

Trustees.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *George Harry Grey* commonly called *Lord Grey*, the Right Honourable *William Lygon* commonly called *Viscount Elmley*, the Honourable *William Booth Grey*, the Honourable and Reverend *Anchitel Grey*, the Honourable *William Henry Lyttelton*, the Honourable *Andrew Foley*, the Honourable *Charles Cecil Cope Jenkinson*, the Honourable *John William Ward*, *Sir George Pigot* Baronet, *Sir John Wrottesley* Baronet, *John Addenbrooke* *Addenbrooke*, *Edward Addenbrooke* *Addenbrooke*, *John Amphlett*, *John Amphlett* the younger, *Thomas Biggs*, the Reverend *George Biggs*, *Thomas Brettell*, *Thomas Bate*, *John Beckett*, *William Bonaker*, *John Causer*, *William Childe*, *William Lacon Childe*, *Edward Collins* (of the Lea House), *Samuel Causer*, *Thomas Caddick*, *Thomas Dudley*, the Reverend *John Dudley*, the Reverend *Edward Dudley*, the Reverend *Howel Davies*, *William Evans*, *Edward Thomas Foley*, *John Hodgetts Foley*, the Reverend *Thomas Philip Foley*, *Booth Grey*, *Edward Gatacre*, *Edward Gatacre* the younger, *Thomas Worrall Grazebrook*, *James Amphlett Grove*, *Thomas Barker Grove*, *William Griffiths*, *Thomas Hill*, *Thomas Homfray*, *Thomas Hill* the younger, *Waldron Hill*, the Reverend *Henry Hill*, the Reverend *Charles Hill*, *George Homfray*, *Joseph Honeyborne*, *Frederick Homfray*, *William Hunt*, *George Harris*, *John Knight*, *Joseph Lea*, *Benjamin Littlewood*, *Francis Longley*, *William Lea*, *Walter Henry Moseley*, *Walter Michael Moseley*, *William Moseley*, *William Marrian*, *William Nock*, *William Norris* (of Enville), *William Norris* (of Stourton), *John Pidcock*, *John Henzey Pidcock*, *William Perry* (of Swindon), *John Penzer*, *Daniel Rogers*, *Thomas Comber Raybould*, *Joseph Robins*, *William Robins*, *Francis Rufford*, *Francis Rufford* the younger, *John Reeve*, *Henry Roberts*, *William Gee Roberts*, *William Smith Stokes*, *Richard Stokes*, *Farmer Taylor*, the Reverend *Joseph Taylor*, *Thomas Whitmore*, *William Whitmore*, *William Wobrych Whitmore*, the Reverend *Charles Wrottesley*, the Reverend *Richard Wilkes*, *Francis Walker*, and *Thomas Wight*, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for amending, widening, altering, turning, improving, and keeping in Repair the Road herein-before mentioned and described, and for otherwise carrying this Act into full and complete Execution.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for executing this Act, in Addition to the Trustees hereby nominated; and such Trustees so elected, and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed in and by this Act.

Appointment of Trustees in the Room of such as shall die or refuse to act.

III. And be it further enacted, That when any Trustee shall die, or shall signify his Intention not to act, by Writing under his Hand, delivered to the Clerk to the said Trustees, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands, at any Meeting (whereof at least Ten Days Notice shall have been given upon all the Turnpikes or Toll Gates to be erected in pursuance of this Act) to nominate and appoint one other Person, to be a Trustee in the Room and Place of every Trustee so dying, or refusing to act as aforesaid; and all Persons who shall be so nominated

and

and appointed (being qualified as herein-after mentioned), are hereby invested with the same Powers and Authorities for putting this Act in Execution, as the Persons in whose Places they shall be respectively nominated and appointed were invested with.

IV. 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 or Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tythes, or Hereditaments of the clear Yearly Value of Forty Pounds, above Reprizes; or shall be Heir Apparent of a Person so seised of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Eighty Pounds, above Reprizes; or shall be possessed of or entitled unto a clear Personal Estate of the Amount or Value of Eight hundred Pounds. Qualification of Trustees.

V. Provided also, and be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such, (except in administering the Oath or Affirmation herein-after mentioned), shall take and subscribe an Oath (or, in the Case of a Quaker, an Affirmation), before any Two or more of the said Trustees, who are hereby empowered to administer the same, in the Words or to the Effect following; (that is to say), Trustees to take an Oath.

‘ I A. B. do swear, [or, being one of the People called Quakers, do solemnly affirm], that I am truly and *bonâ fide* seised or possessed of, in my own Right [or, in the Right of my Wife] and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear Yearly Value of Forty Pounds above Reprizes. [And in case of an Heir Apparent], I, A. B. do swear, [or, being One of the People called Quakers, do solemnly affirm], that I am Heir Apparent of C. D. who to the best of my Knowledge and Belief, is truly and *bonâ fide* seised or possessed of, and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Eighty Pounds, above Reprizes. [And in case of Personal Estate], I, A. B. do swear, [or, being one of the People called Quakers, do solemnly affirm], that I am truly and *bonâ fide* possessed of or entitled to a clear Personal Estate of the Amount or Value of Eight hundred Pounds; and that I will truly and faithfully execute the Powers and Trusts reposed in me as a Trustee, by virtue of an Act passed in the Fifty-sixth Year of the Reign of His Majesty King George the Third, intituled [here set forth the Title of this Act], according to the best of my Skill and Judgment, and without any Favour or Affection to any Person or Persons whomsoever. Oath.

