Anno octavo

Georgii III. Regis.

An Act for amending and widening ſeveral Roads leading from the Town of *Biſhop's Caſtle*, and from *Montgomery*, to the Turnpike Road at *Weſtbury*; and from *Brocton*, to the Turnpike Road at *Minſterley*, in the ſeveral Counties of *Salop*, *Radnor*, and *Montgomery*.

WHEREAS the Roads leading from the Town of Biſhop's Caſtle, to the preſent Turnpike Road at Longden, in the County of Salop; and from Biſhop's Caſtle, aforeſaid, to that Part of the Long Lane Road, in the Pariſh of Hawford, adjoining to the Watling Street Road; and from Biſhop's Caſtle aforeſaid, to the Town of Knighton, in the County of Radnor; and from Biſhop's Caſtle aforeſaid, to the Town of Welchpoole, in the County of Montgomery; and from Montgomery, to the preſent Turnpike Road at Weſtbury; and alſo the Road from Brocton, to the preſent Turnpike Road at Minſterley, in the ſaid County of Salop, are in a ruinous Condition, and in many Parts narrow and incommodious, and cannot be effectually Preamble.

amended 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 Herbert, commonly called Lord Viscount Ludlow; the Right Honourable Robert Lord Clive in the Kingdom of Ireland; the Honourable Edward Clive, Son and Heir Apparent to Lord Clive; Sir John Astley Baronet, Edward Acton, John Ashby, William Adams D. D. Sir Henry Bridgman Baronet, John Bright, Thomas Beale, Francis Turner Blithe, Samuel Benyon, Charles Bolas, Thomas Browne the elder, Thomas Browne the younger, Job Walter Baugh, Richard Baldwyn, Charles Baldwyn, Edward Botterell, Lancelot Baugh, Jonathan Bowen, Thomas Bradburne Clerk, the Bailiff and Capital Burgesses, and Town Clerk, of the Town of Bishop's Castle, for the time being; Sir Richard Corbett, Sir Francis Charlton, Baronets; Richard Clive, George Clive, William Clive, Daniel Cunningham, Frederick Cornwall, Peregrine Cust, William Congreve, Robert Clive Clerk, Somerset Davies, Thomas Duppa, William Dunne, Thomas Dudley, William Dunne of Broadway, Sir Thomas Edwardes Baronet, Godolphin Edwards, Edward Elisha, Samuel D'Elbeuf Edwards Clerk, Thomas Edwards Clerk, Edward Fleming, Gilbert Fleming, Robert Flint, Lewis Gordon, William Griffiths, Samuel Griffiths, Edward Herbert, Thomas Herbert, John Herbert, George Herbert, Thomas Hill, Noel Hill, William Pearce Hall, Charles Holte, Thomas Home, William Hodges, Charles Gardner Humphreys, Benjamin Hudson, William Harris, Thomas Heighway, Rowland Hunt D. D. Evan Humphreys, George Hodges, Thomas Haslewood, Clerks; Thomas Johnes the elder, Thomas Johnes the younger, Edward Jeffreys, Philip Jaundrell, Abraham Jones, John Dashwood King, John Kinchant, John Charlton Kinchant, Edward Kynaston, Roger Kynaston, Thomas Knight, James Knight, Thomas Kilvert, Kimber D. D. Sir Charlton Leighton Baronet, William Lutwych, Charlton Leighton, Biby Lake, Baldwin Leighton, Edward Lloyd, Thomas Littlehales, John Langley, John Mytton, Corbin Morris, Robert More, James Mathews, John Meyrick, Thomas Mathews, James Mason the elder, Thomas Mason, James Mason the younger, Thomas Mathews, George Morris, William Morris, Thomas Morris, Philip Morris, John Oliver the elder, John

Trustees for the First District.

