Anno ſexto

Georgii III. Regis.

An Act for repairing and widening the Road from *Muckley Corner*, to *Walſall* and *Wedneſbury*, and to *Leigh Brook* and *Ocker Hill*; and ſeveral other Roads in the County of *Stafford*.



WHEREAS the Road from Muckley Corner, over Ogley Hey, through Ruſhall, to the Town of Walſall, and from thence through New Mills Lane, to Beſcott Brook; and from the Turnpike Road leading from Walſall, to Wolverhampton, through Part of a certain Lane called Pleck Lane, or Park Lane, into the ſaid Road leading from New Mills to Beſcott Brook aforeſaid; and from Beſcott Brook, through Black Lane, to Beck's Bank, in the Town of Wedneſbury, and from thence to Leigh Brook; and from Church Bridge, through Great Wyrley, to Great Bloxwich Chapel; and from the Corner of Barne Hales, on Eſſington Wood, on the South Side Preamble.

side the Hill House, over Short Heath, to Bloxwich Chapel aforesaid; and from Bloxwich Chapel to Walsall, and to and over the Watercourse there running to New Mills aforesaid; and from that Part of the Lane called Pleck Lane, or Park Lane, next adjoining to the said Road leading from New Mills, to Bescott Brook aforesaid, through another Part of the same Lane, to James Bridge, and through the Town of Darlaston, to or near a Place called Moxley Sand Beds; and from Leigh Brook to Ocker Hill Turnpike Road, leading from Bilston to Great Bridge; and from Toll End, on the said Road, by Master Jevon's House, to the Dudley Turnpike Road on Horsley Heath, and from thence to Puppy Green and Tipton Green, and to the Top of Chambers Lane; and from Puppy Green, through Park Lane, to the Turnpike Road leading from Dudley to Birmingham, all in the County of Stafford; are in a ruinous Condition, and narrow in many Places, and cannot be sufficiently repaired and widened, and kept in Repair, by the ordinary Course of Law: And whereas it would be of great publick Convenience, if a Road was made from the Brook in Walsall, over certain Lands belonging to the Right Honourable the Countess of Montrath, Richard Pershouse Esquire, and Samuel Corbett, to Ablewell Street, in the Town of Walsall aforesaid; and if Ablewell Street was repaired as far as the Turnpike Road leading from Walsall to Birmingham: 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, the Honourable William Ward, William Bagot, William Chetwind, John Crew, Thomas Anson, Hugo Meynell, Thomas Gilbert, Edward Thurloe, Charles Crew, Sir Walter Wagstaff Bagot Baronet, Sir Samuel Hillier Knight, William Beard, Sir Edward Littleton Baronet, Morton Wallhouse, Jervese Clark, John Wyrley, Walter Gough, John Dolphin, Richard Pershouse, Phineas Hussey, Joseph Turton, Matthew Stubbs, John Burridge Leigh, James Lloyd, Abraham Hodgskin, Samuel Whaley, Thomas Hoo, the Reverend Robert Felton, the Reverend Thomas Cox, Matthew Beale, William White, Joseph Spurrier, John Swain, Henry Wathew, John Smith, Joseph Longster, Thomas Spurrier, Thomas Spurrier junior, John Swain junior, Henry Whately,

Trustees Names.