So help me GOD.

And if any Person, not being so qualified, shall presume to act as a Trustee in the Execution of this Act, except in administering such Oath or Affirmation as aforesaid, or, being so qualified, shall act as such Trustee before he hath taken and subscribed the said Oath or Affirmation, except as aforesaid, every such Person so offending in all or any of the Premises, 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 Westminster, by Action of Penalty on Persons acting not being qualified.

As of un-qualified Trustees previous to Conviction valid.

Persons holding Places of Profit not to act as Trustees.

Victuallers, &c. not to act as Trustees.

Justices may act in both Characters.

Trustees lending Money, not to be disqualified.

First and subsequent Meetings

Trustees to pay their own Expences.

of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Impar lance 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 Prosecution, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any such Person, acting or who shall act as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act; and that no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act; nor shall any Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, be capable of acting as a Trustee, or of taking, holding, or enjoying any Place of Profit under this Act; but no such Person shall be precluded from farming the Tolls to be collected by virtue of this Act, provided he, she, or they employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

VI. Provided also, and be it further enacted, That all such Trustees as are Justices of the Peace may act as Justices of the Peace within their respective Jurisdictions, in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they are or shall be personally interested; and that no 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 be on that account deemed unqualified to act as a Trustee in the Execution of this Act.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House known by the Name or Sign of the *Swan Inn* in *Enville* aforesaid, on the Third *Monday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon, and Three of the Clock in the Afternoon, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said Trustees shall then, and from Time to Time afterwards, adjourn themselves, and meet at such Time and Place, in or near the said Road, as the said Trustees, or any Five or more of them, shall from Time to Time think proper; and that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall from Time to Time, as often as such Case shall happen, by Notice in Writing, to be affixed upon all the Turnpike Gates which shall then be erected upon the said Road, or by Advertisement to be inserted in some Newspaper circulated in the said Counties of *Worcester*, *Stafford*, and *Salop*, or any or either of them, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, on that Day Three Weeks next after the Day for which such last Meeting was appointed to have been held: And the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees in the Execution

tion of this Act, shall be made at Meetings to be held in pursuance of this Act, (except as herein-after is excepted); and that no such Order or Determination shall be made unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination.

Determinations at Meetings to be by the Majority present.

VIII. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall at any Time be thought expedient or necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, in that Case the Clerk to the said Trustees upon an Order in Writing, signed by any Five or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such 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 Orders and Proceedings of the Trustees at such Meetings as aforesaid, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of an Adjournment; and the said Trustees, or a Majority of them, at all Meetings to be held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations, and Agreements in the Execution of this Act; and no such Order, Determination, or Agreement shall be made unless the Majority of the Trustees present at such Meeting shall concur therein; and no such Order, Determination, or Agreement shall be revoked or altered at any subsequent Meeting, unless Special Notice shall have been given by Five Trustees at the least to the Clerk to the said Trustees, of their Desire to have a Meeting for the Purpose of taking into Consideration the said Order, Determination, or Agreement, with a View to revoke or alter the same; and in such case Notice shall be given by the said Clerk Ten Days at the least before such Meeting, to such Trustees as were present at and concurred in the making such Order, Determination, or Agreement, of the Intention to revoke or alter the same; and that no such Order, Determination, or Agreement, shall be revoked or altered unless a greater Number of Trustees shall concur in the Revocation or Alteration thereof, than concurred in the making of any such Order, Determination, or Agreement.

Meetings on Emergencies.

How Orders may be made, revoked, or altered.

IX. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the said Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, except such as are herein particularly directed to be done and executed by any greater or less Number of them.

All Acts to be done by Five or more Trustees, unless otherwise directed.

X. And be it further enacted, That in case any Trustee shall directly or indirectly be concerned in any Contract for any Work or other Thing to be done by virtue of this Act, such Person shall not only be incapable of acting as a Trustee in the Execution of this Act but shall also forfeit and pay the Sum of Twenty Pounds, to be recovered with full Costs of Suit, in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no

Trustees not to be concerned in Contracts.

Effoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

For appoint-
ing Officers.

Officers to
account.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby empowered by Writing under their Hands, from Time to Time to appoint a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Collector or Collectors, and such other Officers and Persons as they shall think necessary to be employed in the Execution of this Act, and from Time to Time to remove, and on Removal, Death, or Resignation of any such Clerks, Treasurers, Surveyors, Collectors, or other Officers, to appoint others in their Stead; and out of the Monies to arise by virtue of this Act to make, allow, and pay such Salaries, Rewards, and Allowances to the said Clerks, Treasurers, Surveyors, Collectors, and other Officers and Persons, for their Attendance, Care, Labour, and Services, as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall at such Time and Times, and in such Manner as the said Trustees or any Five or more of them shall direct, deliver to such Trustees, or to such Person or Persons as they or any Five or more of them shall appoint, true and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been by such Officers and Persons respectively received and collected by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers and Receipts for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to produce and deliver up such Vouchers and Receipts, or shall neglect or refuse to pay the Money due on such account in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, all Books, Papers, or Writings in his Custody or Power, relating to the Execution of this Act, that then and in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County or Place wherein such Person may be or reside, upon Complaint being made to them by any Two or more of the said Trustees, and such Justices within their respective Jurisdictions, are hereby authorized and required by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons to be brought before them, and upon his and their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon the Confession of the Officer or Officers, Person or Persons against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the Inspection of the Accounts if produced, it shall appear to such Justices that any of the Monies which have been collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person

Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies and the Charges of taking and making such Distress and of selling the same, or if such Officer or Officers, or other Person or Persons shall not appear before the said Justices at the Time and Place by them appointed for that Purpose, or if appearing, shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act or to the said Road; then and in either of the Cases aforesaid such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County or Place where he or they shall live or reside, there to remain without Bail or Mainprize, until he or they shall have given and made a perfect and true Account and Payment as aforesaid, or until he or they shall have compounded or agreed with the said Trustees, and have paid such Composition Money in such Manner as the said Trustees or any Five or more of them shall appoint, (which Composition the said Trustees or any Five or more of them are hereby empowered to make) or until he or they shall deliver up such Books, Papers, and Writings as aforesaid, or shall give Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for Want of a sufficient Distress shall be detained in Prison for any longer Time than Six Calendar Months.

XII. And be it further enacted, That the said Trustees or any Five or more of them shall and they are hereby required to take such sufficient Security from their Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, as they the said Trustees or any Five or more of them shall think proper; and that no such Treasurer, Receiver, Collector, or other Officer, shall be permitted to enter upon such their Offices respectively until they shall have given such Security.

Treasurers
and Receivers
to give Security.

XIII. 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 of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees or any of them by virtue or on account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees; but the Clerk or Treasurer for the Time being to the said Trustees, shall always be deemed the Plaintiff or Defendant, as the Case may be, in every such Action or Suit: Provided always, that every such Clerk or Treasurer, in whose Name any such Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in Consequence of any such Action, Suit, or Proceedings, he shall bear, pay, expend, or be

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

Clerk or
Treasurer to
be reimbursed
his Expences.

be put to, or become chargeable with by reason of his being so made Plaintiff or Defendant therein as aforesaid.

Trustees to
appoint tem-
porary Col-
lectors.

Collectors to
deliver up
Turnpikes
and Toll-
houses when
demanded.

XIV. And be it further enacted, That upon the Death, Incapacity, absconding, or Absence of any Collector or Receiver of the said Tolls hereby granted, any Five or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and lawfully may, by Writing under their respective Hands, nominate and appoint some other fit and proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver so dying, incapacitated, absconding, or absenting; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as the Person so dying, becoming incapable, absconding, or absenting, would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver, who shall die, abscond, absent himself, or be discharged, or any other Person having the Possession of any Toll Gate, Turnpike, Toll House or Building to be erected or set up by virtue of this Act, shall neglect or refuse to deliver up such Possession for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, or by their Clerk or Treasurer for the Time being; then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County or Place where such Toll Gate, Turnpike, Toll House, or Building shall be situated, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for such County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, Chattels, and Effects, out of the same, and to put the said Trustees, or any Five or more of them, or any of their Officers into the Possession thereof, for the Purpose of collecting and receiving the Tolls herein granted and made payable.

Toll Gates,
&c. to be
erected.

No Gate to be
erected be-
tween Gate-

XV. And be it further enacted, That the said Trustees, or any Five or more of them, or such other Person or Persons as they or any Five or more of them shall appoint, shall and may erect and set up, or cause to be erected and set up, such and so many Toll Gate or Toll Gates, Turnpike or Turnpikes, Weighing Machine or Weighing Machines, upon, in, or across such Part or Parts of the said Roads as they the said Trustees, or any Five or more of them, shall think proper and expedient; and also shall and may erect, set up, and provide a Toll House or Toll Houses, with suitable Out-buildings and other Conveniences thereunto, at or near each of the said Toll Gates or Turnpikes, and Weighing Machines, and from Time to Time take down, remove, alter, or discontinue any such Toll Gate or Toll Gates, Turnpike or Turnpikes, Toll House or Toll Houses, Weighing Machine or Weighing Machines, or other Buildings, and remove the same to any other Part or Parts of the said Road, as they the said Trustees or any Five or more of them shall think expedient: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees to

erect or set up, or cause to be erected or set up, any Toll Gate, Turnpike, Side Gate, Weighing Machine, or other Building, in, upon, or across any Part of the said Road lying between a certain Public House called or known by the Name of the *Gatehangswell*, in the Parish of *Oldswinford* aforesaid, and the Lodge or Cottages of *John Hodgetts Foley* Esquire, near a Wood called *The New Wood*, in the Parish of *Kinver* aforesaid, without the Consent in Writing of the said *John Hodgetts Foley*, or the Person or Persons for the Time being entitled to the Freehold and Inheritance of a certain Mansion and Estate called *Prestwood House*, situate in the said Parish of *Kinver*; nor between *Enville Common* and the Parish Church of *Enville*, within the Parish of *Enville* aforesaid, without the Consent in Writing of the Right Honourable *George Harry* Earl of *Stamford* and *Warrington*, or the Person or Persons for the Time being entitled to the Freehold and Inheritance of a certain Mansion and Estate called *Enville Hall*, situate in the said Parish of *Enville*.

hangswell
Public House
and New
Wood, nor
between En-
ville Common
and Enville
Church.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take at each and every Toll Gate and Turnpike which shall be erected and set up by virtue of this Act, the several Tolls following; (that is to say),

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Barouche, Curricule, Phaeton, Caravan, Hearse, Chair, Taxed Cart, or other such like Carriage, the Sum of Sixpence:

Tolls.

