Anno nono

Georgii III. Regis.

An Act for repairing and widening the Road from the End of the Turnpike Road in *Shawbury*, in the County of *Salop*, to *Drayton* in *Hales*, in the ſaid County; and from thence to *Newcaſtle under Line*, in the County of *Stafford*; and from *Shawbury* aforeſaid, to the Turnpike Road in *High Ercall*, in the ſaid County of *Salop*; and from *Shawbury* aforeſaid to *Wem*, in the ſaid County; and from thence to the Turnpike Road in *Sandford*, in the ſaid County.

WHEREAS the Road leading from the End of the preſent Turnpike Road at Shawbury, in the County of Salop, through Hodnet, to Drayton in Hales, in the ſaid County; and from a Place called the Pinfold, in Drayton aforeſaid, over Aſhley Heath, to the Turnpike Road near Newcaſtle under Line, in the County of Stafford; and alſo the Road from Shawbury aforeſaid, through Walton on the Club, to the Turnpike Road in High Ercall, in the ſaid County of Salop; and alſo the Road from Shawbury aforeſaid, to the Town of Wem, in the ſaid County of Salop; and alſo the Road from Wem aforeſaid, to the Turnpike Road in Sandford, in the ſaid County, are become very deep and ruinous, Preamble.

and in many Places narrow and incommodious, and cannot be effectually repaired, widened, and kept in Repair, by the ordinary Course of Law: May it 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 John Lord Viscount Killmorrey, the Right Honourable Robert Lord Clive, the Right Honourable Lord Viscount Chetwynd, the Right Honourable Edward Clive, Son and Heir Apparent to Lord Clive; John Ashby, James Atcherley Clerk, William Adams D. D. Thomas Lloyd Anwyll, Thomas D'Avenant, Corbet D'Avenant, William Anwyll Clerk, William Andrews, Samuel Allen, Thomas Allen, John Alcock, Sir Thomas Broughton, Sir Henry Bridgeman, Charles Baldwyn, William Baldwyn, Francis Turner Blithe, Peter Blakeway, Edward Blakeway Clerk, Samuel Benion, Joshua Blakeway, Charles Bolas, Henry Bowdler, Peter Broughton senior, Samuel Burslem Clerk, Peter Broughton junior, Edward Bayley, James Beardmore senior, James Beardmore junior, Arthur Beardmore, John Britain, Major Bell, Samuel Beetenson, William Bayley of Besford, John Boughey, Richard Baker, John Butter of Soudley, John Butter of Woodhouse, Corbett Browne Clerk, Joseph Bickerton, Thomas Bayley senior, Thomas Bayley junior, William Bayley, William Basnett, Sir Lynch Salusbury Cotton Baronet, Robert Salusbury Cotton Esquire, Sir Richard Corbett Baronet, Richard Clive, George Clive, William Clive, Robert Clive Clerk, William Congreve, John Corbet, William Cooper, Sir John Chetwode, William Cotton senior, William Cotton junior, John Crewe, John Crewe of Bolesworth, Andrew Corbet, Richard Corbet, Richard Crewe, William Cotton junior, Joseph Crewe D. D. Rowland Cotton, John Corsan, Thomas Cooper, John Colley, Joseph Cooke, William Clarke Clerk, Edward Cludde, Saint John Charlton, Ceorge Cotton Clerk, Sir Thomas Broughton Baronet, Robert Davison, John Dodd, Thomas Dicken of Woollerton, Thomas Dicken of Drayton, Thomas Dicken of Aston, Thomas Dicken junior, Samuel Davies, Benjamin Dorset Clerk, Thomas Dorset, Sir Thomas Edwards Baronet, John Eld, Francis Eld, Godolphin Edwards, Edward Elisha, John Embrey, Thomas Eyton, Thomas Fownes, Thomas Fowler, Robert Flint, Humphrey Felton, Samuel Felton, James Forgham, Brooke Forrester, George Forrester, William Forrester, Cecil Forrester,

Trustees for the First Di-

Forreſter, William France, Wiſſiam Farbeck, Lewis Gordon, John Gardner, William Gorſuch Clerk, George Gretton Clerk, Thomas Grant, William Grinſell, William Groſvenor, John Groſvenor, John Groome, William Groome, Richard Gough, Sir Rowland Hill Baronet, Richard Hill, John Hill, Thomas Hill, Noel Hill, Robert Humphreys Clerk, Cheney Hart M. D. Reginald Heber Clerk, Charles Holt, Saint John Haynes, John Henſhaw, George Harris, Philip Hinton, Hayward, Samuel Harden, the Reverend Mr. Hughes of Stanton, Thomas Hatherton, Edward Jeffreys, Abraham Jones, William Judgſon, William Jenks, John Jervis, Chriſtopher Jones, William Jeffreys, Thomas Jeffreys, Philip Juſtice, William Jones, William Judgſon Clerk, Roger Kynaſton, John Kinchant, John Charlton Kinchant, John Kilvert, Baldwyn Leighton, Edward Lloyd, John Lateward, John Langley, Richard Lloyd, John Lawrence of Moathouſe, Samuel Lowe, Joſeph Lee, Robert More, James Maſon ſenior, Thomas Maſon, James Maſon junior, John Muckleſton, Sir James Markham Baronet, Herbert Mackworth, Hugo Meynell, John Morrey Clerk, John Maſſey, William Maſon, William Morgan, Thomas Morgan, Thomas Maulkin, Thomas Maſſey, Edward Mainwaring, John Minors, Mould Clerk, the Honourable Thomas Needham, the Honourable Robert Needham, the Honourable Francis Needham, Thomas Nicholls, Lawrence Norcop, William Church Norcop, Charles Newling Clerk, John Oliver ſenior, John Oliver junior, William Oſwell, Pryce Owen M. D. William Oakeley Clerk, Oxenbold, Charles Oſborne, Robert Pigot, William Pigot Clerk of Chetwynd, William Pigot Clerk of Edgmond, Thomas Powys, Henry Powys, Morris Pryce, William Pultney, Thomas Preſland, Joſeph Plimley, Edward Pemberton Eſquire, Edward Pemberton, Robert Pemberton, Richard Pryce, Charles Pigot, George Parker, Wollaſton Pym, James Pratchet, John Peplow ſenior, John Peplow junior, James Pritchard Clerk, Power Clerk, Richard Pratchet, John Preſton, David Pemberton, William Pemberton, Richard Parton, Caleb Powell, James Pryce, Samuel Powell, Peck, John Rocke, Richard Rocke, David Roberts, Owen Roberts, Ralph Sneyd, Edward Sneyd, Major General John Severne, George Smith, Nicholas Smith, the Mayor, Recorder, Aldermen, and Town Clerk of the Town of Shrewſbury, for the time being; Samuel Snead Clerk, John Scott, John Smith Clerk, Benjamin Stanier, William Stanier, Samuel Sandford, Charles Sandford, Salmon, Thomas

