourn themselves to the House known by the Sign of the Bull's Head in Bilston, and so alternately, from time to time, meet at the said respective Towns or Places, and at the same, or at such other House or Houses, in the respective Towns of Wednesbury and Bilston, or at such other House or Houses situate on or adjoining to

such

such Part of the said Roads by this Act intended to be repaired, as lie between the said Town of Bilston and the Turnpike Road leading from the said Town of Wolverhampton towards Stourbridge aforesaid, as the said Trustees, or any Seven or more of them, shall think most convenient.

Provided always, That no such last mentioned Meetings shall be held out of the Towns of Wednesbury and Bilston oftener than Twice in the Year, and that between the First Day of May and the First Day of October in every Year; and that such Trustees shall and may, at every such Meeting, adjourn themselves to any future Day, not exceeding Six Weeks, as often as it shall be necessary for putting and carrying the Powers and Authorities of this Act into 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, 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 be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on the Day Three Weeks after the Day for which such last Meeting was appointed: and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the said Trustees, in 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 Seven or more of the Trustees present at a Meeting shall concur therein; 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 the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees.

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

No Act valid unless made at a publick Meeting.

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

And be it further enacted by the Authority aforesaid, That upon the Death, Removal, or Refusal to act, of any Trustee or Trustees hereby appointed, or hereafter to be chosen, by virtue of this Act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing or Writings under their respective Hands, from time to time, to elect such other Person or Persons, residing within the Counties of Stafford, Warwick, or Worcester, to be a Trustee or

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

Trustees,

Trustees, in the Room of every Trustee or Trustees so deceased, removing, 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 erected by virtue of this Act, at least Fourteen Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act into Execution, as the Persons in whose Places they shall be respectively chosen were vested with. Notice of Election to be given.

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 Forty Pounds above Reprizes, or possessed of, or intitled unto, a Personal Estate of the Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds; And if any Person, not being so qualified, shall presume to act contrary to the true 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. Qualification of Trustees. Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect One or more Gate or Gates, Turnpike or Turnpikes, upon, in, across, or on the Sides of, any Part or Parts of the said Roads, or across any Lane or Way leading into the same; and also One or more Toll-house or Toll-houses; and, from time to time, to remove or alter such Turnpikes and Toll-houses, or any of them, as the said Trustees, or any Seven or more of them, shall think proper and convenient; the Consent of such Persons who shall advance Monies on the Credit of the Toll, being first obtained; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, Trustees may erect Turnpikes and Toll-houses, and take the following Tolls thereat.

Trustees, or any Seven 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,

The Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing 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, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Tolls to be levied by Distress and Sale.

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 who shall be appointed by virtue of this Act to collect such Tolls, to levy the same by Distress of any Horse or Horses, or other Cattle, together with their Furniture, or of any Carriage upon which any such Toll is by this Act imposed, or of any of the Goods and Chattles carried or drawn by or on such Cattle or Carriage, or of 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 Distress, shall not be paid within the Space of Four Days after such 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 of distraining, keeping, and selling the same, shall be deducted; and all the Tolls collected and levied by virtue of this Act, and the Monies to be borrowed on the Credit thereof, shall be, and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

Provided always nevertheless, That in case any Gate or Gates shall at any Time hereafter, during the Continuance

tinuance of this Act, be erected or set up on any Part of the present Turnpike Road, between the Place where a Turnpike-gate now stands in the Town of Bilston and the End of Gibbett Lane aforesaid; then it shall be lawful for any Waggon, Cart, Horse, Mule, or Ass, to pass or repass to and from any Colliery or Collieries, that now are or shall hereafter be opened, immediately communicating with or leading into the said Road, between the Place where the said Turnpike-gate now stands, and Gibbett Lane End, as aforesaid, drawing or carrying Coals only upon such Part of the said Road, upon Payment of the several Tolls following; that is to say,

No additional Toll to be taken for any Coals carried between the Turnpike at *Bilston* and *Gibbett Lane* End.

The Tolls.

For every Horse, or other Beast, drawing any Carriage laden with such Coals, One Penny Halfpenny.

And for every Horse or other Beast, laden with such Coals, One Halfpenny.

Provided also, and be it enacted by the Authority aforesaid, That no Turnpike-gate or Gates shall, during the Continuance of this Act, be erected or set up at the End of Bilston Town, beyond the Bridge there, called Bilston Bridge, between the said Bridge and the Town of Darlaston, in the said County of Stafford, at a greater Distance from the said Bridge than Two hundred Yards.