For every Horse, Mare, Gelding, Mule, Afs, or Pair of Oxen, Bullocks, or other Neat Cattle, drawing any Waggon, Cart, or other Carriage of the like Nature, with Wheels of less Breadth than Six Inches, the Sum of Four-pence:

For every Horse, Mare, Gelding, Mule, Afs, or Pair of Oxen, Bullocks, or other Neat Cattle, drawing any Waggon, Cart, or other Carriage of the like Nature, with Wheels of the Breadth of Six Inches or upwards, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule or Afs, laden or unladen, and not drawing, the Sum of Two-pence:

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

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

And that on every *Sunday* during the Continuance of this Act there shall, under the Provisions and Restrictions in this Act contained, be demanded and taken at the said Toll Gates and Turnpikes respectively, by such Person or Persons to be nominated and appointed as aforesaid, Half a Toll in Addition to the said respective Tolls.

Tolls to be
taken on
Sundays.

Which said respective Tolls or Sums of Money shall be demanded and taken, before any Carriage, Horse or Horses, Beast or other Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike; and all and every such Tolls and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned, in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls, shall

[Local.]

3 T

after

after Demand thereof made by the Person or Persons so authorized to receive the same, neglect the Payment thereof, or of any Part or Parts thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting such Tolls, to seize and distrain any Carriage, Horse, Beast, or other Cattle upon which any Toll is by this Act imposed, or any of the Lading, Harness, or Accoutrements thereof respectively (save and except the Bridle or Reins of any such Horse or other Beast separate from such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Distress, and of keeping the same, shall not be paid within the Space of Five Days after such Distress made, the Person or Persons so distraining shall and may, at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, or other Property so seized and distrained, or a sufficient Part thereof, returning the Overplus (if any) to arise by such Sale, and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges attending such Distress and Sale shall be deducted.

If any Dispute shall arise touching the Amount of the Tolls to be paid, the Collector distraining, may keep the Distress till the Matter shall be settled.

XVII. Provided always, and be it further enacted, That if any Dispute shall happen concerning the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls due and the Charges of seizing, distraining, keeping, and selling the same (as the Case shall happen) shall be ascertained by some Justice of the Peace for the County or Place where such Dispute shall happen, who, upon Application made to him for that Purpose, shall examine the Matter on Oath or Affirmation of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XVIII. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out and expended, for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer, or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer,

furor, or Person or Persons, shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

XIX. 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, or any Five or more of them, shall not be deemed 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 by reason of his, her, or their acting under the Authority of the said Trustees.

Collectors of Tolls not to be deemed incompetent Witnesses.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to erect or cause to be erected One or more Toll Gate or Toll Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains on the Side or Sides of the said Road, and upon, in, or across any Road (not being a Turnpike Road at the passing of this Act) Lane, or By-way leading into or out of the same, and at such Toll Gate or Toll Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Toll Gate or Toll Gates, Turnpike or Turnpikes, to be erected by virtue thereof, so that the same do not extend to more than a double Charge upon any Person or Persons passing through any other of the Toll Gates or Turnpikes to be erected by virtue of this Act.

Side Gates may be erected.

XXI. And be it further enacted, That the Right and Property of and in all the Toll Gates, Turnpikes, and Toll Houses, and the several Buildings, Conveniences, and Appurtenances thereunto belonging, which shall be erected or provided by virtue of this Act, and of and in the Materials for building and repairing the same and for repairing the said Road, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be and the same are hereby vested in the said Trustees, and they or any Five or more of them are hereby empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or order the preferring any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break or damage any such Toll Gates, Turnpikes, Toll Houses, Buildings, Conveniences, or Appurtenances, Materials, Articles, or Things, or shall do any Act to hinder or obstruct any Person or Persons employed by the said Trustees in the Execution of this Act.

Toll Houses, &c. vested in Trustees.

XXII. And, in order to prevent the Misconduct of the Persons to be employed as Collectors of the said Tolls, Gate-keepers, and other Officers as aforesaid; be it further enacted, That every Person employed as Collector, Gate-keeper, or otherwise, to collect any of the Tolls hereby granted and made payable, shall from Time to Time affix his Christian and Surname on a Board, in some conspicuous Part of the Toll House at which he shall be so appointed, on each and every Day that he shall continue on such Collection, under the Penalty of any Sum not exceeding Forty Shillings; and if any such Collector shall wilfully misbehave himself in the Collection of the said Tolls or otherwise, by taking excessive Tolls, demanding

Punishment of Collectors for Misbehaviour.

ing

ing or taking Toll from Persons entitled to Exemption or otherwise not liable, or where none is due or payable, using abusive or improper Language to, or otherwise misconducting himself towards any Person or Persons passing or claiming to pass through, or coming to any of the Toll Gates or Turnpikes to be erected by virtue of this Act, and shall be thereof convicted on his own Confession, or on the Oath of One or more credible Witnesses or Witnesses, before One or more of His Majesty's Justices of the Peace for the County or Place where the Offence shall be committed, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in Default of Payment thereof shall be committed to the common Gaol or House of Correction for such County or Place, there to remain for any Time not exceeding One Calendar Month.

Application
of the Tolls,
and Money
to be bor-
rowed.