Swanwick, John Smallwood senior, John Smallwood junior, John Simpson, Charles Boothby Scrymshire, Samuel Smallbrooke Clerk, Thomas Sherratt, John Swanwick Mercer, John Swanwick of Lowe, William Swinnerton, Thomas Sandford Esquire, Thomas Sandford, Reverend Stillingfleet, William Stone, Francis Turner, William Tayleur senior, William Tayleur junior, Jonathan Thomas, Richard Taylor, Thomas Thomas, John Turner, William Tyler, Thomas Vaughan, John Vaughan, Edward Vaughan, Walter Unet, William Unet, Richard Whitworth, John Watson, Nathaniel Wetenhall, Thomas Wolley, Thomas Wingfield, John Windsor, Charles Gregory Wade, Samuel Williams, James Wynne, Joseph Wood, Henry Wood Clerk, Stephen Winkle, Thomas Walford, Samuel Walmsley, Richard Wood, Rowland Wingfield, John Wingfield Clerk, Borlace Wingfield Clerk, Wharfield Clerk, Jervis Wardley, Walter Younge, and their Successors, to be elected in Manner herein after-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Road leading from Shawbury to Drayton aforesaid, and from Shawbury to High Ercall, and also from Shawbury to Wem, and from Wem to Sandford, and for putting all the Powers of this Act in Execution, in relation to the said Roads, which shall be, and are herein after, called the First District of the Roads hereby intended to be repaired and widened: And that Thomas Anson, George Adams, Thomas D'Avenant, Esquires; William Anwyll, Richard Adams, Clerks; Henry Allen, Thomas Adams, Benjamin Adams, Joseph Adams, John Alcock, John Alsop, Sir William Bagot Baronet, Sir Thomas Broughton Baronet, Brook Boothby, John Bagnall, William Beard, Peter Broughton, Esquires; Walter Bagot, John Breck, Samuel Burslem, Clerks; Peter Broughton junior, James Beardmore, James Beardmore junior, John Britain, John Butters, Thomas Bourne, Ralph Bagnall, William Bill, Thomas Baddeley, John Baddeley, James Brindley, John Brindley, Thomas Broom, George Broom, John Baddeley, Joseph Boon, Joseph Booth, Hugh Booth, Richard Beech, William Bate, Joseph Bucknall, Robert Bucknall, William Bourne, Thomas Bryan, Thomas Bolton, Joseph Bourne, William Banks, Joseph Barker, Thomas Barker, John Beckett, Samuel Boyer, John Brindly, Thomas Beech, Luke Bennett, Nathaniel Beard junior, Isaac Barbor, Thomas Barbor, Aaron Brown, John Bourne, James Bourne, Samuel Burgis, William Bate, George Baddeley, William Beeston, James Bent, James Breck, Edward Bayley, Enoch Booth, the Right Honourable

Trustees for the Second District.

Honourable William Lord Viſcount Chetwynd, the Right Honourable Robert Lord Clive, Sir Lynch Saluſbury Cotton Baronet, Sir John Chetwode Baronet, John Crewe, William Cotton, William Cotton junior, John Crewe of Boleſworth, Richard Clive, George Clive, Andrew Corbet, Richard Prince Corbet, Richard Crewe, William Clive, William Cotton junior, Eſquires; Joſeph Crewe D. D. Robert Clive, Rowland Cotton, Clerks; Ralph Cartwright, John Clownam, Thomas Corbett, William Clarke, John Cook, John Corſar, Thomas Cooper, John Colley, Robert Daviſon Eſquire, Thomas Dicken Eſquire, Joſeph Delves Clerk, Thomas Dicken, Thomas Dicken junior, Thomas Dicken, Samuel Davis, Richard Daniel, Sir Thomas Egerton Baronet, John Eld, Francis Eld, Richard Edenſon, Thomas Fitzherbert, John Fenton, Eſquires; John Fenton junior, Thomas Fenton, Thomas Fenton, John Fenton, John Fennyhough Clerk, Robert Fowler Clerk, Thomas Fennyhough, Thomas Fletcher, Thomas Fletcher junior, Hugh Ford, Iſaac Ford, William Ford, William Fowler, Humphry Felton, William Farbeck, Sir Nigel Greſley Baronet, the Honourable Booth Grey, the Honourable John Grey, Thomas Gilbert, Eſquires; George Gretton Clerk, John Gilbert, George Greatbach, James Godwin, William Groſvenor, John Groſvenor, Thomas Grant, William Grinſell, Daniel Griffin, Thomas Griffin, Sir Rowland Hill Baronet, Richard Hill, John Hill, Eſquires; Reginald Heber, Saint John Haynes, Clerks; Hayward, Philip Hinton, John Hollins, John Hales, John Haſſells, Joſhua Heath, John Harriſon, Richard Hollins, Thomas Heath, John Harding, Thomas Hollins, Thomas Hatrell, Thomas Hatrell junior, Henry Hatrell, Thomas Heath, William Hyatt, Bleſt Hadderton, John Henſhall, Hugh Henſhall, William Haywood, George Harris, Richard Jackſon D. D. John Jervis, William Jones, William Judgſon Clerk, William Judgſon, the Right Honourable John Lord Viſcount Kilmorey, Andrew Kendrick Eſquire, William Kinnerſly, Anthony Keeling, William Key, Obadiah Lane Clerk, Richard Lateward, John Lateward, John Lovatt, Thomas Lovatt, John Lango, Sir James Markham Baronet, Herbert Mackworth, Hugo Meynell, Thomas Mills, John Murhall, Edward Mainwaring, Edward Mainwaring junior, Robert Macclesfield, Ralph Moreton, Eſquires; Simon Mills, John Middleton, John Morrey, Clerks; John Maſſey, William Maſſey, William Morgan, Thomas Morgan, Thomas Maulkin, Thomas Maſſey, Joſeph Mellard, John Mare, Thomas