No Gate to be erected between *Darlaston* and *Bilston*, more than 200 Yards from *Bilston Bridge*.

And be it further enacted, That in case the said Roads leading from the said Town of Walsal, through the said Town of Darlaston, into the Road directed to be repaired by this Act, shall likewise be made Turnpike; then that so much of the said Road as lies between the said Place called the Sand Beds, or Moxley Sand Beds, and the Road called the Portway, shall be repaired and kept in Repair, during the Continuance of this Act, at the joint Expence of the Trustees to be appointed by any such Act, which shall or may be so obtained as aforesaid, and the Trustees herein before appointed, or hereafter to be appointed, by virtue of this Act; and that no Gate shall be erected, or Toll taken, on any Part of the said Road, so lying between the said Sand Beds and the Portway aforesaid.

The Road between *Moxley Sand Beds* and the *Portway* to be repaired jointly by the Trustees of the *Walsal* and this Act.

And be it enacted by the Authority aforesaid, That no Turnpike-gate shall be erected, or Toll taken, on any Part of the said Roads intended to be repaired by virtue of this Act, at any Place between the Turnpike Road leading from the Town of Wolverhampton, towards Stourbridge, in the County of Worcester; and the Turnpike Road, leading from the said Town of Wolverhampton,

No Gate to be erected on any Part of said Road, at any Place between the Roads leading from *Wolverhampton* to *Stourbridge*, and from *Wolverhampton* to *Dudley*.

hampton, towards Dudley, in the said County of Worcester.

Property of Turnpikes, &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, and of the Materials for building the same, and also of all Materials which shall be got or collected for repairing the said Road, shall be, and are hereby vested in the said Trustees; and they, or any Seven 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.

Toll to be paid but Once a Day.

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 in One Day, at any Toll-gate or Turnpike to be erected upon the said Road, 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 the succeeding Night) with the same Horses, Cattle, Beasts, or Carriages, through any of the Turnpikes to be erected by virtue of this Act upon the said Roads, and on the Sides, and across any Lane or Way leading into the same; but all and every Person and Persons, after having paid Toll as aforesaid, at any Gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Tolls) shall afterwards repass with the same Horses, Cattle, Beasts, and Carriages, Toll-free, during such Day, through all the said Gates or Turnpikes.

Penalty on 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 publick 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 giving or receiving Tickets, &c.

or

or of any Part thereof, shall be evaded; or if any Person or Persons shall forcibly pass through any such Turnpike with any Carriage, Horse, or other Cattle, or Beast, or shall take off, or cause to be taken 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 Road, any Carriage, Horse, Cattle, or Beast, with Intent to evade 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 conceal any Goods chargeable with any such Toll; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings; one Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereby directed to be applied.

or taking off Horses, &c.

to avoid paying the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Tolls 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 the said Roads, or any of the Roads in the Townships or Parishes in which such Roads do lie; or Hay, Straw, or Corn, in the Straw only, not sold or disposed of, but going to be laid up in the Houses, Out-houses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or other Implements of Husbandry, or Mould, Dung, Marl, Compost, or Manure, employed in Husbandry, for manuring or improving of Lands (Chalk or Lime excepted) or for any Person or Persons, residing in any Township or Parish in the which the said Roads lie, going to or from their proper Parochial Church, Chapel, or other Place of religious Worship, on Sunday, 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, or laden with their Arms or Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Power; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Exemptions from Tolls.

Penalty of making illegal Claims.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act, 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 Three Years, for the best Rent that can be got for the same; payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Seven or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls are directed to be applied.

For keeping separate Accounts of the Money to be collected upon different Parts of the Road.

And be it further enacted by the Authority aforesaid, That an Account of all the Tolls to be collected by virtue of this Act shall be kept separate and distinct in Manner following; (that is to say) that the Tolls arising from the Turnpike-gate or Gates to be erected upon or on the Sides of the Road leading from High Bullen aforesaid to Gibbett Lane End aforesaid, as also all Payments, Costs, Charges, and Expences, attending the repairing and amending the same, shall be kept in One single and distinct Account; and all the Tolls arising from all and every other Turnpike-gate or Gates to be erected upon or on the Sides of any other of the said Roads, and also all Payments, Costs, Charges, and Expences, attending the repairing and amending the same, shall be kept in One other single and distinct Account; as also separate and distinct Minute Books of the Transactions and Orders of the said Trustees, at their respective Meetings, relating to the said several Roads respectively.