Oliver the younger, John Oakley, William Oakley Clerk, Herbert Oakley Clerk, Thomas Powys, Henry Powys, Morris Price, Edward Pulteney, Peachey, James Price of Longden, Richard Price of the same, Thomas Presland, Edward Parsons, Joseph Plimley, Robert Pemberton, George Pardoe, Richard Podmore Clerk, John Pearce, John Powell, Clerks; John Rocke, Richard Rocke, Roger Rogerson, William Russell Clerk, Edward Rogers Clerk, Major General John Severne, George Smith, Nicholas Smith, John Smith, Humphry Sandford, John Salwey, Richard Scott, Richard Syer, William Sayce, George Seale Clerk, Sheperd Clerk, the Mayor, Recorder, Aldermen, Steward, and Town Clerk, of the Town of Shrewsbury, for the time being; Francis Turner, William Tayleur the elder, William Tayleur the younger, William Taylor, Thomas Thomas, John Thomas, Thomas Thomas, William Thomas, Jonathan Thomas, Charles Tucker Clerk, the honourable Sir Thomas Whitmore Knight of the Bath, Sir Watkin Williams Wynne Baronet, Thomas Wolley, Charles Walcot, Walter Waring, Thomas Wingfield, Francis Walker, John Windsor, John Wollaston the elder, John Wollaston the younger, James Winnall, John Rous Waring Clerk, and their Successors, to be elected in manner herein after-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Roads leading from the Town of Bishop's Castle, in the County of Salop, over Lidham's Heath, through Norbury and Castle Pulverbatch, to the present Turnpike Road at Longden, in the County of Salop; and from the said Town of Bishop's Castle, by the Red House and Basford's Gate, to that Part of the Long Lane Road, in the Parish of Hawford, adjoining to a Road commonly called Watling Street Road, and for putting all other the Powers of this Act in Execution, in relation to the said Roads, which shall be called the First District of the Roads hereby intended to be repaired and widened: And that the Right honourable George Herbert, commonly called Lord Viscount Ludlow; the Right honourable Lord Clive in the Kingdom of Ireland, the honourable Edward Clive, Son and Heir Apparent of Lord Clive; Edward Acton, John Ashby, Sir Henry Bridgman Baronet, John Bright, Thomas Beale, Thomas Browne the elder, Thomas Browne the younger, Job Walker Baugh, Richard Baldwyn, Charles Baldwyn, Edward Botterell, Lancelot Baugh, Jonathan Bowen, the Bailiff and Capital Burgesses, and Town Clerk, of

Trustees for the Second District.

Bishop's Castle, for the time being; Sir Francis Charlton Baronet, Richard Clive, George Clive, William Clive, Daniel Cunningham, Frederick Cornwall, Peregrine Cust, Robert Clive Clerk, Somerset Davies, Thomas Duppa, William Dunne, William Dunne of Broadway, Sir Thomas Edwardes Baronet, Samuel D'Elbeuf Edwards Clerk, Edward Fleming, Gilbert Fleming, Samuel Griffiths, William Griffiths, Edward Herbert, Thomas Herbert, John Herbert, George Herbert, William Pearce Hall, Thomas Home, Benjamin Hudson, William Harris, Thomas Heighway, Evan Humphreys, and Thomas Haslewood, Clerks; Thomas Johnes the elder, Thomas Johnes the younger, John Dashwood King, John Kinchant, John Charlton Kinchant, Edward Kynaston, Roger Kynaston, Thomas Knight, James Knight, Kimber D. D. the Bailiff, Recorder, and Town Clerk, of the Town of Knighton, for the time being; Robert Lloyd, Biby Lake, Thomas Littlehales, Corbyn Morris, Robert More, James Mathews, Thomas Mathews, John Meyrick, Thomas Mathews, George Morris, William Morris, Thomas Morris, Philip Morris, George Mc Fairland, John Oakley, Herbert Oakley Clerk, Thomas Powys, Edward Pulteney, John Price the elder, John Price the younger, Peachey, Edward Parsons, Richard Price, Henry Price, Chace Price, George Pardoe, Richard Price, John Pearce, John Powell Clerk, John Rocke, Richard Rocke, Edward Rogers Clerk, Humphrey Sandford, John Salwey, Richard Syer, William Sayce, George Seal, and Sheperd, Clerks; Thomas Thomas, John Thomas, Thomas Thomas, William Thomas, Jonathan Thomas, Charles Tucker Clerk, Sir Watkin Williams Wynne Baronet, Thomas Wolley, Charles Walcot, Walter Waring, Thomas Wingfield, Francis Walker, John Wollaston the elder, John Wollaston the younger, John Rous Waring Clerk, and their Successors, to be elected in the Manner hereinafter-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the Road leading from the said Town of Bishop's Castle, through Clun, in the said County of Salop, to the Town of Knighton, in the County of Radnor, and for putting all the Powers of this Act in Execution, in relation to the said Road, which shall be called the Second District of the said Roads hereby intended to be repaired and widened: And that the Right Honourable George Herbert, commonly called Lord Viscount Ludlow; the Right Honourable

Trustees for the Third District.

