



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 44.

An Act for making and maintaining a Road from the *Wem* and *Whitchurch* Road, to the *Sandford* and *Hodnet* Road, both in the County of *Salop*.

[6th May 1811.]

WHEREAS the making and maintaining of a Turnpike Road from the Turnpike Road leading from *Wem* to *Whitchurch* in the County of *Salop*, at or near to a Place there called *Quina Brook*, in the Parish of *Wem* aforesaid, situate between the Third and Fourth Milestones on the Road leading from *Wem* to *Whitchurch* aforesaid, into and through Parts of the several Parishes of *Wem* and *Prees*, both in the County of *Salop*, to the Turnpike Road leading from *Sandford* to *Hodnet*, in the said County of *Salop*; and also a Branch of a Road from the said Turnpike Road leading from *Wem* to *Whitchurch* aforesaid, at or near the Point opposite the Blacksmith's Shop in the Occupation of *William Rogers*, in the Township of *Edleston* in the said Parish of *Wem*, into the said intended Turnpike Road leading from *Quina Brook* aforesaid, at or near the House of *Elizabeth Prince* of *Pepper Street* in the said Township of *Edleston*; and the erecting, building, and maintaining of Bridges, Arches and other Works over the Rivulets, Streams of Water, and Watercourses that may intersect the Course of the said Road and Branch of Road, would be of great Benefit and Advantage to the Owners and Occupiers of Lands and Inhabitants in the Neighbourhood thereof and the adjacent Country, and would open a much shorter and better Communication than there is at present between the aforesaid Places; and would facilitate the Conveyance of Lime, Coals and other Commodities from and to the *Elleymere* Canal,

[*Loc. & Per.*]

and would in other respects be of great public Utility : But the same cannot be done without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Samuel Yate Benyon*, *Benyon* the younger of *Asb*, *George Blantern*, *William Wychinley Brookes*, *John Brookes*, *Ambrose Brookes*, *Charles Broughton*, *George Corser*, *John Corser*, *Robert Subu Gumbubatch*, *John Dicking of Prees*, *John Dicking of the Platt*, *John Dodson*, *John Earp*, *Thomas Gwynne*, *Sir John Hill* Baronet, the Reverend *Brian Hill*, *John Hill*, *Rowland Hill*, the Reverend *Richard Hill*, *Robert Hill*, *Clement Hill*, *Sir Francis Hill* Knight, *Thomas Hill*, *Richard Heber*, the Reverend *Reginald Heber*, the Reverend *Thomas Heber*, *James Heatley*, *Samuel Jebb*, *Wright Jebb*, *Charles Jebb*, *John Knight*, *Richard Lateward*, *John Lee*, *Richard Moreton*, *John Mulliner*, *Robert Micklewright*, *George Naylor*, the Reverend *Edward Neville*, *Jonathan Nicksen*, *Thomas Payne*, the Reverend *Robert Pugh*, *Robert Pritchard*, *John Powell*, *Richard Riddrop*, the Reverend *Thomas Sandford*, *Thomas Hugh Sandford*, *Samuel Tyler*, *Richard Tyler*, *William Wickstead*, *Richard Whitfield*, *George Whitfield*, *John Walmsley*, *Samuel Weston*, *Thomas Wilkinson*, *John Whitehall*, *James Wood*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, altering, repairing and improving the said Road and Branch of Road, and for otherwise putting this Act in Execution.

Trustees.

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

II. And be it further enacted, That when and as often as any Trustee or Trustees herein-before named or to be elected as herein-after mentioned, shall die or refuse to act, or be disqualified or disabled from acting, it shall be lawful for the surviving or remaining Trustees, or any Three or more of them, by Writing under their Hands, to elect one other Person to be a Trustee in the Room of every such Trustee so deceased, refusing, disqualified or disabled ; but Notice 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 Turnpike Gates then erected in or upon the Road and Branch of Road to be made in pursuance of this Act, and advertised in one of the *Shrewsbury* Papers at least Seven Days before every such Meeting, and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act into Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Qualification
of Trustees.

III. Provided always, and be it further enacted, 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 and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir apparent of a Person seised of a real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed of or entitled unto a personal Estate of One thousand Pounds, nor (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed before any Two or more of the said Trustees an Oath in the Words or to the Effect following ; (that is to say,

I. A. B.

I *A. B.* do swear, That I truly and *bona fide* am in my own Right Oath.
 [or in the Right of my Wife] in the actual Possession and Enjoyment
 [or Receipt] of the Rents and Profits of Lands, Tenements, or Heredita-
 ments of the clear yearly Value of Fifty Pounds above Reprizes, [or,
 am Heir apparent of *A. B.* who to the best of my Knowledge and Be-
 lief is seised of such an Estate of the clear yearly Value of One hundred
 Pounds] or, am possessed of a personal Estate of the Amount of One
 thousand Pounds after all my Debts are paid.

‘ So help me GOD.’

And if any Person not being so qualified shall presume to act as such
 Trustee, contrary to the true Intent and Meaning of this Act, 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
 with full Costs of Suit in any of His Majesty's Courts of Record at *West-*
minster, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or
 Information, wherein no Essoign, Protection or Wager of Law, nor more
 than One Imparance shall be allowed; and every Person so prosecuted
 shall prove that he is qualified as aforesaid, or otherwise shall pay the said
 Penalty, without any other Proof or Evidence on the Part of the Prose-
 cution than that such Person hath acted as a Trustee in the Execution of
 this Act; provided nevertheless, that all Acts and Proceedings of any
 Person or Persons acting as a Trustee or Trustees in the Execution of
 this Act previous to his or their being convicted of the said Offence, shall
 notwithstanding such Conviction be as good, valid, and effectual as if
 such Person or Persons had been qualified according to the Directions of
 this Act.

Penalty on
 Persons not
 qualified
 acting.

IV. Provided always, and be it further enacted, That any Mortgagee
 or Assignee of any Mortgage or other Security, or any Lender of Money
 upon the Credit of the Tolls granted by this Act, or receiving Interest
 thereout for the same, shall not on that Account be deemed unqualified
 to act as a Trustee in the Execution of this Act: Provided also, that all
 such Trustees as are Justices of the Peace for the said County of *Salop* 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 per-
 sonally interested.

Mortgagee
 may act.