Application of Monies.

And be it further enacted by the Authority aforesaid, That all the Costs, Charges, and Expences, incident to and attending the obtaining and passing this Act, shall be paid, in the First Place, out of the Monies arising from or to be borrowed on the Credit of the said Tolls; and that the Remainder of all such Monies to be borrowed, shall be applied in repairing and amending the said Roads, in such Manner as the said Trustees, or any Seven or more of them, shall, from time to time, direct or appoint; and that all the Monies which shall, by virtue of this Act, be collected on or raised on the Credit of any Part of the said Road leading from High Bullen aforesaid to Gibbett Lane End, shall be applied in keeping such Road in Repair only; and in defraying the necessary Costs, Charges, and Expences, attending the same, in such Manner as the said Trustees, or any Seven or more of them, shall direct; and that all the

Monies which shall, by virtue of this Act, be collected on or raised upon the Credit of the Residue of the Roads directed by this Act to be repaired, shall be applied in keeping such Roads in Repair only, and in defraying the necessary Costs, Charges, and Expences, attending the same, in such Manner as the said Trustees, or any Seven or more of them, shall direct, and to no other Use or Purpose whatsoever; any thing herein before contained to the contrary notwithstanding.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, assembled at their First Meeting, and from time to time afterwards, at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Seven 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 Trustees, or any Seven 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 as they the said Trustees, or any Seven 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 Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the said First Meeting, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid, unless Fourteen Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpike-gates which shall be then erected by virtue of this Act.

and raise them again.

Trustees may borrow Money upon the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they the said Trustees, or any Seven or more of them, shall think proper, to borrow and take up at Interest such Sum and Sums of Money as they, or any Seven or more of them, shall think fit; and also they the said Trustees, or any

Seven

Seven or more of them, 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 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 Turnpike-gates erected by virtue of this Act, at least Fourteen 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 Securities, 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; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Fourteen Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages; for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign and transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge, the same, or any Monies due thereon; and all and every Person and

Notice to be given of borrowing of Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

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 Bills in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies. All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, from time to time, appoint a Treasurer or Treasurers, and such other Officers 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 Trustees, or any Seven or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Seven or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Seven 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 Seven 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 Seven or more of them (which Oath the said Trustees, or any Seven 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 shall refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Seven or more of them, within Ten Days after being thereunto required by any Seven or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; then, in each, any, or either, of the said Cases, any One or more Justice or 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 Trustees may appoint Officers; and remove them, and appoint others. Trustees to allow Officers Salaries. Officers to account upon Oath. Officers refusing to account, Justices may enquire into the Default;

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 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 Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Seven 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 Seven or more of them.

and commit the Offender,

till Payment or Composition made,

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, 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 Seven or more of them, shall think proper.

Trustees may appoint Collectors, 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 Seven or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof, as the Person he shall succeed was vested with, until the said Trustees, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

No Victualler to accept of any 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.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Seven or more of the said Trustees, 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 Roads, out of, and from, any Waste Grounds, Commons, Rivers, or

Brooks, in any Parish, Town, or Place, in which any Part of the said 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 Trustees, or any Seven 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, Orchard, Garden, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) paying or tendering Payment 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, 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 Trustees, or any Seven or more of them, shall judge reasonable.

without paying anything for the same; and for levelling the Pits, &c.

Materials 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 Trustees, or any Seven or more of them) to remove and prevent all Annoyances on any Part of the said 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 Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches running into, or out of, the said Roads, to the Prejudice thereof, 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 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 Premisses 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 Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or

Surveyors may remove Annoyances, &c. not at a public Meeting

and cut down Trees;

the Owners neglecting to remove the same after Notice;

Hands

the Charges thereof to be reimbursed to the Surveyor.

Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Seven or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners and Occupiers, and shall be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Penalty of a Second Offence.

Surveyors may make Causeways, &c.

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 Trustees, or any Seven or more of them) to make Causeways, and also Ditches or Drains, in and upon the said Roads, and also through any Ground lying contiguous thereto; and to

erect Bridges, and make a temporary Road;

erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, or across any such Ditch or Drain, where necessary; and also to widen any narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto; and also to make Roads through the Grounds adjoining or lying near to any hollow, narrow, or ruinous Parts of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Orchard, Garden, 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 Roads are 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 Trustees, or any Seven 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.

making Satisfaction to the Owners of the Grounds.