Whately, Joſeph Adams, George Haſlewood, Tanner, Thomas Green, Charles Steward, John Perks, Jacob Smith, William Elwell ſenior, John Stubbs, Joſeph Stubbs, Joſeph Wood, Richard Taylor, John Taylor, George Haſlewood, Thomas Deykin, John Jeſſon, Samuel Corbett, Thomas Lycett, Chriſtopher Nichols junior, Deykin Hemmings, Green Nicholls, John Heming, William Cradock, Thomas Huxley, John Smith, Richard Moſs, Samuel Barber, George Blythe, Richard Burrowes, Joſeph Cotterrell junior, William Kendrick, William Kendrick junior, Joſeph Barber, John Price, Simon Burrowes, John Burrowes, John Wootton, Roger Holmes, John Lander, James Moor, John Bradnock, Edward Holmes, Joſeph Woolatt, Thomas Scott, William Frances, Samuel Cooper, Benjamin Cooper, Joſeph Hodſkin, Thomas Bullock, Richard Weſtly, Simon Waddams, William Thurſtance, Samuel Short, Richard Weſtley junior, the Reverend Kann, Nicholas Parker, John Bayley, Thomas Poyner, Humphry Stubbs, Thomas Birch, John Price, George Harriſon, George Harriſon junior, William Woolrich, Richard Hollingſhead, the Reverend Jonas Slaney, Joſeph Waddams, James Penn, Martin Wood, Thomas Moſs, Thomas Thurſtance, John Churchill, John Churchill junior, Richard Gildard, William Smith, William Maſſen, William Maſſen junior, George Stubbs, John Tyrer, Richard Blythe, Samuel Simkin, Joſeph Poyner, Joſeph Fletcher, William Bird, John Turner, William White, John Jeſſon, Thomas Cobb, Francis Cobb, Stephen Simpſon, Charles Simpſon, Cary Butt, John Throp, William Penn, John Hodges, William Faulkner, Benjamin Willetts, John Willetts, Henry Tibbets, Thomas Tibbets, Stephen Harriſon, Thomas Hopkins, Thomas Hopkins junior, William Holden junior, Hyla Holden, Thomas Tibbets, Richard Edge, Thomas Silveſter, Edward Guieſt, Humphry Hopkins, Alexander Bunn, John Butlar, John Butlar junior, John Wood at the Forge, John Wood Mercer, William Perry, Philip Conſtable, John Waldron, Thomas Tomkys, Hope Tomkys, John Sparrow, the Reverend Titus Neave, John Perry, Thomas Blakemore, Samuel Danks, William Willſon, John Wilks, John Wilks junior, James Foſter, James Sparrow, Samuel Smith junior, John Smith, Joſeph Mollineux, William Wenman, Benjamin Clempſon, John Fowler, Thomas Hinks, John Hinks, Joſeph Clempſon, William Hall, John Turner, Richard Turner, Simeon Pedley, the Reverend Stillingfleet, Saunders Lowe, the Reverend William Inge, John Lane, John Amphlet, Richard Aſton, Joſeph Aſton, the Reverend

verend Henry Antrobus, Jeremiah Addenbrooke, Thomas Bradney, William Bendy, John Baddily, Benjamin Brittle, Jeremiah Brittle, Elijah Barrer, Edward Banton the elder, Mark Bolton, John Bridgewater, Thomas Brett, Henry Baddily, John Bate, Benjamin Bate, Benjamin Bickly, John Bickly, Thomas Bourn, Thomas Boulton, Miles Bourn, Anthony Baddily, Joſeph Bourn, Dudley Bagley, Thomas Bunn, Edward Baker, William Bickley, the Reverend Edward Beſt, the Reverend Benjamin Briſcoe, Iſaac Bechett, Jeremiah Caſwell, William Coleborn, the Reverend John Carver, William Croft, Richard Croft, John Cox, Rowland Carr, Job Caddick, Caddick, William Cox, Edward Cox the younger, Richard Crane the elder, Joſeph Cartwright, Francis Clark, John Cooper, Rupert Dovey, Oliver Dixon, the Reverend Joſeph Dixon, Thomas Dudley, John Dudley, Thomas Dudley Chandler, William Denham, Thomas Ditheridge, William Dean, Joſeph Dixon Walſter, George Dunton, Thomas Eaton, William Finch, John Finch, John Fleming, Daniel Fellow, Thomas Fletcher, the Reverend Richard Groome, William Geaſt, John Groome, John Gibbons, Thomas Gibbons, Thomas Gibbons the younger, Joſeph Green, Jonathan Green, Stephen Gorton, John Goodwin, Michael Grazebrooke, Benjamin Gibbons, John Green, John Green the younger, Thomas Hoo, John Hodgetts, Thomas Homer, Henry Homer, Richard Homer, John Homer, Waldron Hill, Thomas Hill the younger, Joſeph Hill, Robert Honeyborne, Robert Honeyborne the younger, Thomas Hill the elder, Edward Hickman, Richard Hickman, John Haden, John Haycock, John Haycock the younger, Edward Harper, Thomas Hickin, James Haden Sadler, John Haden of Dudley, Benjamin Hughes, Herbert Hancox, Abiathar Hancox, Thomas Hawkes, William Homer the elder, William Homer the younger, Benjamin Homer the younger, Richard Hawkesford, John Hartell, John Hanſon, Samuel Hudſon, Richard Keelinge, John Keelinge, Willis Kempſon, Edward Kempſon, Thomas Lewis, Steward Lowe, Walter Aſton Moſeley, James Moſeley, Richard Mee, William Maſon, James Maulin, Benjamin Male, Richard Moſſe, James Mills, William Moſs, George Millard, the Reverend Samuel Nott, Thomas Newton, John Newton, John Nock, Robert Pigott, Robert Pigott the younger, the Reverend William Pigott, the Reverend William Pigott the younger, the Reverend Richard Parker, Richard Perſehowſe, Ezekiel Perſhouſe, George Perry, John Pretty, Alexander Perry, Samuel Proud the younger, John Parkes, Amos Parkes, the Reverend Otho Philpott, Peter Payton, Thomas Parker,