V. And whereas great Inconveniencies may arise from the Want of
 frequent General Meetings of the Trustees for putting this Act in Execu-
 tion; be it further enacted, That the said Trustees shall hold Two General
 Meetings at least in every Year; and that the said Trustees, or any Five
 or more of them, shall meet together and hold the first General Meeting at
 the House known by the Sign of the *Lion Inn*, in *Prees* aforesaid, on the
 Second *Tuesday* next after the passing of this Act, or so soon after as con-
 veniently may be, between the Hours of Eleven of the Clock in the Fore-
 noon and One of the Clock in the Afternoon, and proceed to the Exe-
 cution of this Act; and all other such General Meetings shall be held
 at *Prees* aforesaid, or within Six Miles thereof, at the same House, or at
 such other House or Houses as shall from Time to Time be resolved on
 by the said Trustees at the last General Meeting; and the said Trustees at
 any such General Meeting, or any Three or more of them, shall and may
 adjourn from Time to Time, and appoint separate Meetings to be held
 upon

Meetings.

upon any Part of the said Road for putting this Act in Execution; and if it shall happen that there shall not appear at any Meeting which shall be appointed by the said Trustees to be held, a sufficient Number of the said Trustees to act at such Meeting, and to adjourn to any other Day, then and in such case the Clerk or Clerks to the said Trustees, by Notice in Writing under his or their Hand or Hands, to be affixed on all the Turnpike Gates to be erected by virtue of this Act at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where the said Meeting of the said Trustees was last appointed to be held, upon that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; but no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon; and no Adjournment shall be made or any Meeting appointed to be held at any Time later than Two of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and no Adjournment shall be made by the said Trustees for a longer Space of Time than Six Calendar Months; and the said Trustees at all their Meetings shall defray their own Charges and Expences.

Meetings on
Emergencies.

VI. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that case the Clerk or Clerks to the said Trustees, upon receiving an Order in Writing signed by Three or more of the acting Trustees, although not assembled at any Meeting, mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice thereof by affixing such Notice on all the Turnpike Gates, and advertising the same once at least in one of the Newspapers printed in the County of *Salop* Ten Days at least before such Meeting, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice); and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Appoint-
ment of Of-
ficers.

VII. And be it further enacted, That the said Trustees or any Three or more of them at any General Meeting, by any Writing or Writings under their Hands, shall and may and they are hereby authorized and empowered to appoint one or more Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and also a Surveyor or Surveyors of the said Roads, and such other Officer or Officers as the said Trustees or any Three or more of them shall think necessary to employ in the Execution of this Act; and shall and may from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers or any of them, as they shall see Occasion, and appoint new Ones in the Room of such of them as shall be removed, or shall die or resign; and out of the Tolls or other Monies to arise by virtue of this Act, may pay such Salaries and make such Allowances to all and every such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as to the said Trustees or any Three or more of them shall seem reasonable; but no Person shall be capable of holding any Place of Profit under the said Trustees who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail: Provided always,
that

that no Trustee who shall not have attended and acted as such within the Space of Twelve Calendar Months preceding the Time of voting, shall be capable of voting in the Election or Dismissal of any such Officer.

VIII. And be it further enacted, That the said Trustees, or any Three or more of them, shall and they are hereby required to take such sufficient Security as they shall think proper from the Treasurer or Treasurers, and other Officers to be appointed for the Purposes of this Act, for the due Execution of their respective Offices.

Trustees to
take Security
from Officers.

IX. And be it further enacted, That every such Treasurer, Clerk, Surveyor, Collector, and other Officer to be appointed as aforesaid, and also all Persons to be appointed by Justices of the Peace to be Surveyors of the Roads in any of the Parishes or Places through which the said Road and Branch of Road lead, and all other Persons who shall receive any Money to be laid out in the Repair of any Part of the said Road or Branch of Road, or who shall have the Direction or Management of such Repairs, shall from Time to Time as often as thereunto required by the said Trustees, or any Three or more of them, render and give to the said Trustees, or any Three or more of them, or to such Person or Persons as they shall appoint, a true, fair and particular Account in Writing of all Monies which shall have been by him collected or received by virtue of this Act, and how, to whom, and on what Account any such Monies shall have been paid, together with the proper Receipts and Vouchers for such Payments, and shall pay all such Monies as upon the Balance of such Accounts shall appear to be in his Hands to the said Trustees, or to such Person and at such Time as they shall direct and appoint; and every such Officer so accounting shall upon Oath, if required (which Oath the said Trustees or any Two or more of them are hereby authorized to administer) verify his said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any such Officer shall refuse or wilfully neglect to render or give such Account as aforesaid, or to produce and deliver up to the said Trustees the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon Oath (if required), or to deliver up to the said Trustees, or to such Person as they shall for that Purpose appoint, within Fourteen Days next after being thereunto required, by Writing under the Hands of any Three or more of the said Trustees, (which Requisition shall be made Once in every Year at least), all Books, Papers and Writings in his Custody or Power relating to the Execution of his Office or of this Act, or shall refuse or neglect to pay all such Money as upon the Balance of any such Account shall appear to be in his Hands, to the said Trustees, or to such Person as they shall direct or appoint, and Complaint shall be made by the said Trustees or any Three or more of them, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County or Place wherein such Officer shall be or reside, such Justice is hereby empowered to summon the Officer against whom such Complaint shall be made, to appear before him at a Time and Place in such Summons to be mentioned, and upon his appearing or non-appearing, (the Service of such Summons being proved by the Oath of any credible Witness, which Oath such Justice is hereby empowered to administer), to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Officer against whom such Complaint shall be made, or by the Oath of any credible Wit-

Appointing
Officers.

ness, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act, shall be due from such Officer, the said Justice may upon Non-payment thereof within such reasonable Time as he may appoint, by Warrant under his Hand and Seal, cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering the Overplus (if any) to such Officer upon Demand, after deducting the reasonable Charges of such Distress and Sale, and if sufficient Goods and Chattels of such Officer cannot be found to answer and satisfy such Money, and the Charges of levying and raising the same, or if such Officer shall not appear before the said Justice at the Time and Place appointed by such Summons, and it shall in Manner aforesaid appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or to deliver up such Books, Papers, and Writings as aforesaid, the said Justice is hereby authorized by Warrant under his Hand and Seal to cause such Officer to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have delivered in his Account, and verified the same as aforesaid, and shall have produced and delivered up the Receipts and Vouchers relating thereto, or delivered up such Books, Papers and Writings, or given Satisfaction to the said Trustees, or any Three or more of them, concerning the same, and shall have paid all Monies which shall appear to be in his Hands, and the Charges attending the Recovery thereof, or shall have compounded with the said Trustees, for the same, which Composition the said Trustees, or any Three or more of them, are hereby empowered to make and receive: Provided always, that no such Officer who shall be committed for Want of sufficient Distress shall be detained or confined in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer, the Commitment to Prison as aforesaid shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer and his Surety and Sureties shall still remain liable to the Payment thereof, in the same Manner as if such Officer or Person, Officers or Persons, had not been committed to Prison.