Trustees may contract with Persons for the Purchase of Lands, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall be, and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, through any Moor or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may there-

by

by sustain; and for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Roads, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whatsoever, seized of, or interested in, or intitled unto, such Lands, Tenements, or Hereditaments, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and 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 seized or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; or to contract for and give in Exchange any Part or Parts of the said new Roads or Paths so to be made as aforesaid, for the said old Roads or Paths so to be diverted or altered as aforesaid, or for any Part or Parts thereof; and all Contracts, Exchanges, 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 Body Politick, Corporate, or Collegiate, Corporations 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

Bodies Politick, &c. impowered to treat.

Persons, &c. neglecting to treat,

left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads are intended to be diverted, turned or altered, shall, for the Space of Ten 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 Seven or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve honest and indifferent Men of the County wherein such Lands or Hereditaments do lie; and in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Seven or more of the said Trustees are hereby impowered to administer) and such Trustees, or any Seven or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own, as for the said Jury's Information, in the Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Seven 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 Lands and Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, or to claim, 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 Seven or more of them, are hereby impowered to issue out their Warrant

Jury to settle the Recompence.

Witnesses may be summoned and examined upon Oath.

Trustees to issue Warrants to the Sheriff to impanel a Jury.

Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, requiring him to impanel, summon, and return, an indifferent Jury of Twelve Persons qualified to serve upon Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, 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 Seven or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend the 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 Seven or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the 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 shall be more than Ten Pounds, nor less than Forty Shillings, on any One Person for One Offence.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

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 by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal

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

Lands, &c. purchased, to be made Part of the Road,

fusal to accept the same, upon leaving the same in the Hands of the Clerk or Treasurer to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Seven or more of them, to divert or turn such Roads through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and the said Trustees, or any Seven or more of them, shall cause such Parts of the said Roads as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired, and kept in Repair, in such Manner as the Roads hereby appointed to be repaired are by this or any other Law to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments: And after such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Roads do not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Seven 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 Roads by this Act directed to be repaired; or the said Trustees, or any Seven or more of them, may, and are hereby impowered, to give in Exchange any Part or Parts of the Lands so constituting the former Roads, for any Part or Parts of such new Road; but this Act shall not extend to the taking down any Dwelling-house, or other Building, or to take in any 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.

and esteemed a publick Highway.

Old Road may be sold.

Buildings, &c. not to be damaged.

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.

Persons liable to repair Bridges, &c. 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,

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 said Townships and Parish of Bilton, and Willenhall, and Wednesbury, 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 and Parish of Bilton, Willenhall, and Wednesbury, or in case no such Surveyor or Surveyors is, are, or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships and Parish, 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, 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 or Parish, are liable to do Statute work; and shall distinguish in such Lists which of such Persons shall, by this Act, shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute work shall be done by all such Persons on such Parts of the said Roads hereby intended to be repaired, as lie within the said respective Townships and Parish, in such Manner, and at such Times, as the said Trustees, or any Seven or more of them, or the Turnpike Surveyor or Surveyors, shall, from time to time, direct and appoint; so that no more than One Day's Work shall be done by any One Person or Team within the said Township of Willenhall, and Parish of Wednesbury, and no more than Two Days Work shall be done by any One Person or Team within the said Township of Bilton, on the said Roads, in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Town-

Inhabitants to do Statute-work.

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

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

ships and Parish 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 said Road, shall give Notice thereof to such Persons: And if any Surveyor, or Churchwarden, or Overseer of the Poor, for such Townships or Parish 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 Trustees, or any Seven or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums hereafter mentioned; that is to say, Every Person that 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 such Person who shall keep a Pack-horse or Pack-horses, or other Beasts of Burthen, and no Team, or not by this Act deemed to keep a Team, for every Day's Default, for every such Horse or Beast, and Driver, the Sum of Three Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, and not keeping a Pack-horse or other Beast of Burthen, 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 be sent with any Team, Pack-horse, or Beast of Burthen, to work on the said Roads, 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, Pack-horse, or Beast of Burthen, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, Cart, Pack-horse, or Beast of Burthen, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads as aforesaid, shall not be liable to do any other Statute-work thereon.

Penalty on Surveyors neglecting to deliver in Lists;

and on Persons not performing Statute-work.