William

William Parkes, Thomas Peach, Benjamin Pickwell, Phillips Penn, James Payton, Edward Perthouse, William Pargiter, John Pidcock, Bromwell Powell, Samuel Parker, Robert Pretty, George Peirpoint, Edward Russell, Robert Robinson, Edward Rhodes, Benjamin Stokes, Ignatius Smith, John Southwick, Richard Savage, Daniel Shaw, Adam Read Shaw, Joseph Stokes, John Stone, Thomas Seager, Daniel Short, Humphrey Short, John Saunders, Thomas Smith, Robert Silvester, John Simmons, John Tongue, William Tongue, Joseph Turton, Joseph Turton the younger, John Turton of Cotwellend, John Turton of the Brades, Samuel Timmins, Joseph Traunter, Ambrose Tibbotts, Ambrose Tibbotts the younger, William Furton, Stephen Taylor, Thomas Taylor the elder, Thomas Tomkys, the Reverend Sir Richard Wrottesley Baronet, John Wrottesley, Richard Whitby, the Reverend Matthew Wilmot, Thomas Wainwright Surgeon, Benjamin Winwood, Edward Walters, Joseph Walters, John Williams, Thomas Walters, Richard Walters, Abraham Whitehouse, Laugher of Dudley, William Lea, Edward Low, Richard Law, Richard Jordan, Muschamp Jevon, John Jevon, shall be, and they and their Successors, to be elected in manner herein after mentioned, are hereby appointed Trustees for putting this Act in Execution.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the House known by the Name or Sign of The Bull's Head, in Walsall aforesaid, on the Third Monday next after the passing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon; and shall then and there chuse and elect a Treasurer or Treasurers, and such other Officers as they shall think proper, and otherwise proceed to carry this Act into Execution, with respect to the said Road leading from Muckley Corner, over Ogley Hey, through Rushall, to the Town of Walsall, and from thence through New Mills Lane, to Bescott Brook; and from the Wolverhampton Road, along Pleck Lane, or Park Lane, into the New Mill Road; and from Bescott Brook, through Black Lane, to Beck's Bank, in Wednesbury, and from thence to Leigh Brook; which Roads shall be called The First District of Road: And that, on the Wednesday next after the said First Meeting, the said Trustees, or any Five or more of them, shall meet at the House aforesaid, between the Hours of Eleven in the Forenoon and Two in the Afternoon of that Day; and shall then and there chuse and elect a Treasurer or Treasurers, and

such other Officers as they shall think proper, and otherwise proceed to carry this Act into Execution, with respect to the said Road from Church Bridge to Bloxwich Chapel, and from Barn Hales, on Essington Wood, to Bloxwich Chapel, and Walsall, and from the said Brook in Walsall, over the Watercourse running to New Mills; and over the said Lands belonging to the Right Honourable the Countess of Montrath, Richard Pershouse, and Samuel Corbett, to Ablewell Street; and through Ablewell Street, to the said Turnpike Road leading from Walsall to Birmingham, and from Pleck Lane, or Park Lane, to James Bridge, and through Darlaston to Moxley Sand Beds; which Roads shall be called The Second District of Road: And that, on the Thursday next after the said First Meeting, the said Trustees, or any Five or more of them, shall meet at the House called or known by the Name or Sign of The Swan in Dudley, between the Hours of Eleven in the Forenoon and Two in the Afternoon of that Day; and shall then and there chuse and elect a Treasurer or Treasurers, and such other Officers as they shall think proper, and otherwise proceed to carry this Act into Execution, with respect to the said Road leading from Leigh Brook, to Ocker Hill and Great Bridge; and from Toll End to Horsley Heath, Puppy Green, Tipton Green, and Chambers Lane; and from Puppy Green, through Park Lane, to the Dudley Turnpike Road aforesaid; which said Roads shall be called The Third District of Road: And the said several Trustees shall, at the said respective Meetings, adjourn themselves, from time to time, and meet at the said respective Houses, or at such other Place or Places in the said Towns, as the said Trustees, or any Five or more of them, shall think most convenient, as often as they shall think necessary for the Purposes of this Act, so as the said Meetings for the said First District be held alternately in the said Towns of Walsall and Wednesbury; but no Adjournment shall be made for a longer Time than Two Calendar Months from Lady Day to Michaelmas, nor more than Three Calendar Months from Michaelmas to Lady Day: And if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall so happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected by virtue of this Act, within the respective District, at least Ten