Orders and Proceedings of Trustees to be entered in a Book.

X. And be it further enacted, That all Orders and Proceedings of the said Trustees, or any Three or more of them, shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of the said Trustees, or by their Clerk or Clerks, which said Book or Books, and all other Book and Books directed to be kept for registering the said Assignment Mortgages and Transfers as aforesaid, shall and may be produced and read in Evidence in all Courts whatsoever.

Trustees may sue and be sued in the Name of their Clerk.

XI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, nor by the Act of the said Clerk or Clerks, without the Consent of the said Trustees, or any Three or more of them, but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action.

XII. And

XII. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may from Time to Time erect and set up, or cause to be erected and set up, such and so many Turnpikes or Toll-gates in, upon, across or on the Side or Sides of the said Road, and across any new Road or new Roads or Branch of Road to be made pursuant to the Powers of this Act, and across the End of any Lane or Way leading into, from or out of the same new Road or new Roads, and also such Toll-house or Toll-houses, Weighing Engine or Engines, to each Gate or Turnpike, with suitable Out-buildings thereto; and also may inclose from the said Road and Branch of Road convenient Garden Spots to the said Toll-houses as they or any Three or more of them may judge proper, and may cause any such Turnpikes, Toll-gates, Toll-houses, Weighing Engines or other Buildings, from Time to Time to be taken down, removed or altered, as they or any Three or more of them shall judge proper; which said Turnpikes, Toll-houses, Weighing-Engines and Buildings, and all Materials for making or repairing the same, are hereby vested in the said Trustees: Provided nevertheless, that no Turnpike Gate or Gates shall be erected upon or across any of the present Turnpike Roads in the several Parishes herein-before mentioned.

Trustees may erect Toll-houses, &c.

XIII. And be it further enacted, That the several and respective Tolls following shall be demanded and taken at each and every of the Turnpike or Toll-gates to be erected as aforesaid, by such Person or Persons as the said Trustees, or any Three or more of them, shall from Time to Time appoint for that Purpose, before any Horse, Cattle, or Carriage shall be permitted to pass through any Gate or Gates, Turnpike or Turnpikes, erected under the Authority of this Act.

Power to take Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast of Draught drawing any Coach, Chariot, Chaise, Berlin, Landau, Calash, or Pleasure-Carriage, Waggon, Wain, Cart, Dray, or other Carriage, the Sum of Four-pence Halfpenny:

Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, not hereby otherwise charged, laden or unladen and not drawing, the Sum of One-penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling per Score, and so in Proportion for any greater or less Number: And

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Six-pence per Score, and so in Proportion for any greater or less Number.

XIV. Provided always, and be it enacted, That no Person shall be liable to pay Toll at any Toll-gate erected or to be erected across or on the Side of the said Road or Branch of Road, or be subject to any Penalty for any Carriage, Horse or Beast, which shall only cross such Road or Branch of Road, and shall not pass above One hundred Yards thereon.

No Toll to be taken for crossing the Road.

XV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable any Collector of the said Tolls to demand or take any more than one Toll in any one Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, from any Person or Persons whomsoever, for or in respect of the same Horse, Beast or other Cattle, or Coach, Chariot, Chaise, Calash, Berlin, Landau, or Pleasure Carriage, Waggon, Wain,

Tolls to be taken but once a Day for passing and repassing.

Wain, Cart, or Dray, or any other Carriage of what Nature or Description soever passing and repassing through the same, or any other Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act.

Penalty on
Persons evad-
ing Tolls.

XVI. And be it further enacted, That if any Person owning, renting, or occupying any Lands, Tenements or Hereditaments near or adjoining the said Road or Branch of Road, shall go or pass with any Cattle or Carriage, through or over any Lands, Tenements, or Hereditaments, or through any Gate, Passage, Inclosure, Place or Way, in order or with an Intent to avoid the Payment of any of the Tolls hereby granted, or shall knowingly or willingly permit or suffer any other Person to go or pass with any Cattle or Carriage through or over any such Lands, Tenements or Hereditaments, in order or with Intent that the Payment of the said Tolls or any Part thereof should be avoided; or if any Person shall go or pass with any Cattle or Carriage through or over any such Lands, Tenements, or Hereditaments, or through any Gate, Passage, Inclosure, Place or Way, in order or with Intent to avoid the said Tolls or any Part thereof; or if any Person shall give to or receive from any Person other than the Collector of the said Tolls, any Note or Ticket to be given by the Collectors of the said Tolls, or shall forge, counterfeit or alter any such Note or Ticket, or make Use of any such forged, counterfeited or altered Note or Ticket, knowing the same to have been forged, counterfeited or altered, whereby the Payment of the said Tolls or any Part thereof shall be avoided; or if any Person shall forcibly pass through any of the Turnpikes to be erected as aforesaid with any Carriage or Cattle, without Payment of the Tolls due for the same, or shall take off, or cause to be taken off any Horse or other Cattle from any Carriage; or if the Owner or Hirer of any Carriage, Cattle, or other Person, being the Driver or Rider thereof, having travelled on the said Road or Branch of Road or any Part thereof, shall drive or turn out of the same into any other Road in order or with Intent to avoid paying any of the said Tolls, and shall afterwards return into or on the said Road or Branch of Road, or any Part thereof, with such Cattle or Carriage, or shall do any other Act whatsoever in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof; every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, of which said Penalty one Moiety shall go the Informer, and the other Moiety to the Clerk or Clerks to the said Trustees, to be applied to and for the Benefit of the said Road and Branch of Road.

Persons and
Things ex-
empted from
Toll.

XVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or with Seed for feeding the Ground; or Hay, Straw or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof, or for any Horse, Beast or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or re-

turning

turning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Ploughs, Harrows or Implements of Husbandry, or any Mould, Dung, Compost or Manure employed in Husbandry for manuring or improving Lands, (Limestone and Lime excepted); or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering-place, or going to be or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie, or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, or other Beast used only to ride on by the Owner or Driver of any Waggon, Cart or Carriage, provided such Horse or other Beast shall pass through the Turnpike or Turnpikes with such Waggon, Cart or Carriage; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses, or other Beast, or Carts, Carriages or Waggons employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or any sick, wounded or disabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations appointed for such Corps at the Time of claiming the Exemption; or for Horses, Carts or Waggons travelling with Vagrants sent by legal Passes; or for any Horses, Coaches or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Salop* on the Day or Days of such Election, or the Day before or Day after such Election shall begin and be concluded; and if any Person shall, by any fraudulent or collusive Manner whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XVIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other public Stores, of or belonging to

[*Loc. & Per.*]

10 B

Carriages conveying Military Stores not to be subject to

Penalties for
Overweight,
&c.

to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithstanding.

Tolls vested
in Trustees.

XIX. And be it further enacted, That the said respective Tolls hereinbefore granted shall be and are hereby vested in the said Trustees, and shall be applied in such Manner as herein-after mentioned, and it shall be lawful for such Person or Persons as the said Trustees or any Three or more of them shall from Time to Time nominate and appoint, to demand, collect, and take the Tolls hereby granted and made payable; and if any Person subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for any Person or Persons appointed as aforesaid, to collect the said Tolls by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain the Cattle or Carriage upon which such Toll is by this Act imposed, or any of the Goods and Chattels of the Person so neglecting or refusing; and if such Toll and the reasonable Charges of such seizing and distraining (which it shall be lawful to do) shall not be paid within the Space of Three Days, the Person or Persons so seizing and distraining shall and may sell the Cattle, Carriages, or Goods so seized and distrained, returning the Overplus (if any) upon Demand to the Owner thereof, after such Tolls and all reasonable Charges of seizing, distraining, and selling the same shall be deducted.

Power to
lessen and
vary the
Tolls.

XX. And be it further enacted, That the said Trustees or any Three or more of them may, and they are hereby authorized and empowered from Time to Time as they shall think proper, to lessen or reduce all or any Part or Parts of the Tolls hereby granted at all, any or either of the said Turnpikes or Toll Gates, and to raise the same again, so as they do not exceed the Tolls by this Act granted, and so as such Reduction be made with the Consent of the several Persons who shall be entitled to five-sixth Parts of the Money then due on the Credit of the said Tolls; but no such Reduction shall be made unless Notice in Writing shall be given for that Purpose, by affixing the same upon all the Turnpike Gates then erected on the said Road or Branch of Road, at least Fourteen Days before the Meeting for making such Reduction; and such Tolls, so lessened or reduced, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Trustees em-
powered to
compound
for the Tolls.

XXI. And be it further enacted, That the said Trustees, or any Three or more of them, may and they are hereby authorized and empowered 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 passing through any of the said Turnpikes or Toll Gates, so that no Composition shall be made

made for any Cattle or Carriages travelling for Hire ; and all such Composition Money shall be paid One Year in Advance, otherwise such Composition shall be void.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, upon Fourteen Days previous Notice to be given upon all the Toll Gates or Turnpikes then standing upon the said Road or Branch of Road, to borrow and take up at Interest such Sum or Sums of Money as they shall from Time to Time think fit upon the Credit of the said Tolls, and by any Writing under their Hands and Seals to assign over or mortgage the said Tolls or any Part or Parts thereof, (the Charges of such Assignments or Mortgages to be paid out of such Tolls), to any Person or Persons for any Term during the Continuance of this Act, as a Security or Securities for the Payment of the several Sums that shall be borrowed, with the Interest thereof; which Assignments or Mortgages shall or may be in the Words or to the Effect following ; (that is to say),

Power to borrow Money.

‘ BY virtue of an Act passed in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled, *An Act [here set forth the Title of this Act]* We, of the Trustees for putting the said Act in Execution, in Consideration of the Sum of to the Treasurer or Treasurers for the said Road or Branch of Road in Hand paid by do hereby grant and assign unto the said Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum now due, owing or to be advanced on the Credit thereof ; to be had and holden from the Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of for One hundred Pounds for a Year, shall be sooner repaid and satisfied. Witness our Hands and Seals the Day of in the Year of our Lord

Form of Mortgage.

And Copies of all such Assignments or Mortgages as shall be granted by virtue of this Act shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Clerks to the said Trustees, within Sixty Days after the Date thereof respectively, who shall examine and compare the same with the Original, and attest the same at the Foot of every such Copy ; and all Assignments and Mortgages which shall be made in the Manner aforesaid, shall be good, valid, and effectual in the Law to all Intents and Purposes : And all and every Person and Persons to whom any Assignments or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time, by Writing under his, her, or their Hand or Hands, transfer his, her, or their Right, Title, or Interest in and to the Principal and Interest thereby secured to any Person or Persons whomsoever ; which Transfer may be in the Words or to the Effect following ; (that is to say),

Copies to be made.

Transfer.

‘ I being entitled to the Sum of secured to Executors, Administrators, and Assigns, by virtue of an Assignment or Mortgage bearing Date the Day

Form of Transfer.

‘ Day of _____ under the Hands and Seals of _____ of the
 ‘ Trustees acting in the Execution of a certain Act passed in the Fifty-first
 ‘ Year of the Reign of His Majesty King George the Third, intituled,
 ‘ An Act [*here set forth the Title of this Act*] made of the Tolls arising on
 ‘ the said Road and Branch of Road, do hereby transfer all my Right
 ‘ and Title in and to the said Sum of _____ and all Interest
 ‘ now due for the same, unto _____ Executors, Admini-
 ‘ strators, and Assigns. Dated the _____ Day of _____

Memorials of
 such Trans-
 fers to be
 registered.

Creditors to
 have no Pre-
 ference.

Which said Transfer shall be produced and notified to the said Clerk or Clerks within Sixty Days after the Date thereof, who shall cause a true Copy thereof to be entered in the said Book or Books to be kept for entering the said original Assignments and Mortgages, and attest the same, for which the said Clerk or Clerks shall be paid the Sum of Ten Shillings and Sixpence, and no more; which said Book and Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and after such Entry made every such Transfer shall entitle such Assignee, his, her, or their Executors or Administrators, to the Benefit thereof and Payment thereon, and it shall not be in the Power of any Person making such Transfer to make void, release, or discharge the same, or any Monies due thereon or any Part thereof: And all Persons to whom any such Assignments or Mortgages shall be made as aforesaid, and their respective Assigns or Representatives, shall be, in Proportion to the Sums therein mentioned respectively, Creditors on the said Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing such Monies or the Dates of such Assignments; and all and every such Copies of the original Assignments or Mortgages, and the Transfer so entered in the said Book or Books and attested by the Clerk or Clerks for the Time being, shall be deemed, considered, and taken as original Assignments or Mortgages and Transfers, and shall be received in all Courts of Law and Equity and elsewhere as Evidence of such original Assignments or Mortgages and Transfers, in the same Manner to all Intents and Purposes as if such original Assignments or Mortgages and Transfers were produced.