XXIII. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes herein-after mentioned, (that is to say), in the First Place, in Payment of all the Costs, Charges, and Expences which have been incurred in, or incidental to, or attending the applying for, obtaining, and passing this Act; in the Second Place, in defraying the Expences of purchasing Land, and such Dwelling Houses and Buildings as are hereby authorized to be taken and pulled down, and which may be necessary for making and widening of the said intended Road; in the Third Place, in paying the Interest accruing from Time to Time upon the several Principal Sums of Money, which shall from Time to Time be borrowed and secured in pursuance of this Act, and in defraying the Expences of erecting and providing Toll Gates, Turnpikes, Toll Houses, and other Buildings, and of keeping the same in Repair, and of altering, widening, repairing, and preserving the said Road hereby intended to be made as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money, which shall be secured in pursuance of this Act, in such Manner as the said Trustees shall think most proper.

Tolls may be
lessened;

and raised
again.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, so that the same or any Part thereof be not reduced more than One Half; and such Tolls so lessened or reduced shall continue to be demanded and taken for such Time or Times as they the said Trustees or any Five or more of them shall think proper, and afterwards from Time to Time to advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates herein-before mentioned; and such reduced Tolls shall and may be demanded, collected, recovered, paid, applied, and assigned, in such and the same Manner as the said Tolls are directed to be demanded, collected, recovered, paid, applied and assigned; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Five Sixth Parts of the Money, which shall have been lent on the Credit of the Tolls intended to be reduced, shall

shall be consenting thereto; and no such Meeting shall be held for the Purposes of such Reduction, unless Ten Days previous Notice at the least shall be given thereof in Writing, to be affixed on all the Toll Gates or Turnpikes which shall then be erected by virtue of this Act upon the said Road.

XXV. Provided always, and be it further enacted, That no Person or Persons shall be liable to pay Toll more than once for passing and re-passing at any Time in one Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), with the same Horses, Cattle, Beasts, and Carriages, through any one of the Toll Gates or Turnpikes to be erected by virtue of this Act, but that all and every Person or Persons after having paid Toll at any such Toll Gate or Turnpike as aforesaid, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll, and naming and specifying the Gate or Gates freed by such Payment (which Notes or Tickets the Collectors of the Toll are hereby authorized and required to deliver *gratis* on Receipt of the Toll), shall afterwards pass and repass, with the same Horses, Cattle, Beasts, or Carriages, Toll-free upon such Day through the same Gate or Turnpike, Gates or Turnpikes, where such Toll shall have been paid.

Tolls to be paid but once a Day.

XXVI. Provided always, and be it further enacted, That no more than Two Tolls in the whole shall be demanded or taken, in any one Day, to be computed as aforesaid, for or in respect of the same Horses, Beasts, Cattle and Carriages, for passing through all the Turnpikes or Toll Gates to be erected upon the said Roads by virtue of this Act.

Limiting the Number of Tolls to be paid in one Day, on the whole Road.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting whereof Fourteen Days Notice shall have been given in Writing, to be affixed upon all the Toll Gates or Turnpikes then erected upon or across the said Road, or inserted in some Newspaper published or circulated in the Counties of *Worcester*, *Stafford*, and *Salop*, or any or either of them, from Time to Time, by Writing under their Hands, to lease and demise the Tolls arising by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon Public Bidding, to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Time, in such Manner, and under such Conditions and Agreements, and to such Person or Persons, with such Sureties for the Payment thereof as they the said Trustees, or any Five or more of them, shall think fit; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased or demised, are directed to be applied.

Tolls may be leased.

XXVIII. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates or Turnpikes erected or to be erected on the said Road, shall at any Time or Times, during the Continuance of this Act, be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Twenty-one Days next after any or either of the Days on which the same ought to be paid,

Obtaining Possession of Toll Houses when let to farm.

[Local.]

3 U

pursuant

pursuant to the Agreement for letting the same, then and in either of the Cases aforesaid it shall be lawful for any One Justice of the Peace for the County, Town or Place where such Toll Gates or Turnpikes shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and take Possession of the Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances thereto belonging, so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved), as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, or any Five or more of them, in every such Case to demise or let to farm the said Tolls again to any Person or Persons, or cause them to be taken and collected, in such Manner as if no former Contract or Agreement had been entered into relative thereto.

Trustees empowered to compound for Tolls.

XXIX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and 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 the Passage of all or any Description of their Horses, Cattle, Beasts, or Carriages, through all or any of the Turnpikes or Toll Gates to be erected on the said Road, or on the Sides thereof; which Composition shall be paid yearly in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition Money shall be applied in the same Manner as the Tolls are hereby directed to be paid and applied.

Penalty on evading Tolls.

XXX. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, go or pass through or over any Land, Ground, or Place, lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a Public Highway, and such Person or Persons not being the Owner or Owners, Occupier or Occupiers thereof, or his, her, or their Servant or Servants, or Person or Persons in his, her, or their Family), with an Intent to evade the Payment of the Tolls by this Act granted; or if any Person or Persons being the Owner or Occupier of any such Ground, Land, or Place, shall knowingly or wilfully permit or suffer any other Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to go or pass through or over such Land, Ground, or Place, with Intent to evade the Payment of any of the said Tolls; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons any Note or Ticket by this Act directed to be given, with Intent to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse, or other Cattle or Beast, or shall unload or cause to be unloaded any Goods, Wares, or Merchandize, or shall take off or cause to be taken off any Horse, or other Beast