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

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, within or near the respective Districts; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act 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, and 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 Peace, may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees.

Trustees to defray their own Expences.

No Act valid unless made at a publick Meeting.

No Order to be made unless a Majority of the Trustees present shall concur therein.

No Order to be repealed unless 9 Trustees be present.

No Trustee to accept a 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 by virtue of this Act, it shall and may be lawful for the surviving or remaining Trustees, or any Five 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 first upon all the Turnpikes erected by virtue of this Act within the 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 of such 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 Reprises, or possessed of or intitled unto a Personal Estate of the Value of Eight hundred Pounds, or shall be Heir

Qualification of Trustees.

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 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 such 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.

Trustees may erect Turnpikes and Toll-houses, and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five 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 Roads, within the respective Districts, and also One or more Toll-house or Toll-houses, with suitable Out-buildings thereto, in and upon the same, and pull down and remove the same, as they the said Trustees, or any Five or more of them, shall judge proper; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint to receive the same, at each of the said Turnpikes within each District, 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.

Which

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 distrain any Horse or Cattle, Beast, or any Goods or Carriage, upon which any 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 Distress, and of keeping the same, 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, shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied, and may be assigned, in such Manner as is herein after-mentioned,

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

Provided always, That no Tolls shall be taken at any Gate to be erected by virtue of this Act, for or in respect of any Horse, Cattle, Beast, or Carriage, that shall not travel at least Fifty Yards upon the said respective Roads.

No Toll to be paid, unless travelling 50 Yards upon the said Roads.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and upon, in, or across, any Lane or Bye-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, 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.

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 further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected by virtue of this Act, between a House called Widow Lander's House, at the Top of Park Street, and the Brook in Walsall; nor between the said Brook in

Exceptions to erecting Turnpikes.

Walsall and the Top of Ablewell Street aforesaid; nor between Leigh Brook aforesaid and the South End of a Place called Wood Green, in the Parish of Wednesbury aforesaid.

How *Darlaston Lane* shall be repaired.

And be it further enacted by the Authority aforesaid, That if the Lane called Green Lane, otherwise Darlaston Lane, leading from Moxley Gate to Portway, shall likewise be included in any Act to pass this Session of Parliament, for repairing Roads near Bilston, in the said County of Stafford; then, and in such Case, the said Lane, from a Place called The Sand Beds to the Portway, shall be amended and kept in Repair at the joint equal Expence of the Trustees to the said Bilston Road, and the Trustees having the Care of the Second District of Road by this Act directed to be repaired; and that no Gate shall be erected, or Toll taken by either Party, on such Part of the said Road so to be jointly repaired, as aforesaid.

Mr. Hoo to repair certain Parts of the Road at his own Expence.

Provided also, and be it further enacted by the Authority aforesaid, That if any Gate or Turnpike shall be erected in the said Third District, between Leigh Brook and Ocker Hill aforesaid, in the Parish of Tipton, the same shall be erected within Thirty Yards of the Midway between those Places; and in Consideration thereof, as Coals from the Mines of Thomas Hoo Esquire, may by that Means be carried over a Part of the said Turnpike Road between the Places last mentioned, leading to Birmingham, for about One hundred Yards; and also over another Part thereof leading to Wednesbury aforesaid, for about Two hundred and fifty Yards, without paying any Toll; the said Thomas Hoo hath agreed to make and repair so much of the said Road as shall be so used for the carrying of his Coals as aforesaid, at his Expence, so long as his Coals shall be carried on the said Roads, or until such Notice shall be given to the said Commissioners as hereafter mentioned: Be it therefore further enacted by the Authority aforesaid, That the said Thomas Hoo, his Heirs, and Assigns, shall, and he and they is and are hereby required, within Twelve Months from the passing this Act, well and effectually to make, and afterwards, from time to time, to repair, and keep in good and effectual Repair, the said Parts of the said Turnpike Road, so to be used for the Carriage of his and their Coals as aforesaid, so long as the same shall be so used, or until he or they shall give such Notice as aforesaid, he and they being allowed so much, and such a Proportion of the Statute-duty of the Teams and Labourers authorized to be taken by this Act, as the Length