Application
 of the Tolls
 and Money
 borrowed.

XXIII. And be it further enacted, That out of the Monies arising by virtue of this Act, the said Trustees, or any Three or more of them, shall in the first Place pay all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto; and the Remainder of such Monies shall from Time to Time be applied in paying for the Houses, Lands, and Grounds to be purchased under this Act, and in making such Compensations as are herein directed to be made, and in erecting Turnpikes and Toll Houses, and making, repairing, widening, diverting, and amending the said Road and Branch of Road, Bridges, and Arches, and paying the Principal and Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Power to
 enter Lands
 for making
 the Road.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or where-
 upon

upon the said Road and Branch of Road hereby authorized to be made are intended to pass, and to stake out the same in such Manner as the said Trustees, or any Three or more of them, shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damages that shall be done to the Land or Ground on the Sides of the said Road and Branch of Road whilst the same shall be making; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any such Road and Branch of Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; and that all such Parts of the said Lands or Grounds as shall be so laid into the said Road or Branch of Road shall be deemed and taken to be a public Highway, and shall be used as such for ever thereafter.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered to make and repair the said Road and Branch of Road, through any Lands or Hereditaments (not being the Site or Ground whereon any House or Houses stand, or any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House) without the Consent in Writing of the Owners or Proprietors thereof or other Persons interested therein first had and obtained, and from Time to Time to widen, divert, shorten, vary, turn, and alter (within the Distance herein-after mentioned) the Course or Path of the said Road and Branch of Road, or any Part or Parts thereof respectively; and that such Road and Branch of Road and every Variation may be of any Width not exceeding Forty Feet, inclusive of the Ditches and Fences on each Side thereof, first making Satisfaction to the Owners thereof and Persons interested therein for the Damages they may sustain by the making, widening, diverting, shortening, varying, and turning the said Road and Branch of Road; and for that Purpose it shall be lawful for the said Trustees or any Three or more of them to treat, 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 making the said Road and Branch of Road, or by widening, diverting, turning, or altering the Course or Path of the same, or any Part or Parts of the said Road or Branch of Road through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life and Fee Tail, general or special, 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, Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of and interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Three or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Three or

Trustees may
make and
divert the
Road.

[*Loc. & Per.*]

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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 to the contrary thereof in anywise notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Restraining the Trustees from obstructing the Passage of Roads leading into the intended Road.

Trustees not to deviate more than 100 Yards from the Line laid down in the Plan.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall enable the said Trustees in anywise to obstruct the Passage of any old Road or Roads now in being adjoining to and not being Part of the said intended Turnpike Road, except for the Purpose of preventing Evasion of the Tolls by this Act granted.

XXVII. And whereas a Map or Plan describing the Line of the said Road and Branch of Road, and the Lands through which the same are intended to be carried, together with a Book of Reference containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Salop*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making, widening, diverting, shortening, varying, turning, or altering the said Road and Branch of Road, shall not deviate more than One hundred Yards from the Line described in such Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made, such Consent to be kept in the Office of the Clerk of the Peace for the said County of *Salop*.

Trustees may make the Road through the Lands of Persons omitted in Book of Reference, &c.

XXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, to make or cause the said Road to be made into, through, across, or over the several Lands or Grounds of any Person or Persons, who is or are or may be Owner or Owners of Land over which the same is set out and described as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Salop*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake, such Certificate to be annexed to and deposited with the said Book of Reference in the Custody of the said Clerk of the Peace.

Fences to be made where the Road shall

XXIX. And be it further enacted, That in all Cases where any inclosed Land shall be cut through for the Purposes of this Act, the said Trustees shall

shall make or cause to be made proper Quickset Fences, where necessary, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, Arches, and other Works where necessary out of the said Road into the Lands adjoining, and shall keep the Quickset Fences so to be made in good Order and Repair for the Term of Three Years from the Time that such Quickset Fences shall have been made and planted; or in the Compensation to be made as well to the Owners and Occupiers of such Land, the making and so keeping in Repair such Fences, Gates, and Arches, Dykes or Ditches, as the Case shall require, shall be taken into Consideration and an Allowance made for the same.

be cut through inclosed Lands &c.

XXX. Provided always, and be it further enacted, That in all Cases where the said intended Road or Branch of Road shall be proposed to be made and cut through any Close or Parcel of Land, and such Close or Land would by the making of the said Road or Branch of Road be separated or divided into Two or more Parcels of Land, each or either being of a less Quantity than Two Acres lying together, then and in every such case, and also in all cases where the Property of any Person or Persons which may be wanted for the said Road or Branch of Road shall be less than Two Acres of Land, or by being used or taken for the Purposes of this Act would be reduced to a less Quantity of Land than Two Acres lying together, the said Trustees shall and are hereby required (on the Application of the Owner or Owners, or Person or Persons for the Time being entitled to the Rents and Profits thereof) to purchase not only the Part of every such Close or Parcel of Land which shall be required by the said Trustees for the Purposes of this Act, but also such Piece of Land less than Two Acres lying together (except in respect to any such Piece of Land less than Two Acres which shall adjoin to other Land of the same Owner, and with such other Land would make the Quantity of Two Acres lying together) in like Manner as they the said Trustees are empowered to purchase any other Lands necessary for the Purposes of this Act, and to pay, apply, and dispose of the Purchase Money at the same Time and in the same Manner as the Purchase Money for that Part of any such Close or Parcel of Land which may be required for making the said Road or Branch of Road would by virtue of this Act be payable or applicable.

In cases where the Road shall be cut through any Land, the Trustees to purchase such Land, &c.

XXXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Trustees or any of them, or their Surveyor or Surveyors, or any other Person or Persons, to begin to make the said intended Road or Branch of Road in, upon, through or over any private Lands, Grounds, or Hereditaments, until the Owner or Proprietor and every Person interested therein shall be paid and satisfied the Purchase Money, to be agreed upon or adjudged or assessed in the Manner herein mentioned, for such private Lands, Grounds, or Hereditaments, to be taken for the Purposes of this Act; or such Purchase Money shall be deposited into the Bank of *England* in the Name of the Accountant General of the Court of Chancery, in the Manner and subject to the Conditions, Orders, and Restrictions by this Act directed, where Persons cannot be found to treat with, as the Case may be.