Thomas Mellor, Thomas Maſon, Jeſſon Maſon, John Maſon, John Marſh, William Malkin, the Mayor, Recorder, Juſtices, and Bailiffs of Newcaſtle under Line, for the time being; the Honourable Thomas Needham, the Honourable Robert Needham, the Honourable Francis Needham, Lawrence Norcop, Eſquires; William Church Norcop, Thomas Nicholls, Oxenbold, Lord Chief Baron Parker, Charles Pigot, Thomas Parker, George Parker, Woollaſton Pym, Eſquires; James Pratchett, Power, Clerks; Richard Pratchett, John Peplow, John Peplow junior, John Preſton, David Pemberton, Richard Parton, Humphry Palmer, Samuel Perry, Thomas Pickin, Thomas Pratt, Thomas Plant, Thomas Price, John Plant, Samuel Palin, William Robiſon Clerk, James Robiſon, Robert Robiſon, Samuel Robiſon, John Richardſon, Robert Rhodes, Ralph Sneyd Eſquire, William Swinnerton, Jeremiah Smith, Thomas Sandford, Eſquires; John Smith, Edward Sneyd, Smallwood, Salmon, Clerks; Walter Sneyd, Thomas Swinnerton, Edward Swinnerton, Thomas Swinnerton, Joſeph Swinnerton, John Swinnerton, Benjamin Swinnerton, John Sparrow, John Simpſon, Thomas Simpſon, Joſeph Stone, John Sutton, Thomas Sutton, Francis Stanier, Joſeph Stevens, John Shrigley, Ambroſe Smith, William Sutton, John Stevenſon, Thomas Shaw, Thomas Shaw, John Sambrooke, William Smallwood, James Smallwood, William Shore, John Sherrard, John Simpſon, William Stone, Thomas Swanwick, John Smallwood, John Smallwood junior, Charles Sandford, George Tollett Eſquire, Charles Tollett Eſquire, George Twemlow, Thomas Twemlow, John Turner, John Townſend, John Tilſtone, John Turner, Richard Taylor, Thomas Unett, William Unett, Walter Unett, William Unett junior, Thomas Vaughan, John Wrotteſley Eſquire, Richard Whitworth, Charles Gregory Wade, Thomas Whieldon, Eſquires; John Ward Clerk, Stephen Wood, William Whieldon, William Whieldon junior, Thomas Wedgwood, Thomas Wedgwood, John Wedgwood, Richard Wedgwood, John Wedgwood, Joſiah Wedgwood, Carlos Wedgwood, Thomas Warburton, Iſaac Warburton, Jacob Warburton, Samuel Williams, James Wynn, Joſeph Wood, Stephen Winkle, Walter Young Eſquire, John Yates, and their Succeſſors, to be elected in Manner herein after-mentioned, ſhall be, and are hereby appointed Truſtees for repairing and widening the ſaid Road leading from the ſaid Town of Drayton, to or near the ſaid Town of Newcaſtle under Line; and for putting all the Powers of this Act in Execution,

cution, in relation to the said Road, which shall be, and is herein after called the Second District of the Roads hereby intended to be repaired and widened.

Qualification of Trustees.

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

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees for the said First District, or any Five or more of them, shall meet at the Sign of the Red Lion in Hodnet aforesaid on the Tuesday Three Weeks next after passing of this Act; and the Trustees for the said Second District, or any Five or more of them, shall meet at the House of John Mason, known by the Sign of the Old Roebuck in Newcastle under Lyne aforesaid, on the Thursday Three Weeks next after passing of this Act, and respectively proceed to the Execution of this Act; and shall then respectively chuse a Clerk or Clerks for each of the said respective Districts, to write their Orders, and take Minutes, and make Entries of their respective Proceedings, and for other Purposes; and shall then, and from time to time afterwards, adjourn themselves to meet at such Place or Places within or near such respective Districts as they the said respective Trustees, or any Five or more of them, shall think proper: Provided that no

such Meeting shall be adjourned for any longer Time than Three Months from the Day on which such Adjournment shall be made, and that no Business shall be done or proceeded upon at any of the said Meetings before the Hour of Ten in the Forenoon, and that no Adjournment shall be made to any Hour later than Two in the Afternoon of the Day on which such Meeting shall be appointed to be held: 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 respectively, shall, from time to time, as often as such Case shall happen, by Notice in Writing to be fixed upon all the Turnpike Gates which shall then be erected upon or across the Roads in each respective District, at least Ten Days before the next Meeting, appoint such Trustees respectively to meet at the Place where the last Meeting was appointed to be held on the Fourteenth Day after the Day for which such last Meeting was appointed: And the said Trustees at all their Meetings shall defray their own Expences: And that all Orders and Determinations of the said respective Trustees in the 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 authorised to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless an equal or superior Number of Trustees than concurred in the making such Order or Determination shall concur in revoking or altering the same; nor shall any Trustee be capable of acting in the Execution of any 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, except only in such Cases where they shall be personally interested.