Persons found idle to be turned off.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, to compound or agree, by

the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, or Hereditaments, situate, lying, and being, within the said Townships and Parish of Bilston, Willenhall, and Wednesbury, who shall, by virtue of this Act, be chargeable with the Repair of any Part of the said Roads, 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 the said Townships and Parish of Bilston, Willenhall, and Wednesbury, 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 Parish first had, at any Vestry or other Publick Meeting of such Inhabitants) to compound and agree by the Year or otherwise with the said Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Roads; and 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.

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

Surveyors, &c. paying the Composition-money, how to be reimbursed.

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, 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 Twenty Shillings.

Penalty on Persons haling Timber otherwise than in Wheel Carriages.

And be it further enacted by the Authority aforesaid, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, shall, upon Proof of the Offences respectively, before Seven or more of the said Trustees, or before 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 such Trustees, or Justice of the Peace, are and is hereby impowered and required to administer without Fee or Reward) be levied by Distress

Penalties and Forfeitures how to be recovered.

and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Trustees or Justice (which Warrant or Warrants such Trustees or Justice are or is hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress, 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, from time to time, paid to any Seven or more of the said Trustees, or to their Treasurer, and applied in the Repair of the said Roads or otherwise, as the said Trustees or Justice shall direct and appoint.

Overplus Money to be returned to the Owner.

Roads to be measured, and Mile stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may cause the Roads by this Act directed to be amended to be measured, and Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark or denote the Distances of any One Town or Place from any other Town or Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by his, her, or their own Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace for the said County where such Offence shall be committed; every such Person so offending shall forfeit and pay the Sum of Forty Shillings, to be levied and recovered by Distress of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices of the Peace before whom such Conviction shall be made; such Forfeiture to be applied in repairing the Stones or Posts so broke or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeiture, the same shall be laid out in repairing the said Roads: And in case the Person or Persons so offending, and convicted, shall have no Goods or Chattles, then it shall and may be lawful for any One or more of such Justices as aforesaid, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the House of Correction for the Space of

Penalty on defacing Mile-stones, &c.

For want of Distress Offender to be committed.

One

One Month; and he, she, or they, shall not be sooner released or discharged, unless he, she, or they, shall pay the said Sum of Forty Shillings.

Persons aggrieved may appeal to the Quarter Session.

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 Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within One Month after such Cause of Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten 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 or 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.

Notice of Appeal to be given.

Recognizance to be entered into.

Distress not unlawful for want of Form;

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 so distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

Proceedings to be entered in a Book.

Provided always, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Seven 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 any Seven 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.

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 Seventh Day after the passing of this Act for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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, or other Writing whatsoever, made or issued by virtue or in pursuance of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

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 removable by *Certiorari*.

And whereas by an Act made in the Thirteenth Year of the Reign of his Majesty King George the First, intituled, An Act for repairing the several Roads leading from *Birmingham*, through the Town of *Wednesbury*, to a Place called *High Bullen*, and to *Great Bridge*; and from thence to the End of *Gibbett Lane*, next adjoining to the Township of *Bilston*; and from *Great Bridge* through *Dudley* to *King's Winford*, and to the further End of *Brittle Lane*, in the Counties of *Warwick*, *Stafford*, and *Worcester*; and continued by One other Act, made in the Twenty first Year of the Reign of his late Majesty King George the Second, the Road leading from the further End of Darlaston Lane, at a Place called the Portway, to and through the Town of Bilston, to the End of Gibbett Lane, next adjoining to the said Township of Bilston, is, amongst other Roads therein described, directed to be repaired: And whereas it will be a great

a great Advantage to all Persons travelling from the said Town of Birmingham, through Bilston, to the Town of Wolverhampton, if the said Road leading from the further End of Darlaston Lane, at a Place called the Portway, to and through the Town of Bilston, to the End of Gibbett Lane aforesaid, next adjoining to the said Township of Bilston, was put under the Direction of the Trustees appointed to put this Act in Execution; be it therefore enacted by the Authority aforesaid, That from and after the Seventh Day after the passing of this Act, so much of the said recited Act of the Thirteenth Year of the Reign of His said late Majesty, as relates to the said Road leading from the further End of Darlaston Lane, at a Place called the Portway, to and through the Town of Bilston, to the End of Gibbett Lane aforesaid, next adjoining to the said Township of Bilston, shall be, and the same is hereby repealed. Act 13 Geo. I. in part repealed.

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 after Twenty Days Notice thereof in Writing shall be given to the Clerk or Clerks to the said 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 shall be committed, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act, and 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 such 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. Limitation of Actions. General Issue. Treble Costs.

And

Publick Act. And be it further 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.

FINIS.