Road not to be begun to be made until the Owners of the Lands shall be paid the Purchase Money.

XXXII. And

Where Persons interested neglect or refuse to treat,

the Damages and Recompence to be settled by a Jury.

Verdict of the Jury to be final.

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

XXXII. And be it further enacted, That if any such Body Politic, Corporate or Collegiate, Aggregate or Sole, Tenants for Life or in Fee Tail general or special, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments as may be wanted for the Purposes of this Act, upon Notice to him, her, or them given or left in Writing at the Dwelling-house or Dwelling-houses, Place or Places of Abode of such Person or Persons, or of the Parish 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 and Hereditaments through which any Part of the said Road and Branch of Road is intended to be made, widened, diverted, turned, or altered, shall for the Space of Two Calendar Months next after such Notice given or left as aforesaid, neglect or refuse to treat or shall not agree in the Premises, or by Reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Three or more of them, shall cause such Damage, Value, or Recompence, to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County, District, or Place wherein such Lands or Hereditaments do lie; and in order thereto the said Trustees, or any Three or more of them, are hereby empowered 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 and proper to be examined concerning the Premises, (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Three or more of them, shall by ordering a View or otherwise use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damages and Recompence, they the said Trustees or any Three or more of them shall thereupon order, adjudge, and determine the Sum and Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition and Judgment, Order, and Determination thereon shall be final and conclusive to all Intents and Purposes against all Persons and Parties whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations, Aggregate or Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees, or any Three or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve on Juries, to appear before such Trustees, or any Three or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Three or more of them, shall and they are hereby empowered 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 Trustees or any Three or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and who shall not appear, without sufficient Excuse for not appearing, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give 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, without sufficient Excuse for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence, so that no One Fine be more than Twenty Pounds on any One Person for One Offence.

Jury may be challenged.

Trustees may impose Fines on Sheriffs making Default, or on Jury, or on the Witnesses.

XXXIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for any such Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained than what shall have been offered by the said Trustees, or any Three or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken on Behalf of the said Trustees as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of the Monies to be received by virtue of this Act; but if any Jury or Juries to be summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been offered by the said Trustees, or any Three or more of them, before the summoning or returning the said Jury or Juries as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees as the Purchase Money for any such old Road as aforesaid; then and in every such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County, District, or Place wherein the Cause of Dispute shall arise not interested in the Matter in Question, (who is hereby required to examine and settle the same,) shall

How the Expences of the Jury and Witnesses are to be borne.

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and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the Whole Sum or Sums so assessed or adjudged; otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by Reason of Absence have been prevented from treating, the Whole of such Costs and Expences shall be borne and paid by the said Trustees, or any Three or more them, in Manner aforesaid.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

XXXIV. And whereas by Reason of the Purchases which the said Trustees are hereby empowered and required to make by virtue of this Act, or by Reason of the diverting of some Part or Parts of the said Road or Branch of Road, they may happen to be seized of some Piece or Pieces of Ground, and of some Piece or Parcel of old Road or Roads over and above what shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees, or any Three or more of them, to sell and dispose of such Piece or Pieces of Ground or Piece or Pieces of old Road or Roads, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

First Offer to be made to the Persons from whom the same was before purchased.

XXXV. Provided always, and be it further enacted, That the said Trustees, before they shall sell or dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons of whom the same shall have been purchased, or (in case of diverting any Part or Parts of the said Road or Branch of Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall not then and thereupon agree, (except with respect to the Price thereof as herein-after mentioned), or shall refuse (except as aforesaid) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate (who are hereby respectively empowered to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*, and the Money

to

to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Mis-application or Non-application of such Money.

XXXVI. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, and Sales to be made in pursuance of the Powers of this Act, of or concerning any Lands, Tenements, or Hereditaments which shall be Copyhold or of the Nature of Copyhold, shall be executed and completed, by Surrender thereof or otherwise, in the respective Courts of the Manors whereof such Lands, Tenements, or Hereditaments shall be held, according to the Custom of the said Manors respectively; and such Lands, Tenements, or Hereditaments shall no longer remain and continue subject to any Fines, Rents, or Services, but shall be considered as enfranchised by the Lord or Lords, Lady or Ladies of the respective Manors whereof such respective Copyhold Hereditaments shall be holden; and such Lord or Lords, Lady or Ladies, shall be respectively paid for his, her, or their Estate and Interest in the said Lands, Tenements, or Hereditaments, out of the Monies to be raised, received, or collected by virtue of this Act, such Compensation as if such Lord or Lords, Lady or Ladies, had regularly enfranchised such Lands, Tenements, and Hereditaments, such Compensation to be agreed upon between the said Trustees, or any Three or more of them, and such Lord or Lords, Lady or Ladies, or adjudged or assessed in like Manner as the Value of the Lands, Tenements, and Hereditaments to be taken for the Purposes of the said Road and Branch of Road is by this Act directed to be adjudged or assessed.

All Contracts for Copyhold Estates shall be executed in the Courts of the Manors whereof such Land shall be held, &c.

XXXVII. And be it further enacted, That the Conveyance of any Estate or Interest of any Feme Covert to the said Trustees, or any Three or more of them, or any Person or Persons in Trust for them, by Bargain and Sale, acknowledged by such Feme Covert, and duly inrolled in the Court of King's Bench at *Westminster* within Six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Lands and Hereditaments as shall be purchased by the said Trustees, or any Three or more of them, by virtue of and for the Purposes of this Act, and inrolled as aforesaid, shall have the like Force, Effect and Operation in Law to all Intents and Purposes as any Fine or Fines, Recovery or Recoveries whatsoever would have had if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seized of any Estate in the Premises in Trust for such Bargainer or Bargainers, in any legal Manner or Form whatsoever.

Conveyances good by Bargain and Sale.