In Default of a sufficient Number to act, may adjourn to another Meeting.

Trustees to defray their own Expences.

No Order to be revoked, unless the Majority of the Trustees present concur therein.

Trustee not to accept of a Place of Profit.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees for the said Districts respectively, or any Five or more of them, by Writing under their Hands and

and Seals, to elect One other Person qualified as aforesaid to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said respective Districts, at least Ten Days before every such Meeting: And all Persons who shall be so elected are hereby vested with the same Powers for the putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with.

Clerk to give Notice of another Meeting.

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, shall and may from time to time cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any Part or Parts of the Roads in the said respective Districts, and on the Side or Sides thereof, or across any Lane or Way leading out of the same; and also a Toll-house or Toll-houses in, upon, or on the Sides of the same Roads; and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered; and that the Tolls following shall and may be demanded and taken before any Cattle or Carriages shall be permitted to pass through any of the same Toll-gates or Turnpikes respectively; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take Tolls thereat.

The Tolls.

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

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

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall and may be lawful for the Person or Persons

Tolls to be levied by Distress and Sale.

appointed to collect such Tolls, to seize or distrain any Horse, Beast, or any other Cattle, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods or 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 or 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 the Tolls collected and received 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 herein after mentioned.

Distress may be sold after 4 Days.

Provided always, That nothing herein contained shall authorize or impower the Erection of more than One Turnpike or Toll-gate across the Road leading from Shawbury to Wem; or more than One such Gate across the Road between Shawbury and High Ercall; nor shall any Person be obliged or liable to pay more than One Toll or Duty for passing the same Day on either of the said last-mentioned Roads with the same Carriage or Cattle.

Restriction with respect to erecting Toll-gates, and taking Toll between *Shawbury* and *Wem* and *High Ercall*.

And it is hereby further enacted and declared, That no Toll or Duty shall be taken or collected at any Check or Side Gate or Gates to be erected between Shawbury and High Ercall from any Person or Persons passing through the same only, and not through the Gate for which such Check or Side Gate or Gates are designed, with any Horses not drawing; nor from the Inhabitants of the Township of Muckleton for Horses drawing any Carriage belonging to them respectively, unless the same be drawn for Hire; in which Case they shall be liable to the same Toll or Duty as other Persons passing with Carriages through such Check Gate or Gates on the Branch of Road aforesaid.

No Toll to be paid for passing any Check Gate, only between *Shawbury* and *High Ercall*.

Inhabitants of *Muckleton* not to pay except for Hire.

Provided always, and it is hereby declared and enacted, That no Person or Persons passing through the Turnpike or Toll Gate to be erected between Shawbury and High Ercall with any Carriage, or any Person or Persons liable to Toll at the Check Gate or Gates on the said Road, and passing through the same with any Carriages, shall pay more or in any other Manner than herein after-mentioned (that is to say)

Limitation of the Tolls to be paid between *Shawbury* and *High Ercall*.

the

the Sum of Four Pence for every Carriage with Two Wheels, and Six Pence for every Carriage with Four Wheels, from the Tenth Day of March in every Year during the Continuance of this Act, to the Tenth Day of October following; and the Sum of Six Pence for every Two-wheeled Carriage, and Nine Pence for every Four-wheeled Carriage, for the other Part of each Year, during the Term aforesaid; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Persons having paid at any Gate between *Shawbury* and *Wem*, exempted from paying between *Shawbury* and *High Ercall*.

And it is hereby also enacted and declared, That no Person or Persons having paid the Toll or Duty at the Principal or any Check Gate to be erected on the Road between Shawbury and Wem, shall be liable the same Day to pay any Toll or Duty for passing with the same Cattle or Carriage at any Gate to be erected in pursuance of this Act upon the Road between Shawbury and High Ercall; such Person or Persons producing Notes or Tickets denoting such Payment, which Notes or Tickets the Collector and Collectors of the said Tolls is and are hereby required to give gratis.

No Toll to be taken for crossing the Road only.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall only cross the said Roads, unless they shall pass Fifty Yards upon the same.

Restriction with respect to erecting Gates between *Drayton* and *Ternhill*.

Provided always, and be it further enacted, That nothing herein contained shall authorize or impower the Trustees for the said First District to erect any Turnpike or Toll-gate upon that Part of the Road comprized therein, lying between the Town of Drayton and Ternhill, within the Space of Three Years next after the passing of this Act; nor at any Time after the Expiration of that Term, unless the same shall be ordered and directed at a Meeting to be held by the said Trustees, of which Notice shall be given in Writing upon all the Turnpike Gates between Shawbury and Drayton aforesaid, at least Fourteen Days before such Meeting, specifying the Purpose and Intention of such Meeting; and unless Three Parts in Four of the Trustees, who shall be present at such Meeting, shall concur in Opinion that a Gate upon that Part of the said Road is necessary and expedient.

and applying the Tolls upon the Road between those Places.