of

of the Roads, so to be repaired by the said Thomas Hoo, his Heirs, and Assigns, shall bear, to the Length of the other Part of the said Turnpike Road lying within the said Parish of Tipton, to assist him in making and repairing the same: And that in case the said Parts of the said Road shall not be so made, and, from time to time, repaired, by the said Thomas Hoo, his Heirs, and Assigns, as aforesaid, and the Default or Defaults thereof shall be certified to the said Commissioners, by One or more Justices of the Peace for the said County of Stafford, acting for the Hundred where the said Road, so to be repaired by the said Thomas Hoo, lies; that then, and in such Case, it shall and may be lawful for the said Commissioners, and they are hereby required, well and effectually to make and repair the said Parts of the said Turnpike Road which ought to have been so made and repaired by the said Thomas Hoo, his Heirs, or Assigns, and to charge the said Thomas Hoo, his Heirs, and Assigns, with the Payment of all and every Sum and Sums of Money expended by them in the making and repairing thereof: And in Default of Payment thereof by the said Thomas Hoo, his Heirs, or Assigns, within Twenty Days after an Account thereof shall be delivered to him or them, or his or their principal Steward or Agent for the time being, and Demand thereof made; it shall and may be lawful to and for the said Commissioners to recover the same by Action of Debt, in any of His Majesty's Courts of Record at Westminster, in the Name of the Treasurer, for the time being, appointed by the said Commissioners for the said Third District.

Provided always, That if the said Thomas Hoo, his Heirs, or Assigns, shall at any Time hereafter give Notice, in Writing, to the Commissioners for carrying this Act into Execution, or to the Treasurer of the said Third District for the time being, of his or their Desire to be exempted and discharged from the Repair of the said Roads, he the said Thomas Hoo, his Heirs, and Assigns, shall, from the End of Three Months after such Notice given, be absolutely freed, exempted, and discharged, from any further Repairs thereof; and the same shall from thenceforth be repaired by the said Commissioners, in the same Manner as the other Roads within the said District are to be repaired by them: And in that Case it shall and may be lawful for the said Commissioners to erect, or cause to be erected, such Gate or Gates, Turnpike or Turnpikes, between Leigh Brook and Ocker Hill aforesaid, as they could or might have Proviso.

done, if they had not been particularly restrained by this Act.

One Half Toll to be taken for Coals for burning Lime

Provided always, and be it further enacted by the Authority aforesaid, That no more than Half Toll shall be demanded or taken for the Passage of any Cattle or Carriages loaded with, or being employed in carrying, Coals to be used for the burning of Lime only; and if any Person or Persons shall take the Benefit of such Exemption from Half Toll, not being intitled thereto, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

No Gate to be erected upon the Lands of the Countess of *Montrath*, &c.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected, nor Toll taken by virtue of this Act, upon any Part of the said Road leading from the Brook in Walsall, over the Lands belonging to the Right Honourable the Countess of Montrath, Richard Perkhouse Esquire, and Samuel Corbett, or upon any Part of Ablewell Street, in Walsall aforesaid.

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 actually got or collected for repairing the said Roads, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or 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.

Separate Accounts to be kept.

And be it further enacted, That separate and distinct Accounts shall be kept of the Tolls collected within the said several Districts respectively; and also separate and distinct Minute Books of the Transactions and Orders of the said Trustees at their respective Meetings, relating to the said Districts 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 to be borrowed on the Credit of, or arising from, the Tolls to be collected on the said several Districts of Road, in due Proportion, according to the Number of Miles contained therein; and the Residue of the Money to be raised or borrowed upon the Credit of this Act, shall be applied in erecting Toll-houses and Turnpike-gates,

and in making, repairing, widening, and keeping in Repair, the Roads within the respective Districts wherein, or relating whereto, such Money shall be raised or borrowed, and otherwise putting this Act in Execution with respect to such respective Districts, and not otherwise.