Honourable Robert Lord Clive in the Kingdom of Ireland, the Honourable Edward Clive, Son and heir Apparent of Lord Clive; Sir John Aſtley Baronet, Edward Acton, John Amler, John Aſhby, John Adams, Thomas Lloyd Anwyll, Henry Adams, William Adams, D. D. Arthur Blaney, John Bright, Thomas Beale, Charles Bolas, Thomas Browne the elder, Thomas Browne the younger, Job Walker Baugh, Richard Baldwyn, Charles Baldwyn, Edward Botterell, Henry Bowdler, Pryce Buckley of Glanhafren, the Bailiff, Capital Burgeſſes, and Town Clerk, of Biſhop's Caſtle, for the time being; Sir Richard Corbett Baronet, Sir Francis Charlton Baronet, Richard Clive, George Clive, William Clive, Peregrine Cuſt, William Coupland, Robert Clive Clerk, the Honourable George Devereux, Somerſet Davies, William Dunn, William Dunn of Broadway, John Davies of Marrington, William Davies of Montgomery, George Devereux, Price Devereux, John Dickin of Poole, William Downes of Church Stock, William Davies, Robert Devereux, John Downes, Middleton Downes, Richard Davies Clerk, Sir Thomas Edwards Baronet, Robert Evans, Edward Eliſha, John Edwards, Richard Edwards, Richard Edmunds, Jukes Egerton Clerk, Samuel D'Elbeuf Edwards, Thomas Edwards, Clerks; Cecil Foreſter, Edward Fleming, Gilbert Fleming, Thomas Fownes, Robert Flint, Thomas Foulkes, Richard Foulkes, William Foulkes of Trelydan, Edward Farmer of Dudſton, Richard Farmer of the ſame, Lewis Gordon, William Griffiths, Samuel Griffiths, John Gethyn, William Griffiths of the Meadows, Edward Herbert, Thomas Herbert, John Herbert, George Herbert, Thomas Hill, Noel Hill, William Humphreys, William Pearce Hall, Thomas Home, Charles Holland, Cheyney Hart D. D. Charles Humphreys of Pennant, Humphrey Humphreys of the ſame, Charles Gardner Humphreys, William Harris, Rowland Hunt D. D. Thomas Haſlewood, John Hawkins, Evan Humphreys, Clerks; Thomas Johnes the elder, Thomas Johnes the younger, John Jenkins, Robert Jenkins, Price Jones of Glanhafren, Gilbert Jodrell, Edward Jeffreys, Richard Jones of the Hall, John Lloyd Jones of Rorrington, Charles Jones of Montgomery, Charles Thomas Jones of the ſame, Thomas Jones of the ſame, Humphrey Jones of Garth Mill, Robert Jones of the ſame, Roderick Jones Clerk, Edward Kynaſton, John Daſhwood King, John Kinchant, John Charlton Kinchant, Roger Kynaſton, Thomas Knight, Thomas Kilvert,