or Cattle from any Carriage, either before or after having passed through any Toll Gate or Turnpike, or having passed through any Toll Gate or Turnpike, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Toll Gate or Turnpike, whereby the Payment of any of the said Tolls shall or may be evaded; or if any Person or Persons shall do any other Act in order or with Intent to evade the Payment of the said Tolls or any Part thereof, such Person or Persons, and every of them, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXI. And be it further enacted, That no Toll shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses employed in carrying or conveying or going to carry or convey, or returning after having been employed in 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 repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road doth lie; or any Hay, Clover, Turnips, Straw, or Corn in the Straw, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owner or Owners thereof; or for any Horse, Beast, Cattle, or Carriage which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; or for any Waggons, Wains, Carts, Carriages or Horses employed in carrying or conveying, or going empty to carry or convey, or returning after having been employed in carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure whatsoever (except Lime) to be employed in Husbandry, or for manuring or improving Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried; or from any Person going to or returning from his proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to perform, or returning after having been performing Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place of Exercise, Inspection or Review, provided that such Person is or shall be dressed in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps, at the Time of claiming the Exemption; or for any Horses, Cattle 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, fetching, or guarding such Mails or Expresses, or in returning back after having been employed in conveying the same; or from the Person for the Time being employed to carry or convey the General Post Letters between *Stourbridge* and *Kinver*, or between *Stourbridge* and *Enville*, in respect of any Horses, Cattle, or Carriages used or employed or to be used

General Ex-
emptions.

used or employed by him, her, or them for that Purpose; or for any Horses, Carts, or Waggon attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them, laden with their Arms or Baggage, or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses, or other Carriage drawing the same, employed in conveying any Ordnance, or Barrack or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or returning empty after having been so employed; or for any Horses, Carts, or Waggon employed in the Conveyance of Vagrants sent by legal Passes; or for any Horses, Cattle, Beasts, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire, or of a Burgess or Burgesses to serve in Parliament for the said Counties of *Worcester*, *Stafford*, or *Salop*, or for the said Borough of *Bridgnorth*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; or for carrying or conveying any Surveyor or Surveyors of the said Road, when attending his or their Duty on the said Road; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Certain Ex-
emptions
from Tolls.

XXXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken from any Person residing at the Mansion House now occupied by *Thomas Homfray Esquire*, called *The Hyde*, or at any Place within the Hamlet of *Stourton*, in the Parish of *Kinver* aforesaid, upon his, her, or their passing with any Horses, Cattle, or Carriages, through any Toll Gate or Turnpike which may be erected in pursuance of this Act, between the Top of *Stourton Hill* and the present Bridge over the *Staffordshire Canal* Navigation, at or near the *Stewpony* into or from the Turnpike Road leading from *Wolverhampton* to *Kidderminster*.

One Half
Toll to be
taken for
Lime.

XXXIII. Provided also, and be it further enacted, That One Half only of the Tolls hereby granted shall be demanded or taken for or in respect of any Waggon, Wain, Cart, Carriages, or Horses, employed in carrying or conveying, or going empty to carry or convey, or returning after having been employed in carrying or conveying, having been employed only in carrying or conveying Lime to be used for the Purpose of manuring or improving Land, at any Toll Gate or Turnpike to be erected in pursuance of this Act.

Exempting
Carriages
conveying
King's
Stores, &c.
from Penalties
for Over-
weight.

XXXIV. 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, or Barrack, or Commissariat, or other Public Stores of or belonging 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, or the Horse or Horses drawing the same, while so employed 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 the Owner or

Driver

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.

XXXV. And be it further enacted, That if any Person or Persons who hath or have already subscribed any Money towards the Expences of obtaining and passing this Act, or carrying the same into Execution, or any other Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purpose aforesaid, shall, after Twenty-one Days previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees, for that Purpose to him, her, or them given, or left at the Dwelling House or usual Place or Places of Abode of such Person or Persons, neglect or refuse to make Payment of the respective Sums by him, her, or them subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall and may be lawful for the said Trustees, or any Five or more of them, to bring or cause to be brought any Action or Actions of Debt, or on the Case, Bill, Plaint, or Suit, against such Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Effoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and after Proof of such Person or Persons having subscribed or agreed to subscribe, and such Notice having been given as aforesaid, a Verdict shall be given for the Plaintiff or Plaintiffs in all such Action and Actions, and Execution shall issue thereupon, as the Case may require.

Compelling
Payment of
Subscrip-
tions.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest on the Credit of the Tolls by this Act granted, such Sum and Sums of Money as they or any Five or more of them shall think fit, and by Writing or Instrument under their Hands and Seal, to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Toll Gates, Turnpikes, and Toll Houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security or Securities to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money; and that such Mortgage or Mortgages may be in the Form following, or in such other Form as the Trustees making the same shall think proper; (that is to say),

Power to bor-
row Money.

‘ BY virtue of an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act*, [*here insert 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 of the said Road in Hand paid, do hereby grant, bargain, sell, and demise unto *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the said Road, and of the Toll Gates, Turnpikes, and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum advanced or to be advanced on the Credit thereof; to be had and holden from the Day of for and

Form of
Mortgage.

[*Local.*]

3 X

during

“ during the Continuance of the said Act, unless the said Sum of
 “ with Interest at the Rate of *per Centum per Annum,*
 “ shall be sooner paid off and satisfied: In Witness whereof, we have
 “ hereunto set our Hands and Seals, this Day of
 “ in the Year of our Lord One thousand eight hundred and .”