Trustees not liable to repair Pavements.

Provided always, and be it enacted, That no Part of the Monies arising from the said Tolls, or to be borrowed on the Credit thereof, shall be laid out in, or applied to, the paving or repairing any Pavements or Causeways in any Town or Street through which any Part of the Roads by this Act directed to be widened and repaired shall lead; any thing herein 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 Five 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 all or any of the Tolls by this Act granted, so as the same, or any Part thereof, be not reduced more than One Half; and for such Time or Times as they the said Trustees, or any Five or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened, to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and such reduced Tolls shall and may be collected, recovered, and applied, in such and the same Manner as the said Tolls are directed to be collected, recovered, 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 Three Fifths 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 Ten 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 any District, within which such Reduction or Advance is proposed to be made.

and raise them again.

Tolls 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 for passing and repassing at any Time 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, and Carriages, through all or any of the

the Turnpikes to be erected by virtue of this Act; but that all and every Person and Persons, after having paid Toll Once as aforesaid, 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 the Receipt of the Toll) shall afterwards repass with the same Horses, Cattle, Beasts, or Carriages, Toll-free, upon such Day, through the same Gate or Turnpike where such Toll was paid; and also through all other Gates or Turnpikes to be erected by virtue of this Act.

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 Five or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls, or any Part or Parts thereof, arising by virtue of this Act, within the respective Districts, or any or either of them, 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 Five 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 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

or giving or receiving Tickets, &c.

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

or taking off Horses, &c.

Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle or Beast, or shall take off, or cause to be taken off, any Horse, or other Cattle, from any Carriage; or shall leave, or cause

to avoid paying the Tolls.

to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum

Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein 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 the said Roads, or any of the Roads in the Townships or Parishes in which such Roads 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 Out-houses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, being placed upon any proper Sledge or Carriage, by 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 within the respective Districts, going to or from their proper parochial Church, Chapel, or other Place of religious Worship, on the Sabbath-day or 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 upon any of the said Roads; 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 Pass: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same; such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Penalty of making illegal Claims.

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 within the respective Districts, upon the Credit of the Tolls therein 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 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 original 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 within the said respective Districts respectively; 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 erected by virtue of this Act, within the District where such Money is to be borrowed, at least Ten 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 or Interest Money thereby secured; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignment, 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 Assignees may, in like Manner, assign or 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 Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the

Notice to be given of borrowing of Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

Sum

Sum or Sums therein mentioned, Creditors on such Tolls, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, appoint Surveyors, Collectors, or such Officers and other Persons as they shall think necessary to employ in the Execution of this Act, within the respective Districts; 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, within the respective Districts, make such Allowances to the said Officers, and Persons, as to them the said Trustees, or any Five or more of them, shall seem reasonable, for what such Officers and Persons shall do in the Execution of this Act, within such Districts respectively: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, 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 Oath 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 Trustees, or any Five or more of them, within Twenty one Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act; 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, upon Application being made

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.

made to him or them by the said Trustees, or any Five or more of them, 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 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 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.

For what Distress Offender to be committed,

till Payment or Composition made.

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

Treasurer to give Security.

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 the Surveyor to the Trustees, within the respective District of such Surveyor and Collector, by any Writing under his Hand, to appoint some 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 Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

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

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

No Victualler to accept of a Place of Profit.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Five or more of the said Trustees within the respective Districts, 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,

Surveyors may dig Gravel, &c.

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 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, gotten, 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 Five or more of them, shall judge reasonable.

without paying for the same;

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 Five 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 to remove such other Annoyances, in such Manner as the said Surveyor or Surveyors shall require, for the Space of Twenty Days next after Notice

Surveyors may remove Annoyances, &c.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

tice 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 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 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.

the Charges thereof to be reimbursed to the Surveyor.