Kilvert, Kimber D. D. Sir Charlton Leighton Baronet, Charlton Leighton, Bell Lloyd, Robert Lloyd, Biby Lake, Ealdwin Leighton, Francis Lloyd, Thomas Lloyd, Thomas Lee, Edward Lloyd, William Lloyd of Montgomery, Maurice Lloyd of the ſame, John Lloyd the elder, of the ſame; John Lloyd the younger, of the ſame; Thomas Lee of Aſton, Thomas Lloyd of Trefnant, Thomas Lloyd of Trawſcoed, Thomas Loxdale, Thomas Lyſter Clerk, John Mytton, Corbyn Morris, Robert More, Robert Moxon, John Muckleſton, John Meredith, James Mathews, Thomas Mathews, John Meyrick, James Maſon, Thomas Maſon, James Maſon the younger, George Morris, William Morris, Thomas Morris, Philip Morris, Richard Mytton, Devereux Mytton, Edward Morgan, John Meredith, William Morris of Hurſt, Morgan Clerk, the Bailiff, High Steward, and Recorder, or Town Clerk, of Montgomery, for the time being; Robert Newton, William Nichols of Poole, Charles Newling, Clerk, John Oliver, John Oliver the younger, John Oakley, Pryce Owen M. D. Owen Owen, Lloyd Owen, William Oakley Clerk, Herbert Oakley Clerk, Sir John Powell Price Baronet, Thomas Powys, Henry Powys, John Powell, Edward Pemberton, Richard Price, Thomas Preſland, Robert Pemberton, George Penbury, Edward Penbury, John Price of Caehowell, Richard Price of Gunley, Saliſbury Price D. D. Thomas Price, John Powell, John Price of the Hall, Price of Berriew, Clerks; John Rocke, Richard Rocke, Thomas Roberts of Wilmington, George Roberts of the ſame, Edward Rogers Clerk, Major General John Severne, George Smith, Nicholas Smith, John Smith, John Salwey, Richard Scott, Thomas Staunton, Richard Syer, William Sayce, John Smith of Dyſart, Humphrey Sandford, George Seal Clerk, Samuel Snead, Sheperd, Clerks; the Mayor, Recorder, Aldermen, Steward, and Town Clerk, of Shrewſbury, for the time being; William Tayleur, William Tayleur the younger, Thomas Thomas, John Topp, Edward Tomkis, John Thomas, Thomas Thomas, William Thomas, Jonathan Thomas, Richard Thomas of Backeldre, William Thomas of the ſame, Thomas Trevor Clerk, John Vaughan, Sir Watkin Williams Wynne Baronet, Thomas Wolley, Charles Walcot, Walter Waring, Thomas Wingfield, Henry Wynne, Francis Walker, John Windſor, John Wollaſton, John Wollaſton the younger, John Williams, Richard Wynne, John Rous Waring Clerk, the Bailiff, High Steward,

Steward, and Town Clerk, of Welchpoole, for the time being, and their Successors, to be elected in the Manner herein after-mentioned, shall be, and are hereby appointed, Trustees for repairing and widening the Roads leading from the said Town of Bishop's Castle, through the Town of Montgomery; and from thence to the Market Town of Welchpoole, in the County of Montgomery; and from the said Town of Montgomery, through the Villages of Chirbury, Marton, Brocton, and Worthen, to the present Turnpike Road at Westbury, in the County of Salop; and from Brocton aforesaid to the present Turnpike Road at Minsterley, in the said County of Salop; and for putting all the Powers of this Act in Execution, in relation to the said Roads, which shall be called the Third District of the Roads hereby intended to be repaired and widened.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees for the said First and Second Districts, or any Five or more of them, shall meet at the House of Charles Waters, known by the Sign of The Castle, in Bishop's Castle aforesaid, on the Monday Fortnight next after the passing of this Act: And the Trustees for the said Third District, or any Five or more of them, shall meet at the House of Edward Morgan, known by the Sign of The Green Dragon, in Montgomery aforesaid, on the Tuesday Fortnight next after the passing of this Act, and shall respectively proceed to the Execution of this Act, within their respective Districts; and shall then, and from time to time, adjourn themselves, and meet at such Place or Places within or near such respective Districts, as they the said respective Trustees, or any Five or more of them, shall from time to time think most convenient for putting this Act in Execution: And if at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees respectively, shall, from time to time, as often as such Case shall so happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected within the District where such Default shall be, at least Ten Days before the next Meeting, appoint such Trustees to meet at the Place where the last Meeting was appointed to be held, on the Fourteenth Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Or-

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

vers and Determinations of the said respective Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless 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; nor shall any Trustees 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.

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

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

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen for the said Districts respectively, it shall be lawful for the surviving or remaining Trustees for such District, or any Seven or more of them, from time to time, to elect One other Person to be a Trustee in the Room of every Trustee so deceased, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be fixed upon all the Turnpikes within such respective District, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers, as the Persons in whose Places they shall be respectively chosen, were vested with.

On Death or Refusal, others to be chosen.

Notice thereof 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 Fifty Pounds, above Reprizes; or possessed of, or intitled unto, a Personal Estate of the Value of One thousand four 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 One hundred and fifty 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

Qualification of Trustees.

Penalty on acting, if not qualified.

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.