Mortgages to
be entered in
a Book or
Books;

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward: Provided always, that no Money shall be borrowed on the Credit of the said Tolls, beyond the Sum which shall be fixed upon by the Trustees at the First Meeting to be held in pursuance of this Act, unless Notice be affixed for that Purpose in Writing upon all the Turnpikes or Toll Gates then erected upon the said Road, at least Twenty-one Days before the Meeting for borrowing thereof, nor unless a Majority in Value of the then existing Creditors shall consent thereto; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may, from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit, in and to the said Mortgage, and the Principal Money and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument, to be annexed to or by endorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect; (that is to say),

and may be
assigned.

Form of
Transfer.

“ I the within named *A. B. or, I, C. D.* Assignee, Executor, or Administrator, of the within named *A. B. [as the Case may happen to be]*, do
 “ transfer the within Mortgage Security, with all my Right and Title to
 “ the Principal Money thereby secured, and to all Interest now due and
 “ hereafter to become due thereon, unto his [*or, her*]
 “ Executors, Administrators, and Assigns. Dated this
 “ Day of One thousand eight hundred and
 “ Witness to the signing thereof, *C. D.*”

Transfers to
be entered by
the Clerk.

Which Transfer shall be produced and notified to the said Clerk within Thirty Days next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before mentioned Book or Books, containing the Dates, Names of the Parties, and Sums of Money therein transferred; for which Entry or Memorial the said Clerk shall be paid the Sum of Ten Shillings and no more, and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment of the Principal and Interest thereby secured; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred), to make void, release, or discharge the original Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sum or Sums of Money therein respectively mentioned, Creditors on the said Tolls and Toll Houses, in equal Degree One with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or the Dates of such Mortgages, Assignments, or Transfers.

No Priority of
Mortgages.

XXXVII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Road, and such other Person or Persons as shall be employed by him or them for that Purpose, to get, take, and carry away Furze, Heath, Stones, Chalk, Flint, Gravel, Clay, Sand, or other Materials proper for the repairing of the said Road, from any Commons or Waste Grounds, Common Rivers or Brooks, in any Parish, Township, or Place, wherein any Part of the said Road lies, or in any neighbouring Parish, Township, or Place, without paying any Thing for the same, such Surveyor or Surveyors, or other Person or Persons filling up the Pits and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits so that the same shall not be dangerous to Passengers or Cattle; and also by Order of the said Trustees, or any Five or more of them, but under such Restrictions as herein mentioned, to search for, dig, get, take, and carry away such Materials in, upon, and out of, through, from, and over the Lands of any Person or Persons whomsoever, (the same not being a Yard, Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), after paying or tendering to the Owners or Occupiers of such Lands, such a Sum by Way of Recompence for the Damage to be sustained thereby, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case the Owners or Occupiers of such Land shall refuse to accept the Sum offered or tendered for Damages as aforesaid, then the Amount thereof shall be settled by any Two or more Justices of the Peace for the County within which such Materials shall be gotten, but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for the said County as is herein-after directed.

Surveyors
may take
Gravel, Sand,
&c. filling up
Pits, &c.

XXXVIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons, under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Road, out of or from any inclosed Lands or Grounds, until Five Days Notice in Writing, signed by such Surveyor, 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 before any Two or more Justices of the Peace acting for the County or Place where such Premises shall lie, 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, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices, by their Order to authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, 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, his or her Agent, had attended.

Notice to be
given to Oc-
cupiers of in-
closed Lands,
before Mate-
rials are taken
therefrom.

XXXIX. Provided always, and be it further enacted, That if the Owner or Occupier of any Ground or Soil, or any Person whomsoever, shall take away any Materials which shall have been dug or gathered in

Penalty on
taking away
Materials got
by the Sur-
veyors.

any Ground, River, or Brook, for the Purpose of making, repairing, or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days, (except the Owner or Occupier of any private Ground and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied, and applied in Manner herein-after mentioned.

Nuisances by
leaving Car-
riages, &c. on
the Road,

XL. And be it further enacted, That if any Person or Persons shall leave any Waggon, Cart, or other Carriage, in, upon, or on the Side of the said Road, without any Horse or other Beast of Draught yoked or harnessed thereto to draw the same, except in Cases of Accident, or for any longer Time than shall be necessary for loading or unloading thereof, and the same being then drawn up as near to one Side of the Road as conveniently may be; or shall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever in or upon any Part of the said Road, or on the Causeways or Footpaths to be made by the Side thereof; or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Road, any Tree or Piece of Timber or Stone, otherwise than upon a Wheel Carriage or Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Road to the Prejudice or Injury thereof; or if any Person or Persons shall slaughter, singe, scald, or dress any Beast or Cattle in or upon any Part of the said Road, or the Causeway or Footpath to be made by the Side thereof, or shall otherwise obstruct or impede the Passage thereupon respectively, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to
remove An-
noyances,

XLI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part of the said Road, by Timber, Stones, Carriages, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, Gutters, or Drains running along into or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses, Gutters, or Ditches, adjoining thereto, and to make the same as deep and as large as he or they shall think necessary, and at the proper Season of the Year to cut down, lop, or top any Trees, Shrubs, or Bushes growing or to grow on the said Road, or in the Hedges or Banks adjoining thereto respectively (not being a Garden, Orchard, Plantation, Walk or Avenue to a House, and such Trees not being an Ornament or Shelter 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, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses, Gutters, or Ditches, or remove such other Annoyances, in such Manner

as

as the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down, lop, or top such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen any such Watercourses, Gutters, or Ditches, or to remove such Annoyances as aforesaid, and shall be levied, recovered, and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be levied, recovered, and applied; and if after removing any of the said Annoyances, any Person or Persons shall again offend in like Manner, every such Person shall for every such second or other repeated Offence, forfeit and pay any Sum not exceeding Five Pounds.