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 Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said Roads, and also through any Grounds 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 narrow Parts of the said Roads, by opening, clearing, and laying into the same, such Parts of the Grounds of any Person or Persons lying contiguous thereto, as shall, in the Opinion of the said Commissioners, or any Five or more of them, be necessary to make the said Road convenient and sufficient; 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 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,

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and are hereby fully impowered to make, or cause to be made, a Road from the said Place called Walsall Brook, to and over the said Lands of the said

C Right

Right Honourable the Countess of Montrath, Richard Perthouse, and Samuel Corbett, to Ablewell Street, in such a Direction, of such Dimensions, not exceeding Sixty Feet in Width, and in such Manner as to them, or any Five or more of them, shall appear most proper and convenient; and for that Purpose to lay into the said new Road such Parts of the said Grounds as shall be necessary for making the same; and also to divert, turn, or alter, the Course or Path of any other 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 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 over which the said new or diverted Road may pass, or which in any Manner may be affected by the same, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making such new Road, or by the diverting, turning, or altering, the Course or Path of any other 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 to such Lands, Tenements, or Hereditaments, and also for all 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 and 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 or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments under any Manner of Right or Title whatsoever, 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; 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,

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

Bodies Politick, &c. impowered to treat.

aforesaid, for the said old Roads or Paths 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 Bodies 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 in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads is intended to be diverted, turned, or altered, shall, for the Space of Twenty 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 the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Five 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,

Persons, &c. neglecting to treat,

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

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 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 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 Five or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men, either 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 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

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

Jurors may be challenged.

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

Jury, or being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; so that no such Fine shall be more than Ten Pounds, nor less than Five Pounds, on any One Person for One Offence.

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising by virtue of this Act within the District where the Road so to be altered, turned, or widened, shall lie, 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 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 Five or more of them, to make such new Road aforesaid, and to divert or turn such other Road 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 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 or 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 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

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

and esteemed a publick Highway.

Old Road may be sold,

Five

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 District of Road wherein such Lands do lie; or the said Trustees, or any Five or more of them, may, and are hereby impowered, to give in Exchange any Part or Parts of the said Lands so constituting the former Road, for any Part or Parts of such new Road; but this Act shall not extend to enable the said Trustees, or any Person whatsoever, to take 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, upon or near any Part of the said Roads hereby intended to be made, diverted, repaired, or maintained; except only in that Part of the new Road hereby intended to be made, which is to run from the said Brook in Walsall, to, over, and across, the said Lands of the said Countess of Montrath, Richard Pershouse, and Samuel Corbett; any thing herein contained to the contrary notwithstanding.

Buildings, &c. not to be damaged.

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.

Trustees not to act where interested.

Provided also, and be it enacted by the Authority aforesaid, That in all Cases where a Verdict shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Grounds, Hereditaments, or Property of any Person or Persons whatsoever, than had been previously offered by or on Behalf of the said Trustees, that then all the Expences of summoning such Jury, and of taking such Inquest, shall be defrayed by the said Trustees; but if any Verdict or Assessment shall be given or made for no more, or a less Sum than had been previously offered, by or Behalf of the said Trustees, then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Expences of the Jury how to be borne.

Provided always, and be it further enacted by the Authority aforesaid, That before the said Road intended to be made from the said Brook in Walsall aforesaid, over the said Lands belonging to the Countess of Montrath, Richard Perthouse, and Samuel Corbett, as aforesaid, shall be laid open and used for the Passage of Carts, Carriages, Horses, or otherwise, as a publick Road or Highway,

Road over the Lands of the Countess of *Montrath*, &c. not to be used, till after Payment or Tender of the Value;

way, the said Commissioners shall, and are hereby required, to pay, or cause to be paid, or legally tendered to the said Countess of Montrath, Richard Pershouse, and Samuel Corbett, their Heirs or Assigns, or the Owners or Proprietors of the said Lands respectively for the time being, the several Sum and Sums of Money, at which the Land to be taken and used for such Road shall be valued, estimated, determined, and adjudged, in Manner aforesaid; and also well and effectually to fence off the said Road, from the adjacent Lands, with good Oak Post and Rail double, and plant a Quickset Hawthorn Hedge, between the said Posts and Rails; and also to make and hang a good Gate of Oak from the said Road, into every Field or Close of Land to which it shall adjoin; and also make, or cause to be made, One or more good and effectual Drains, under the said Road, at a proper and convenient Place or Places, by which the said Samuel Corbet, his Heirs or Assigns, and the Owner and Occupier of his said Land for the time being, may have and take the Benefit of the Wash or Watercourse from the Town of Walsall, for the Improvement of his and their Land adjoining to the said intended Road, as fully and effectually to all Intents and Purposes, as he now can or may take or use the same.

The same to be fenced as herein directed.

Monies, in respect of Mr. *Corbet's* Land, how to be paid.