No Order to

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

Trustees may erect Turnpikes and Toll-houses,

On Death or Removal, others to be chosen

and take Tolls thereat,

The Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, drawing in any Carriage whatsoever, Four Pence.

For every Ox or other Neat Cattle, drawing in any Carriage whatsoever, Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, One Penny halfpenny.

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.

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll: And if any Person or Persons, subject to the Payment of any of

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Tolls may be levied by Distress and Sale.

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

Distress may be sold after 4 Days.

Tolls vested in Trustees.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, within their respective Districts, to erect, or cause to be erected, Turnpikes on the Sides of the said Roads, in or across any Lane or Bye-way that does or shall lead into, or out of the same; and at such Side-gate, or Gates may receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof within such District, so as the same do not extend to a Double Toll or 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, within the same District of Roads where such Tolls shall or may have been received.

and take Tolls thereat,

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

To stop up a Lane called the *Back Lane*.

And, in order to prevent evading the Tolls, be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees of the said Third District, or any Seven or more of them, to cause to be stopped up a certain Lane or Road adjoining to the East Side of the said Town of Montgomery, called the Back Lane, which leads from thence towards Dudston, and near to the Road leading towards Chirbury aforesaid, by erecting such Fence or Fences at the End of the said Lane, next to the said Road leading towards Chirbury aforesaid, as they shall think fit, so as to prevent the

Passage of Horses, Cattle, or Carriages, through the said Lane; and after such Fence or Fences so made, it shall not be lawful for any Person or Persons whatsoever, with Horses, Cattle, or Carriages, to make use of the same as a Road or Way.

Turnpikes, &c. vested in 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 within each District, shall be and are hereby vested in the said Trustees for such District respectively; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their respective 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.

Tolls vested in Trustees

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied within the said Districts respectively, or the Monies to be borrowed upon the Credit thereof, the said respective Trustees, or any Five or more of them, shall, in the First Place, pay all the Expences incurred in, and in relation to, the obtaining of this Act; and that Two Fifth Parts of such Expences shall be defrayed out of the Tolls to be collected, or Money borrowed on the Credit thereof, within the First District; and One Fifth Part thereof out of the Tolls to be collected, or Money to be borrowed on the Credit thereof, within the said Second District; and the other Two Fifth Parts thereof out of the Tolls to be collected, or Money to be borrowed on the Credit thereof, within the said Third District; and afterwards all the Tolls which shall be collected, and Money borrowed on the Credit thereof, within each District, shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and all other necessary Charges and Expences attending the repairing, widening, altering, turning, and keeping in Repair the respective Roads within each District, separate and distinct from the other Districts of Roads, according to the true Intent and Meaning of this Act, and to no other Use whatsoever.

No Pavement to be repaired by the Money arising by the Tolls.

Provided always, That no Part of the Tolls, or Money to be borrowed on the Credit thereof, shall be laid out in, or applied in making or repairing any Pave-

Pavement or Causeways in the Street or Streets of any Town through which any Part of the said Roads by this Act directed to be widened, amended, and repaired, shall lead.

Trustees may lessen the Tolls,

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

and raise them again.

Tolls to be paid but Once a Day.

Provided always, That no Person or Persons shall be subject to the Payment of any Tolls hereby made payable, more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing with the same Cattle or Carriage through all or any of the Turnpikes to be erected within the First District of Roads; nor more than Once in any One Day (to be computed as aforesaid) for passing with the same Cattle or Carriage through all or any of the Turnpikes to be erected within the Second District of Roads; nor more than Once in any One Day (to be computed as aforesaid)

said) for passing with the same Cattle or Carriage through all or any of the Turnpikes to be erected on such Part of the Third District of Roads as lies between Bishop's Castle and Montgomery; nor more than Once in any One Day (to be computed as aforesaid) for passing with the same Cattle or Carriage through all or any of the Turnpikes to be erected on such Part of the said Third District of Roads as lies between Montgomery and Welchpoole; such Person or Persons producing a Note or Ticket denoting that the said Toll hath been paid on such Day; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of such Tolls respectively; any thing herein contained to the contrary thereof in any wise notwithstanding.

At what Time Carriages, laden with Timber, are to pay Double Tolls.