XXXVIII. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in Possession of any such Lands, Tenements, Houses, Buildings, Grounds, and Hereditaments, or any Part thereof, which shall be purchased by virtue of and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or as Lessee for a Year, or from Year to Year;

Tenants at Will, &c. to quit Premises.

or in case the said Trustees, or any Three or more of them, or such Person or Persons authorized by them, shall give Six Calendar Months Notice to quit such Possession, then such Tenant or Tenants shall at the End of the said Six Calendar Months, or so soon after as he or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Trustees, or any Three or more of them, or the Person or Persons authorized by them to take Possession thereof; and that in case any such Tenant or Tenants, or Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, then it shall be lawful for the said Trustees, or any Three or more of them, to issue their Precept or Precepts to the Sheriff of the said County of *Salop*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her and their Goods: Provided always, that no such Tenant or Lessee shall be compelled by virtue of this Act to quit or give up the Possession of any such Premises, until Satisfaction or Compensation shall have been made or tendered to him, her, or them by the said Trustees, or any Three or more of them, for the Injury thereby occasioned; and in case any Dispute or Difference shall arise respecting the Amount of such Satisfaction or Compensation, the same shall be ascertained and determined by a Jury, and the Costs and Expences thereof borne and defrayed in Manner herein-before directed with respect to the disputed Value of Lands purchased, taken or used for the Purposes of this Act.

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

XXXIX. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties respectively entitled thereto, or to their Agents, and upon Payment thereof to the Party or Parties entitled to receive the same, or depositing the same in the Bank of *England* in the Manner by this Act directed, for the Use of such Parties or Persons respectively, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, or left at their respective usual Places of Abode, or at their last known Place of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments; then such Lands and Hereditaments shall and may be laid into and made Part of the said Road and Branch of Road, in such Manner as the said Trustees or any Three or more of them shall direct, and shall be by them, or by such Person or Persons as they or any Three or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway, and shall be from thenceforth Part of the said Road and Branch of Road for ever thereafter, and shall be repaired and kept in Repair in such Manner and by the same Ways and Means as the Road and Branch of Road hereby authorized to be made and repaired are hereby directed to be made and repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

XL. And

XL. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of this Act of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees or other Trustees, or any Feme or Femmes Covert, or other Person or Persons being incapacitated to give Discharges for the Purchase or Compensation Money, shall in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Three or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the like or the same Uses Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and the Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money when exceeding 200l.

XLI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the said Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be

Application where Money does not amount to 200l. and shall exceed 20l.

[*Loc. & Per.*]

10 E

placed

placed to his Account as aforesaid, in order to be applied in Manner herein directed; or otherwise, the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the Trustees for executing this Act or any Three or more of them, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application
of Money if
less than 20l.

XLII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles.

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Three or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (*describing them*), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XLIV. Provided

XLIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest, in any Lands or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the Possession of such Lands or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title, the Person in Possession shall be deemed entitled thereto.

XLV. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order Expences to be paid by the Trustees.

XLVI. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees or any Three, or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing of the said Road and Branch of Road, Bridge, Arches and Fences in or upon the same, in, upon, or out of or from any Waste Grounds, Commons or uncultivated Lands, Rivers or Brooks, in any Parish, Hamlet or Place in which any Part of the said Road and Branch of Road lie, or in any adjoining Parish, Hamlet or Place, to be used in the making and repairing of the said Road and Branch of Road, without paying any Thing for the same; and provided there shall be no other safe and convenient Way to carry such Materials, to cart and carry the same over the Lands and Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) making Satisfaction as herein-after mentioned,

Surveyors to get Gravel, &c.

mentioned, such Surveyor or Surveyors, or other Person or 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, Gravel, Sand or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons or uncultivated Lands, Rivers, or Brooks contiguous to that Part of the said Road and Branch of Road therewith to be made and repaired, then and in such case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may by order of the said Trustees, or any Three or more of them, cut, dig and make Pits, and get, gather, take, and carry away any such Materials as aforesaid, in, upon or out of or from and over the Lands or Grounds of any Person or Persons, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for such Damages, for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Gravel, Sand and Materials, and for carrying the same or the Materials gotten in any Waste Grounds, Commons or uncultivated Lands, Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees or any Three or more of them shall think reasonable; and in case of any Difference between the said Trustees or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the County wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her or their respective Place of Abode, or *vice versa*, shall hear, settle and determine the Matter of the said Damage and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties.

Notices to be given to Occupiers of Lands before Removal of Materials, &c.

XLVII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away Gravel or other Materials for making or repairing the said Road or Branch of Road, Bridges, Walls, and Fences, out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear for himself or herself, or his or her Agent, before the said Trustees or any Three or more of them, or any Two or more Justices of the Peace acting for the said County, Liberty, or District, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his or her Agent shall attend pursuant to such Notice, the said Trustees or any Three or more of them, or such Justices, if they respectively shall so think proper, shall and may authorize such Surveyor or Surveyors, or other Persons to dig, gather, take, and carry away such Materials at such Time or Times as to the said Trustees or any Three or more of them, or such Justices, shall seem proper; and if such Occupier shall neglect or refuse

refuse to appear by himself or herself, or his or her Agent, before the said Trustees or such Justices as aforesaid, then and in such case the said Trustees, or any Three or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his or her Agent had attended.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Three or more of them), to remove and prevent all Nuisances on any Part of the said Road or Branch of Road, by Filth, Dung, Ashes, Rubbish, Straw or otherwise, and to turn any Watercourses, Sinks, or Drains, running along, into or out of the said Road or Branch of Road, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary, and at proper Seasons of the Year to lop, top, plash, or cut down any Trees, Shrubs, or Bushes, growing or to grow on the said Road or Branch of Road, or in the Hedges or Banks adjacent thereto respectively, not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, and to take and carry away the same, in case the Owners or Occupiers of the Premises shall for the Space of Ten Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, top, plash, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Nuisances in such Manner as the said Trustees or any Three or more of them, or the said Surveyor or Surveyors shall require; the Charges whereof (to be settled by the said Trustees or any Three or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and shall be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after the Removal of any of the said Nuisances any Person shall again offend in like Manner, every Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Surveyors may remove Nuisances.

XLIX. And be it further enacted, That the said Trustees or any Three or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, are hereby empowered to contract with any Person or Persons for making, altering, turning, widening or repairing the said Road and Branch of Road, or any Part thereof, and for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees or any Three or more of them shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Three or more of them, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officers, with any Workman or Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties as shall sign the same his, her, and their Executors and Administrators; and that Actions and Suits shall be maintained thereon by the said Trustees, or any Three or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or

Trustees may contract for Repairs.

Contracts to be binding.

their Name or Names respectively, and Damages and Costs recovered against the Party or Person, Parties or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall and may be requisite for making or repairing the said Road and Branch of Road, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Person, Parties or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement, any Law or Usage to the contrary thereof notwithstanding.

Persons
liable to re-
pair Roads,
&c. to con-
tinue so.