Provided also, and be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, which shall become payable for or in respect of the said Land of the said Samuel Corbet, so to be taken and used as aforesaid, shall, and is hereby required, to be paid into the Hands of such Person or Persons, as the said Samuel Corbet and Sarah his Wife shall nominate and appoint; or in case they shall refuse to nominate a Person or Persons for that Purpose, then, into the Hands of such Person or Persons as the said Commissioners, or any Five or more of them, shall nominate or appoint, to be applied to such Uses, and for such Purposes, as they the said Samuel Corbet and Sarah his Wife, or the Survivor of them, shall appoint; and in Default of such Appointment, within Twelve Months after the same shall be so paid, to be invested in the Purchase of Lands, Tenements, or Hereditaments, of Inheritance, and settled, at the Costs and Charges of the said Commissioners, to the same Uses, and upon the same Trusts, Intents, and Purposes, as the said Lands are now settled, limited, or subject, as far as the same shall be capable of taking Effect at the Time such Settlement shall be made.

And

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 Roads lie, 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 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 Fourteen Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, 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, or Packhorse or Packhorses, or Beast or Beasts of Burthen, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the said Road hereby intended to be repaired, as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Five or more of them, or the 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 Parish of Wednesbury; and that no more than

Persons liable to repair Bridges, &c. to continue so.

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.

Two Days Work shall be done by any One Person or Team within any other Parish or Place, upon any Part of the said Roads intended to be repaired by this Act, in any One Year; And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, and Places, respectively, within Ten 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 Roads, shall give Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; And every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums hereafter mentioned (that is to say) Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default, for each Team, the Sum of Ten Shillings; and every Person who shall keep a Packhorse or other Beast 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 Packhorse or other Beast of Burthen, for every Day's Default, the Sum of One Shilling: And every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team, Packhorse, 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, Packhorse, 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, Packhorse, 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,

Penalty on Surveyors neglecting to deliver in Lists;

and on Persons not performing Statute-work.

Persons found idle to be turned off.

aforesaid, shall not be liable to do any other Statute-work thereon.

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 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 said Roads, or with any Person or Persons, for the Performance of his, her, or their Statute-work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, 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 Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said respective 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 (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.

Penalty on Persons haling Timber, otherwise than on Wheel Carriages.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required, to cause the said Roads within the respective Districts to be measured, and Stones or Posts to be fixed or set up on the Sides thereof, with Inscriptions thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit: And that if any Person or Persons shall wilfully or designedly break

Roads to be measured, and Mile-stones erected.

Penalty on defacing Milestones,

or pull down, dig up, injure, or destroy, any of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions or Letters which shall be engraved or made thereon, or any Part thereof, or cause, or procure, or encourage, any Person or Persons to do the same; every such Person, so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings for each Stone or Post so broken, obliterated, defaced, injured, or pulled down, to be levied by Distress and Sale of the Goods and Chattles of such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County where the Offence shall be committed; One Moiety of which Penalty shall go to the Informer, and the other Moiety thereof shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, defaced, or injured, or in supplying new ones in their Stead; and if there shall be any Overplus, the same shall be laid out and applied in repairing the Road whereon the Offence shall be committed; and in case the said Penalty shall not be forthwith paid, upon Conviction of the Offender or Offenders, that then it shall and may be lawful for the said Justice or Justices, before whom such Offender or Offenders shall have been convicted as aforesaid, or for any other Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding One Calendar Month, or until such Penalty or Penalties shall be paid.

to be levied by Distress and Sale.

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 recovering whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively, 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 Justice of the Peace is 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 Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes)

es) 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 recovered, shall be, (if not otherwise directed to be applied by this Act) from time to time, paid to any Five or more of the said Trustees, or to their Treasurer, and applied in the Repair of the Road with respect whereto the Penalty, Forfeiture, or Fine, shall arise; And, in case sufficient Distress shall not be found, and such Penalties 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 County Gaol, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

For want of 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 Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Eight intire Days Notice at 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.

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 recovered 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 Conviction, Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action 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 Five or more of them, within the respective Districts, shall be entered in 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 within such Districts respectively; and such Orders shall be deemed and taken to be original Orders; which said Books, and also the 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 Fourteenth Day after 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 removable 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 Eight Days Notice shall be thereof 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, 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 Eight Days Notice ſhall thereof be 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 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. Publick Act.

FINIS.