Provided always, and be it enacted by the Authority aforesaid, That all Carriages laden with Timber, Wood, Guns, or Iron, between the Tenth Day of October and the First Day of April in every Year, shall pay Double Tolls herein before directed to be paid for Horses and Carriages laden with any other Thing whatsoever; any thing in this Act contained to the contrary thereof notwithstanding.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Nine or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within their respective Districts, or any Part or Parts of such Tolls, unto any Person or Persons from Year to Year, or for any Term of Years not exceeding Two Years, for the best Rent that can be got for the same, and under such Covenants, and to such Person or Persons, as they the said respective Trustees, or any Nine or more of them, shall direct or appoint; which Money shall always be paid in advance, and shall be applied in such Manner as the Tolls so leased are directed to be applied.

Penalty on permitting, or going through 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 Lands, Grounds, or Hereditaments, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a public Highway) or if any Owner or Occupier of any such Grounds, Lands, or Hereditaments, shall 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,

to, or receive from any Person or Persons, any forged or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse or 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 Roads, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereinafter directed to be applied.

or taking off Horses, &c. to avoid Payment of the Tolls.

Exemptions from Toll.

So Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, having been laden only with, on the same Day, Gravel, Stone, or other Materials for repairing any of the said Roads, or any of the Roads in the Townships or Parishes in which any of the said Roads do 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 Dwellings, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry; or Mould, Dung, Marl, Compost, or Manure, employed in Husbandry for manuring or improving of Lands (Lime only excepted); or for any Person or Persons residing in any Township or Parish in which the said Roads do lie, 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; or for any Horse, Mare, or Gelding, laden or unladen (and not drawing in any Carriage) going into, or returning from, the said Town of Bishop's Castle, that shall not travel Twelve hundred Yards over or upon that Part of the said Road which lies between Lydham's Heath, and Bishop's Castle aforesaid; or for any

any Horse, Cattle, Beast, or Carriage, which shall not travel over Five hundred Yards upon any other Part of the said Roads; or for any Cattle or Sheep going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or from any Person going to, or returning from, any Election of a Knight or Knights of the Shire, to serve in Parliament for the Counties of Salop, Radnor, or Montgomery, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings,

Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Five or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls arising within or in relation to the said respective Districts, in such Manner as they the said respective Trustees, or any Five or more of them, shall think proper, to borrow and take up at legal or less Interest such Sum or Sums of Money, as they, or any Five or more of them, shall think fit; and may and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said respective 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 which shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in Books to be kept for that Purpose by the Clerks or Treasurers to the said respective Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes within the District for which such Money shall be borrowed, at least Twenty Days before the borrowing thereof; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered,

Tolls may be assigned for Money borrowed.

Notice to be given of borrowing Money.

Assignments may be transferred.

from time to time, by Assignment under his, her, or their, Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, to be executed under his, her, or their, Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign or transfer his, her, or their, Right to the Principal and Interest-money thereby secured: All which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer to the respective Trustees, within Three Calendar Months after the Date thereof, who shall cause Entries 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 Clerks or Treasurers shall be paid the Sum of Two Shillings and Six Pence, and no more; 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 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 Sum or Sums therein mentioned, Creditors on such respective Tolls in equal Degrees one with another, and shall have no Preference in respect to the Priority of advancing any such Monies.

Entries to be made of all Assignments.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons shall advance or lend the Sum of One hundred Pounds or upwards, upon the Credit of the respective Tolls by this Act granted, for the Term of Three Years without Interest; every such Person so lending such Sum without Interest as aforesaid shall and may, and he is hereby impowered to, order and direct upon what Part of the Road in the respective Districts the Money so lent on the Credit of the Tolls respectively shall be expended and laid out; and the respective Trustees are hereby required to apply such Money so lent as aforesaid to the repairing and widening such Part of the Roads

Persons lending 100*l.* &c. without Interest, may direct the Application.

in their respective Districts as the Person to lending the same shall direct; any thing herein contained to the contrary thereof notwithstanding.