L. And be it further enacted, That all and every Person and Persons who by Law are obliged to do Statute Work on any of the Highways in the several Parishes, Hamlets, Districts or Places through which the said intended Road or Branch of Road shall pass, shall be liable to perform their respective Works thereon in such and the like Manner in every respect as they are liable to perform the same on any other common Highway within such Parish, Hamlet, District, or Place respectively.

For regulat-
ing Statute
Labour, and
Justices to
determine
Differences
touching
Statute
Work.

LI. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said County of *Salop*, and they are hereby empowered and required, upon Application made to them by the said Trustees or any Three of them, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road or Branch of Road, by the Inhabitants of the respective Parishes or Places in which the said Road or Branch of Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be so paid; which Lists of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways, and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road or Branch of Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road or Branch of Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear

to

to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road or Branch of Road, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such Team or Draught had not been sent to work on any Part of the said Road or Branch of Road, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road or Branch of Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, to compound and agree by the Year or otherwise, with the Possessors, Occupiers, Grantees, 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 Road and Branch of Road within their respective District, or of any Bridge, Arch, or Sewer, or with any Person or Persons the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyors of the Highways of any of the said Parishes, Hamlets, Districts, or Places, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Hamlets, Districts, or Places first had, at any Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, or any Three or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road and Branch of Road; all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in the Repair of the said Road and Branch of Road; and all such Surveyors shall be reimbursed the Money so by them paid in such Manner as Surveyors of the Highways are

Trustees may
compound
for Statute
Work.

by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Toll-bar
Keepers com-
petent Wit-
nesses.

LIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being so appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

Persons who
may be Pro-
secutors and
Persons pro-
secuted in-
dennified.

LIV. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any Three or more of them, in every such Case the said Trustees, or any Three or more of them, shall out of the Monies arising by virtue of this Act allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall really and *bonâ fide* expend, for or by Reason of such Action or Prosecution on any Judgement or Determination therein, and likewise indemnify all such Persons as shall be prosecuted or have any Action or Actions brought against them for or by Reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Three or more of them.

Offenders.

LV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say),

Form of
Conviction.

County of Salop, } ' BE it remembered, That on the Day of
to wit. } ' in the Year of our Lord
' A. B. is convicted before me [or, us] of His Majesty's
' Justices of the Peace for the County of Salop [or as the Case may be,
' specifying the Offence, and the Time and Place when and where the same
' was committed, as the Case shall be.] Given under my Hand and Seal
' [or, our Hands and Seals] the Day and Year first above written."

Penalties how
to be levied
and applied.

LVI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, and where the Penalty for the Offence shall not exceed the Sum of Five Pounds, shall upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace for the County, District, or Place wherein the Offence shall have been committed, or any One Justice of the Peace for the County, District, or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward), be levied by Distress and Sale of the Goods and Chattels of the Party and Parties offending, by Warrant or Warrants under the Hand and

and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes); and the Overplus, after such Penalties and Forfeitures, 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 Chattels, 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; One Moiety to the Informer, and the other Moiety to any Three or more of the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers; and be applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures with such Costs shall not be forthwith paid, it shall be lawful for any One or more Justice or Justices of the Peace as aforesaid; and he or they is and are hereby authorized and required; by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals; to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County, District, or Place wherein the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges shall be sooner paid and satisfied.

LVII. And be it further enacted, That all such Fines, Penalties, and Forfeitures imposed by this Act as amount to more than the Sum of Five Pounds, shall be sued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster* respectively; and that One Moiety of every such Fine, Penalty, or Forfeiture last-mentioned shall be to the Use of the said Trustees, to be paid to their Treasurer or Treasurers, Clerk or Clerks, and be applied in the Repair of the said Road and Branch of Road, and the other Moiety to the Use of him, her, or them who shall inform or sue for the same, with Costs of Suit.

Recovery and Application of Penalties exceeding Five Pounds.

LVIII. And be it further enacted, That no Proceedings of the said Trustees, or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning or in Execution of any Power or Authority vested in such Trustees or Justices respectively by this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; or any other Courts of Record in that Part of the United Kingdom called *England*, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form.

LIX. Provided always, and be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, and Warrant of Distress, or other Proceedings thereon; 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 shall and may recover Satisfaction for the special Damage in an Action upon the Case.

Distress not to be deemed unlawful for want of Form, nor the Party distraining be deemed a Trespasser *ab initio*.

[*Loc. & Per.*]

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LX. And

Limitation of
Actions.

LX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Fourteen Days Notice thereof in Writing shall have been given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed, and every such Action shall be laid in the County of *Salop* and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall and may plead at his, her, and their Election specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or such Action or Suit shall be brought before Fourteen Days Notice shall have been 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 elsewhere than in the said County of *Salop*, then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be non-suited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Treble Costs.

Persons ag-
grieved may
appeal to the
Quarter
Sessions.

LXI. Provided always, and be it further enacted, 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 already been applied, such Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County, within Three Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Ten Days Notice at the least in Writing of his or her Intent to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, Liberty, or District, with Two sufficient Sureties to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such General Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Session may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the said County wherein such Quarter Session shall be held, for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

LXII. And be it further enacted, That the severall and respective Persons who have subscribed or may hereafter subscribe any Sum or Sums of Money for and towards making and repairing the said Road and Branch of Road; and their respective Heirs, Executors, and Administrators, shall and they are hereby required to pay the Sum or Sums so subscribed, or such Parts or Proportions thereof, within such Time and Times, and to such Person or Persons, as the said Trustees or any Three or more of them, shall by any Writing under their Hands authorize to receive the same, so as the said Trustees or any Three or more of them, shall not call at any one Time for any greater Instalment than Ten Pounds *per Centum* on every One hundred Pounds of such Subscriptions, nor shall make any such Call at a less Distance than the Space of One Calendar Month after the Call immediately preceding; and if any Person or Persons shall after Twenty-one Days previous Notice in Writing under the Hands of the Treasurer or Clerk to the said Trustees for that Purpose, to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees or any Three or more of them, in the Names of the said Trustees or any Three or more of them, or in the Name or Names of their Treasurer or Treasurers, or their Clerk or Clerks, to bring or cause to be brought any Action of Debt or on the Case, Bill, Complaint, or Suit, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than one Imparlance, shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice being given as aforesaid, the respective Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit; and that the Venue in every such Action shall be laid in the said County of *Salop*, or in the City of *London*, and not elsewhere.

Subscribers shall pay their Subscriptions.

LXIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Publick Act.

LXIV. And be it further enacted, That this Act shall commence on the Day of the passing thereof, and shall continue in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

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