And be it further enacted by the Authority aforesaid, That the Trustees for the said First District shall not apply the Tolls arising from, or in relation to, the several Roads comprized therein, or any Part thereof, upon that Part of the Road between Drayton and

Turnhill aforesaid, for any longer or other Time than such Turnpike or Toll-gate shall be erected and continued thereupon.

Toll to be paid but Once a Day on the Road between *Wem* and *Sandford*.

Provided always, and it is hereby further enacted and declared, That no Person shall be obliged or liable to pay more than One Toll or Duty for passing the same Day on the Road between Wem and Sandford with the same Carriages or Cattle.

Tolls to be paid but Once a Day at the same Gate.

Provided also, That no Person shall be liable to pay Toll more than Once for passing at any Time or Times with the same Horses, Cattle, and Carriages, in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, through any One Turnpike to be erected by virtue of this Act; but all and every such Person and Persons, after having paid such Toll or Tolls respectively, as aforesaid, shall, upon producing a Note or Ticket, or Notes or Tickets, denoting such Payment or Payments, afterwards pass with such Horses, Cattle, Beasts, or Carriages, Toll-free, during such Day, to be computed as aforesaid, through the respective Gate or Gates where such Payment or Payments respectively was or were made, or through such Gate or Gates not intitled to Toll, by reason of such Payments; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Tolls to be paid but Twice a Day on the Road between *Shawbury* and *Drayton*, &c.

Provided also, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Twice for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, with the same Horses, Cattle, or Carriages, through all or any of the Turnpikes to be erected by virtue of this Act, upon or in relation to the Road between Shawbury and Drayton, or the Road comprized in the said Second District.

Half Tolls only on Market or Fair Days at *Drayton* or *Newcastle*.

Provided always, and be it further enacted by the Authority aforesaid, That no more than the Sum of One Penny shall be taken, at any Turnpike to be erected on the said Second District, for any Horse or other Beast, drawing any Carriage not travelling for Hire, going laden to the said Town of Drayton or Newcastle, on their respective Market or Fair Days, with Corn, Grain, or Provisions, or returning from the same, having been laden as aforesaid; nor more than the Sum of One Halfpenny for any Horse, Mule, or other Beast, laden or unladen and not drawing, also

going

going to or returning from the said Towns in their respective Market or Fair Days as aforesaid.

Provision with respect to Gates between Drayton and Lane Head

Provided also, and be it further enacted, That in case any Turnpike or Toll-gate shall be erected between Drayton and Sandy Lane Head near Drayton, no Person or Persons whomsoever shall be liable to pay Toll at any such Gate in respect of any Horse, Cattle, or Carriage, who shall before on the same Day have paid Toll at any Gate erected between Drayton and the Village of Woor in the said County of Salop, and shall produce a Note or Ticket denoting such Payment; nor shall there be demanded or taken at any such Gate to be erected between Drayton and Sandy Lane Head more than the Sum of One Penny Halfpenny for any Horse or other Beast drawing in any Carriage; nor more than the Sum of One Halfpenny for any Horse or other Beast not drawing, belonging to and being the sole Property of any of the Inhabitants of the Town of Drayton aforesaid; nor shall more than the Sum of One Penny Halfpenny be demanded or taken at any such Gate from any Person or Persons for or in respect of any Horse or other Beast, drawing in any Carriage going to or from the said Town of Drayton, laden with Corn or Grain only: And in case any such Gate shall be erected, the said Trustees for the said Second District shall, and they are hereby required to build a Cart Bridge over the Brook or Rivulet between Drayton and Sandy Lane Head aforesaid at a Place called Shepherd's Bridge.

Tolls to be taken on those Parts of the Road, &c.

Provision with respect to a Cart Bridge at *Shepherd's Bridge*.

Provided also, and be it further enacted, That in case any Turnpike or Toll-gate shall be erected within the Distance of Two Miles from the Town of Newcastle under Line aforesaid, no more than the Sum of One Penny Halfpenny shall be taken at such Gate for any Horse or other Beast drawing in any Carriage; nor more than the Sum of One Halfpenny for any Horse or other Beast not drawing, belonging to and being the sole Property of any of the Inhabitants of the Town of Newcastle aforesaid; nor shall more than the Sum of One Penny Halfpenny be taken at any such Gate from any Person or Persons whomsoever, for any Horse or other Beast drawing in any Carriage laden with Corn and Grain only, going to or from the said Town of Newcastle.

Tolls to be taken near *Newcastle under Line*, if a Gate be erected.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the said Turnpikes and Toll-houses to be erected or provided by virtue of this Act within the said respective Districts, and of the Materials of which the same shall consist, and also

Turnpikes, &c. vested in Trustees.

also all Rails, Stiles, Posts, and Fences, which shall be in or belonging to the said Districts respectively; and also all Materials which shall be actually got or collected for repairing the Roads within such District, or any Part thereof, 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 Treasurer or Treasurers, Clerk or Clerks, or to prefer or order the preferring of, Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied upon or in respect of the said respective Districts, or the Monies to be borrowed on account thereof, or on the Credit of this present Act, the said respective Trustees shall in the first Place pay all the Costs, Charges, and Expences, of obtaining and passing this Act, or any wise relating thereunto; and that One Moiety of such Expences shall be defrayed out of the Monies arising within or on account of the said First District, and the other Moiety out of the Monies arising within or on account of the said Second District; and all the Residue of the said Money shall be paid, laid out, and expended, in repairing and widening the said respective Roads in the District wherein or on account whereof such Tolls are collected or levied, and for which such Monies are borrowed, and the other Purposes of this Act, within and in relation to such District respectively, and to or for no other Use, Intent, or Purpose whatsoever.