And be it further enacted by the Authority aforesaid, That the said Trustees for the said respective Districts, or any Five or more of them, may, from time to time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from time to time, remove such Officers and other Persons, and appoint others in their stead; and out of the Monies to arise by virtue of this Act may pay such Salaries and make such Allowances to the said Officers and Persons as to them shall seem reasonable; and all such Officers and Persons shall under their Hands, at such Time and Times, and in such Manner, as the said respective Trustees, or any Five or more of them, shall direct, deliver to such Trustees respectively, 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 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 such Accounts, or shall refuse to verify upon Oath any such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment thereof as aforesaid, or shall not deliver to the said respective Trustees, or any Five or more of them, within Ten Days after being thereunto required, by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act; then, and in any of the said Cases, any Two or more Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside shall make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices

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 to enquire into the Default,

Justices are hereby impowered and required to administer without any Fee or Reward) and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justices shall commit every such Offender to the Common Gaol for such County or Place, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said respective Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said respective Trustees, or any Five or more of them, are hereby impowered to make;) and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof, to the said Trustees, or any Five or more of them.

and commit the Offender.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, within their respective Districts, shall take such Security from their Treasurers and Receivers, for the due Execution of their respective Offices, as the said Trustees, or any Five or more of them, shall think proper.

Trustees may appoint Collectors, though not assembled at a Meeting.

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

No Victualler to act under this Act.

Provided also, 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 Five or more of the said Trustees respectively, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said respective Roads, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any

any Part of the said respective Roads lie, without paying any thing for the same, such Surveyor or other Persons filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also, by Order of the said respective Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid in, upon, or out of, from and over, the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds, planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same, or any other Materials, gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said respective Trustees, or any Five or more of them, shall adjudge reasonable.

without paying for the same;

levelling the Pits, &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 respective Surveyors, and such Persons as they shall appoint from time to time Surveyors (having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Ditches, 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, Ditches, Sinks, or Drains, running into or out of the said Roads, or adjoining thereto, to the Prejudice thereof, and make the same as deep and large as 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 other Annoyances, or to open, scour, cleanse, widen, or deepen, such Watercourses, Ditches, Sinks, or Drains, in such Manner as the said respective Surveyors shall require,

Surveyors may remove Annoyances, &c.

turn Watercourses, &c.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

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

Charges to be reimbursed the Surveyor.

Penalty on 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 respective Surveyors, and such Person or Persons they shall appoint (such Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to make Causeways, 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, the Bridges and Arches upon the said Roads, or cross any such Ditch or Drain where necessary; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads not exceeding Forty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of as a Public Highway whilst the old Road is repairing or widening, making such Recompence to the Owners and Occupiers of such Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said respective Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or over any Moor or Waste Ground.

and erect Bridges;

and make a temporary Road;

making Satisfaction to the Owners.

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

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall be and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the Road within their respective Districts, through

through any Moor or Waste Ground without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain: And for that Purpose it shall be lawful for the said respective Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Roads, through such Lands or Hereditaments: And it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whatsoever seised of, or interested in, or intitled unto, such Lands, Tenements, or Hereditaments, under any Disability whatsoever, 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 or Persons whatsoever; and to and for all Femes-covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments, under any Manner of Right or Title whatsoever, to contract with the said respective 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, 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 good and valid in the Law to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons under any Disability whatsoever, shall be and are hereby indemnified

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

Where Persons refuse to treat, &c.

nified for what they shall do by virtue of this Act: And if any such Body Politic, 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 Politic, 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 Road or Roads is or are intended to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in all and any such Case or Cases, the said respective Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into, and ascertained, by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie: And in order thereto the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees respectively 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 enquired of and assessed such Damage and Recompence, they the said respective Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Suc-

Jury to settle the Damages and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

Succeſſors, as well abſent as preſent, Infants, Femes-covert, Lunaticks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politic, 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, requiring 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 Two or more of them, ſhall, and they are hereby impowered and required to, ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men 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 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

Jurors may be challenged.

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

Fine not to exceed 5*l.*

Fine shall be more than Five Pounds, nor less than Twenty Shillings on any One Person for One Offence.

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 such Lands 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 respective Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said respective Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired within such respective District are, by this or any other Law, to be amended; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments:

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

and esteemed a Publick Highway.

Old Road may be sold,

And after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the Roads within such respective District, 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 Lands so constituting the former Road, for any Part or Parts of such new Road: But this Act shall

shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to an House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding. Buildings, &c. not to be injured.

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 concerned or interested. Trustees not to act where interested.