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 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, within such Districts respectively, all or any of the Tolls hereby granted, and for such Time or Times as they the said respective Trustees, or any Five or more of them, shall think proper; and may

and raise them again.

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 to order and direct such Tolls so lessened, or reduced or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said respective Tolls are herein before directed

reated to be collected, levied, and applied; but no such Reduction shall be made after such First Meeting for such District respectively, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made, unless Ten Days Notice at least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act within such District respectively, expressing the Intention to make such Reduction.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, may and are hereby impowered from time to time, as they shall see convenient, to compound and agree, for any Term not exceeding One Year at any One Time, with any Person or Persons, for any Horses, Cattle, Beasts, or Carriages, travelling upon the said respective Roads, or any Part thereof, for all or any of the Tolls to be paid for or in respect of such Horses, Cattle, Beasts, or Carriages, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition-money shall be paid Quarterly in Advance to the Treasurer or Treasurers of the said respective Roads; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition-money shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may lease the Tolls, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within or in relation to the said respective Districts, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term 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 respective Trustees, or any Seven or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls 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 Hereditaments, lying near any Turnpike which

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 Lands, Grounds, or Hereditaments, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by virtue of this Act to be given, whereby the Payment of any of the said 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, without Payment of Toll; or shall take off, or cause to be taken off, any Horse, or other Cattle or Beast, from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said respective Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof, or with such Intent, shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in each or any of the Cases aforesaid shall, for every such Offence, forfeit the 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 hereby directed to be applied.

or on giving or receiving Tickets, &c.

or taking off Horses, &c.

Penalty on Carriages travelling for Hire turning out of Turnpike Roads to evade the Tolls.

And be it further enacted by the Authority aforesaid, That no Waggon, Cart, or other Carriage, travelling for Hire upon the said respective Roads, shall be drove or turned out of the same, into any of the Roads adjacent, not being Turnpike Roads, in order to avoid, and thereby avoiding, Payment of the Tolls and Duties appointed by this Act to be paid at any Gate or Turnpike which shall be erected for collecting and receiving the same; upon Pain of forfeiting any One of the Horses drawing such Waggon, Cart, or Carriage, not being the Shaft or Thill Horse, with all his Gears and Accoutrements, to and for the sole Use and Benefit of any Person or Persons who shall seize and distrain the same.

Exemption from Toll.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Horse, Cattle, Beast, or Carriage, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with on the same Day, Gravel, Stone, or other Materials for repairing the said Roads, or any Part thereof, on any of the Roads in the Parishes in which the said Roads do lie; or with Hay, Straw, or Corn

Corn in the Straw, Muck, Dung, Compost, or other Manure, for the Improvement of Land (except Lime) 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; or for any Person or Persons going to, or returning from, their proper parochial Church, Chapel, or other their usual Place of religious Worship; or for any Post-horse or Vehicle carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in conveying of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Salop or Stafford, 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 or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same; such Person shall forfeit, for every such Offence, the Sum of Forty Shillings. Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, may, and are hereby impowered, at their First or any subsequent Meeting, to borrow, or take up at Interest, any Sum or Sums of Money, upon the Credit of the Tolls arising within, or in relation to, the said respective Districts, by virtue of this Act; and may, and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to assign over and convey the said respective Tolls, or any Part or Parts thereof (the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively) to any Person or Persons who shall advance or lend their Monies thereon, 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 borrowed, and the Interest thereof, as aforesaid; and Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said respective Trustees; but no Money shall be borrowed on the Credit of the said Tolls, after such First Meeting, unless Notice be, for that Purpose, fixed in Writing upon all the Turnpike-gates within the District for which such Money Tolls may be assigned for Money borrowed. Assignments to be entered in a Book. Notice to be given of borrowing Money.

Money shall be borrowed, at least Fourteen Days before the borrowing thereof; and all and every Person and Persons to whom any such Assignment shall be made as aforesaid, or who shall be intitled to the same, 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 under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said respective Trustees, within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, 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 Assignments; for which the 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 any Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Money due 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 thereon due: And in case any Person or Persons shall respectively advance and lend the Sum of Fifty Pounds, or upwards, for repairing and widening any Road comprised in either of the Districts aforesaid, and shall excuse and give up the Interest thereof, for Three Years from the Time of such Advancement; then the said Trustees, or any Seven or more of them, authorized to act by virtue of these Presents for the District such Money shall be advanced in, shall and may, and are hereby enabled and impowered, at any Meeting or Adjournment thereof to be held as aforesaid, to assign or mortgage the Tolls or Duties hereby made payable within such District, or any Part thereof, to the Person or Persons so advancing the said Sum of Fifty Pounds, or upwards, as a Security or Securities for such Sum of

Assignments may be transferred.

Clerk's Fee.

so lent and advanced, with such Interest as shall be given for other Sums advanced, or to be advanced upon the said Roads, to be computed from the End and the Expiration of the said Three Years from the Payment thereof; and every Sum of Fifty Pounds, or upwards, so advanced by any Person or Persons, on the Terms last-mentioned, shall be laid out by the said Trustees of the said District for the Benefit of which such Money shall be advanced, or any Seven or more of them, in repairing and widening such Part or Parts of the said respective Roads, as the Person or Persons advancing and lending the same, shall appoint or think proper.

All Creditors deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect to the Priority of advancing such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on this Act in equal Degree one with another.

Trustees not subjected to Payment.

Provided always, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said respective Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their, or any of their signing or sealing any such Assignments, or other Securities to be made in pursuance of this Act, or any of them.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees for the said respective District, or any Five or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said respective Districts, and such other Officers as the said respective Trustees, or any Five or more of them, shall think necessary; and from time to time remove any such Officers and other Persons, and appoint others in the room of such of them as shall be removed or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said respective Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall under their Hands, at such Time and Times and in such Manner as the said respective Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or

and remove them, and appoint others.

Trustees to allow Officers Salaries.

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 Officer or Officers, and Person or 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 respective 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 respective 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 render or make, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said respective Trustees, or any Five or more of them, within 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; or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said respective Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in any of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and upon his

Officers to account upon Oath.

Officers refusing to account,

Comp'aint to be made to Justices.

his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said respective Trustees, or any Five or more of them, by virtue of this Act might have done; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattles of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, then, and in either of the Cases 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 compound 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) or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said respective Trustees, or any Five or more of them.

Balance may be levied by Distress and Sale.

For want of Distress, the Offender to be committed,

until Payment or Composition made.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall take such Security from their Treasurer or Treasurers, Receiver or 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 always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Five or more of the Trustees for such District respectively, though not assembled

Trustees may appoint Collectors though not at a publick Meeting.

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 the Recovery thereof as the Person he shall succeed was vested with, until the said 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.

Power to remove Toll-takers, and punish them for not removing on Notice.

And be it further enacted by the Authority aforesaid, That if any Toll-gatherer, or Person appointed by the respective Trustees, or any Five or more of them, in manner herein before mentioned, to collect and receive any of the Tolls by this Act granted, shall, at any Time or Times, neglect or refuse to quit his Employment, conformable to the Orders of the said Trustees, or any Five or more of them, and to deliver up the Possession of the Turnpike or Toll-gate and Toll-house to the said respective Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and shall be convicted of such Neglect or Refusal before One or more Justice or Justices of the Peace of the County or Place where such Neglect or Refusal shall be, either upon Confession of the Party, or by the Oath of One or more credible Witness or Witnesses; then it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required to issue his or their Warrant or Warrants to the Constable, Tythingman, or other Officer or Officers of the Peace of the said County or Place, to turn such Toll-gatherer or Collector out of the Possession thereof, to such Person or Persons as the said respective Trustees, or any Five or more of them, shall have directed and appointed in Manner aforesaid; and also to bring such Toll-gatherer or Collector, so neglecting or refusing as aforesaid, before such Justice or Justices; who is and are hereby impowered and required to commit him or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Three Calendar Months:

No Victualler, &c. to hold any Place of Profit.

Provided also, and be it further enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of 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 of the said respective Districts, or any Part of them, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said respective Trustees, or any

Five

Five or more of them, 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, Stone Quarries, or Commons, Rivers, or Brooks, in any Parish, Town, or Place, in which any Part of the said respective Roads do 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 which 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 if such Quantities of Furze, Heath, Stones, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Road intended therewith to be repaired, then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said respective Trustees, or any Five or more of them, dig and make Pits, get, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of and from, the Stone Quarries and Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees) paying or tendering Payment of such Rates, for such Materials, and for such Damage done to such private Lands over which any 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 and may be lawful for the said respective Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of such respective Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said respective Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, and make

Surveyors may remove Annoyances, &c.

deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing on the said respective Roads, or in the Hedges or Banks adjacent thereto, not being a Garden, Orchard, Plantation, or Avenue to a House; and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down, and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said respective Trustees, or any Five or more of them, or the said respective Surveyor or Surveyors, shall require, for the Space of Fourteen Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof, to be settled by the said respective Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

and cut down Trees, &c.

Owners neglecting to remove the same, after Notice.

Charges to be reimbursed to the Surveyors.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors for the said respective Roads, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains, in and upon the said respective Roads, and also through any Ground lying contiguous thereto, in order to conduct the Water off the said Roads; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads Forty Feet in Width; and also to make a Road through the Grounds adjoining, or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground heretofore planted and

Surveyors may make Causeways, &c.

set apart as a Nursery for Trees to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also, by Order of any Five or more of the said respective Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said respective Trustees, or any Five or more of them, but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor or Waste Ground.

and erect Bridges,

making Satisfaction to the Owners, &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 said Roads within their respective Districts 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 Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunaticks, Ideots, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands or Hereditaments, to contract with the said respective Trustees, or any Five or more of them, for the Satisfaction to be made for such

Roads may be turned thro' Moors, &c.

or thro' private Grounds;

making Satisfaction to the Owners.

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

such Damages as aforesaid; or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons, interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body 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 Roads 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 every such Case, the said 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 and 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 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 respective 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 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

Persons neglecting to treat for the Sale of Lands;

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

shall thereupon order or adjudge and determine, the Sum or Sums of Money to be paid 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 any Estate 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 respective 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 impannel, summon, and return, an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such 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 impannel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said respective 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 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 respective 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 who shall not appear, or shall refuse to be sworn on the said Jury, or being so sworn

Verdict of the Jury to be final.

Trustees may issue a Warrant to the Sheriff, &c. to impannel a Jury.

Jurors may be challenged.

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

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 levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, so that no such Fine be more than Five Pounds, nor less than Forty Shillings, to any One Person for One Offence.

Fine 5*l.*

Charges of Jury, &c. how to be defrayed.

Provided always, and it is hereby enacted by the Authority aforesaid, That if the said Jury, upon such Inquest, shall find or assess an equal or less Sum of Money for such Damage and Recompence than hath been by the said Trustees, or any Five or more of them, or their Treasurer, or other Person or Persons, by virtue of their Order, tendered to the Party or Parties so refusing or neglecting to treat as aforesaid; then, and in such Case, the Person or Persons so refusing or neglecting to treat, shall pay the Costs occasioned by such Refusal or Neglect; which Costs shall be settled and ascertained by the said Jury, and shall be deducted out of the Sum of Money by them assessed for such Damage and Recompence.