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

And whereas some Parts of the Roads by this Act to be repaired lie over several Moors, Commons, Waste Grounds, Open Fields, or Pastures, and if the same were to be inclosed the said Roads may not be left of a sufficient Breadth for the Accommodation of Travellers; be it therefore enacted, That when any Part of the said Roads over any Moor, Common, Waste Grounds, Open Fields, or Pastures, shall be made or repaired in pursuance of this Act, the said Roads shall for ever thereafter be and remain Forty Feet broad between the Ditches, and be deemed Publick and Common Highways. Roads over Moors, &c. to be 40 Feet wide.

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 passing of this Act; and that the several 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 Persons liable to the Repair of the Roads, &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 liable to do Statute-work.

work as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act for such respective Districts, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing under his or their Hand or Hands of the Christian and Surname of every Person who within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons shall or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner and at such Times as the Trustees for such respective District, or any Five or more of them, or the Surveyor or Surveyors for such District, shall, from time to time, direct and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said respective Roads in any One Year: And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors of the Time or Times when and how many of such Persons are to do such Work upon any Part or Parts of the Road within such District respectively, and shall give Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed; every such Surveyor, or Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner, as shall be appointed by the said respective Trustees, or any Five or more of them, or by such Turnpike

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

and on Persons not performing Statute-work.

Turnpike Surveyor or Surveyors; every such Person shall forfeit and pay the respective Sums herein aftermentioned; that is to say, every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Six Pence: And every Person who shall, according to such Publick Notice as aforesaid, come as a Labourer or with any Team to work on the said Road, and shall be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done; such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads aforesaid shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the respective Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees, of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the Roads within such District respectively, or with any Person or Persons, for the Performance of his or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships or Places, first had at any Vestry or other public Meeting of such Inhabitants) to compound or agree, by the Year or otherwise, with the said respective Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said respective Roads; all which Composition-monies shall be, from time to time, paid in advance, and shall be applied to the Repair of such Roads respectively: And all

Trustees may compound for Statute-work.

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

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

ſuch Surveyors, Churchwardens, or Overſeers of the Poor, ſhall be reimburſed the Monies ſo by them paid, in ſuch Manner as Surveyors of the Highways are, by the Laws now in being, to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

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

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

Roads to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Truſtees, or any Five or more of them, may cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in, upon, or near, the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit; and alſo Guide or Direction Poſts where neceſſary, with proper Inſcriptions thereon: And in caſe any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stones or Poſts, or obliterate or deface the ſame, or any Inſcription which ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted, upon Oath, by One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion, before any Juſtice of the Peace for the County or Place wherein ſuch Offence ſhall be committed (which Oath ſuch Juſtice is hereby impowered and required to adminiſter, without Fee or Reward) every ſuch Perſon, ſo offending, ſhall forfeit the Sum of Forty Shillings, for every ſuch Stone or Poſt ſo pulled down, broke, damaged, or defaced, or Inſcription ſo obliterated; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein after directed to be applied; and in caſe ſuch Penalties ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to the common Gaol or Houſe of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Two Calendar Months, nor leſs than One Ca-

Penalty on defacing Mile-ſtones.

lendar

lendar Month, unless such Forfeiture and all reasonable Charges shall be sooner paid; and every such Offender shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender before any Justice of the Peace, to be dealt with according to the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred (touching which no Provision is made for the Recovery thereof) shall be recovered and levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more of His Majesty's Justices of the Peace for the County or Place where the Offence shall be committed, or where the Offender shall dwell (which Warrant such Justices are hereby impowered and required to issue, upon Information of One or more Witness or Witnesses, upon Oath, which Oath such Justices are hereby impowered and required to administer, without Fee or Reward); and the Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any be) to the Party whose Goods and Chattles shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall go and be applied, if not otherwise disposed of by this Act, for and towards amending the Roads, or other the necessary Purposes of this Act, within the District where the Offence shall be committed, and not otherwise: And in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

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

liek hath been already appointed, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace, or at the Second General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise; such Appellant first giving, or causing to be given, Ten intire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said respective 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 Sessions; 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.

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 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*.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any of the said Trustees, or any Justice or Justices of the Peace, or exhibited before them, or any of them, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

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

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

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

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk to the said respective Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place 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 the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given Limitation of Actions. General Issue.

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 than as aforesaid; that then, and in any of the Cases aforesaid, 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.

Treble Costs.

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.