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, after deducting the Costs as aforesaid thereout, shall be paid out of the Tolls arising within or upon account of the said respective District in which the Road is intended to be diverted, turned, or altered, or out of the Monies to be borrowed upon the Credit of such respective Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or, in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks 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, and Thing, with relation to such Lands or Hereditaments, as the said respective Trustees, or any Five or more of them, shall think fit; and the said respective Trustees, or any Five or more of them, shall cause such Parts of the said Road, as shall be

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 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 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 compleated, 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 the said respective Trustees, and shall and may be sold and conveyed by them, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the Road within such respective District; but this Act shall not extend to the taking down any Dwelling-House or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Lands, &c. purchased to be made Part of the Road, and esteemed a publick Highway.

Old Road may be sold.

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 particularly 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.

Where a new Road is made over any Moor, &c. old Road not liable to be repaired by the Inhabitants.

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, com-

Bodies Politick, &c. liable to the Repair of the Roads to continue so.

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 do lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within 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 for such respective Districts, deliver to such Turnpike Surveyor or Surveyors an 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 said 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 said Trustees for such respective District, or any Five or more of them, or the said Turnpike 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 Person or Team on the said respective Roads in any One Year, subject nevertheless to the Regulations and Provisions contained in the general Turnpike Act, passed in the Seventh Year of His present Majesty's Reign; and the said Surveyor or Surveyors of the Highways, Churchwardens or Overseers of the Poor, for such Townships, Parishes, or Places respectively, within Fourteen Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads within such District respectively, shall give publick Notice thereof

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

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

Inhabitants to do Statute-work.

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

thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay any Sum not exceeding Five Pounds; and every Person who shall neglect or refuse to do such Work, at such Time and Places, and in such Manner as shall be appointed by the said respective Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors; every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a 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 a Team, 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, 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 said respective Forfeitures before-mentioned; and all Persons doing such Days Work on the said Road, shall not be liable to do any other Statute-work thereon.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors or Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, and Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads within such District respectively, 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,

Trustees may compound for Statute-work.

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

Parishes, or Places, first had at a Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year, or otherwise, with the said respective Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-monies shall, from time to time, be paid in Advance, and shall be applied in the Repair of the said Roads in respect whereof such Composition-monies are paid; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

Penalty on drawing Timber otherwise than upon 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, otherwise than on Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof; or shall wilfully drive any loaden Waggon, Wain, or Cart, along any Foot or Horse Causeway, being Part of, or lying near, or adjoining to, the said Roads; or shall shovel up, take, or carry away, any Stones, Gravel, Sand, or Soil, from off or on the Sides of the said Roads, or such Causeways as aforesaid; or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Roads or Causeways; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said respective Trustees, or any Five or more of them, may, and they are hereby impowered and required, to 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 to erect Guide and Direction Posts, with such Inscriptions thereon, as the said respective Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription that shall have been made thereon,

Penalty on defacing Mile-stones.

on, 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 where such Offences shall be committed (which Oath such Justice is hereby impowered and required to administer, without Fee or Reward) every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, 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 within the County wherein such Offence shall be committed, there to remain without Bail or Mainprize for any Space not exceeding Three Calendar Months, nor less than One Calendar Month, unless such Forfeiture and all reasonable Charges shall be sooner paid; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender to some Justice of the Peace of the County where such Offence shall be committed, 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, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, (which Oath any such Justice is or are hereby impowered and required to administer, without Fee or Reward) shall 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 and required to grant for those Purposes; and the Overplus,

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 for such District, or to their Treasurer or Treasurers, and applied in the Repair of that Part of the Road in relation whereunto, or in respect whereof, such Offence shall be committed; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction within the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless the said Penalties, Forfeitures, and Fines, 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 hath been already appointed, such Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Six Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given Ten Days Notice at least in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said respective Trustees, and within Two Days after such Notice, entering into 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 such 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

Notice of Appeal to be given.

Deter-

Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

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 Default 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 on the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

Plaintiff not to recover, if Tender of Amends has been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings, Orders, and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

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

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 respective Trustees at their Meetings,

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

Commencement and Continuance of this Act.

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

Proceedings not to be quashed for want of Form,

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be

nor removeable by *Certiorari*.

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.

No Toll to be taken in the Second District of Road, till 500*l.* be subscribed, and 200*l.* thereof paid in.

Provided always, and be it further enacted, That no Toll shall be taken at any Turnpike or Toll-gate to be erected in the said Second District by virtue of this Act, until the Sum of Five hundred Pounds shall have been subscribed for the Purposes of carrying this Act into Execution in respect of such District, and Two hundred Pounds, Part thereof, actually paid into the Hands of the Treasurer for such District.

1 Mile of the Road from *Newcastle*, and 1 Mile from *Drayton*, to be repaired before any other Parts of the said Roads.

Provided always, and be it further enacted, That out of the first Monies allowed to be expended under the Directions of this Act for the repairing and widening the Road leading from Newcastle to Drayton aforesaid, One Mile, to be computed from the Town of Newcastle aforesaid, and One other Mile from the Town of Drayton aforesaid, shall be sufficiently repaired and widened, to the Satisfaction of Seven or more Trustees duly assembled at any publick Meeting, before any other Part of the said Road shall be repaired or widened.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against Person or Persons for any Thing done in Pursuance of this Act, until Ten Days Notice

tice shall be thereof given to the Clerk or Clerks to the said respective Trustees; and after sufficient Satisfaction or 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 Counties of Salop or Stafford, 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. 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 Ten Days Notice shall be given thereof 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, 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 Treble Costs. the same, as any Defendant or Defendants hath or have in other Cases by Law.

And be it enacted by the Authority aforesaid, That Publick Act. 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.

F I N I S.