XLII. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge, or other Fence of any Field, Ground, Yard, or other Place adjoining to the said Road, shall be so made, hung, and constructed, as to open inward towards such Field or Ground, and not outwards towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall after the same shall have been hung so as to open inwards towards such Field, again alter the same so as to open outwards towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road, to be altered, and made to open inward towards such Field, Ground, Yard, or other Place, as they the said Trustees shall think proper.

Gates to
Fields to open
inward.

XLIII. And be it further enacted, That no Windmill shall be erected within the Space of Two hundred Yards from any Part of the said Road.

Erection of
Windmills.

XLIV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or Gatekeeper, employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalties on
obstructing
Surveyor,
&c.

XLV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to make or cause to be made any Causeway or Causeways for the Use of Foot Passengers, in or along the Side of any Part or Parts of the said Road, in such Manner as they shall see convenient; and also to cut or cause to be cut any Ditches, Drains, or Watercourses, in and upon the said Road, and also in, through, or across any Lands or Grounds lying contiguous thereto, and from Time to Time to erect, rebuild, and keep in Repair such Bridges and Arches upon the said Road, or across any such Ditches, Drains, or Watercourses, as they shall think necessary; and also to make or cause to be made, any temporary Road or Way, by, through, or over the Grounds adjoining to any ruinous or narrow Part of the said Road, (such Grounds respectively not

Trustees may
make Cause-
ways.

[Local.]

3 Y

being

being the Ground whereon any House stands, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made Use of by all Passengers, Cattle, and Carriages, as a Public Highway whilst such ruinous or narrow Part of the said Road shall be repairing or widening, and until it shall be made convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace for the County or Place in which such Premises shall lie, or at their Second Quarter Sessions of the Peace at the farthest, to settle, adjudge, and finally determine, what Recompence shall be made to such Owners and Occupiers, for the Damages they shall have sustained as aforesaid; which Determination shall be final and conclusive upon all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, in, upon, or through any Common or Waste Lands.

Penalties on riding and driving Cattle upon, or otherwise damaging Causeways.

XLVI. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or other Way or Ways made or to be made upon or by the Side of the said Road for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, or Cattle, Beasts, or Swine, or any Carriage or Barrow upon any such Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, or shall wilfully pull up, remove, injure, or damage any Post, Rail, Stone, or Fence which shall be put up for the Protection or Security of such Causeway or Causeways, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; which said Penalties shall be levied and recovered in Manner herein-after mentioned, and shall be applied towards the repairing of the said Road, and to or for no other Use whatsoever.

Power to divert, turn, and alter the Road.

XI.VII. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered to make, widen, divert, alter, turn, or repair any Part or Parts of the said Road, within the Limits herein-after mentioned, or beyond such Limits with the Consent of the Owners or Proprietors of the Lands through which the same shall be carried, in, upon, through, or over any Waste Grounds, Commons, or uncultivated Lands without making Satisfaction for the same; and also in, upon, through, or over any private Lands, Grounds, or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and also to erect, build, and keep in Repair any Bridges or Arches upon, over, or along the said Road where necessary; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any private Lands, Grounds, or Hereditaments through which or whereupon the said Road, or the Alterations hereby authorized to be made, is or are intended to pass, and to stake

stake out and make the same in such Manner as the said Trustees, or such Majority as aforesaid shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds, and Hereditaments respectively, for any of the Purposes of this Act, first making or tendering Satisfaction to the Owners thereof and Persons interested therein, for the Damages they may sustain, such Damages to be ascertained and settled, in case of Dispute concerning the same, in such and the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act is hereinafter directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XLVIII. And whereas Maps or Plans describing the Line of the said Road, and the Lands through which the same is to be carried, together with Books of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the respective Counties of *Worcester, Stafford, and Salop*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace for the said Counties, to the end that all Persons may at any reasonable Times have Liberty to inspect and peruse the same; and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerks of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees in making the said Road shall not deviate more than One hundred Yards of Three Feet each, from the Line described in the said Maps or Plans, 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.

Road to be made according to Plans deposited.

Road not to deviate more than 100 Yards from the Plan.

XLIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road, into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons, who is, are, or may be Owner or Owners of Land or Premises over which the same is or are set out and described in the said Map or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described, or altogether omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the County or Place wherein such Lands, Hereditaments, or Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the County or Place where such Lands, Hereditaments, or Premises shall be situate.

Lands marked in the Plans may be used, notwithstanding Errors in the Books of Reference.

L. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard,

Trustees restrained from taking down Dwelling Houses

without Consent, except such as are described in the Plans and Books of Reference.

Orchard, Garden, Yard, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, first had and obtained, (other than and except such as are marked or described in the said Plans and Books of Reference, and herein-after particularly mentioned; (that is to say) One Garden belonging to *William Tongue*, now in the Occupation of *Edward Stinton*, situate in the Parish of *Alveley* aforeaid; Two Orchards belonging to and now in the Occupation of *James Amphlett Grove* Esquire, in the said Parish of *Enville* aforeaid; One other Orchard belonging to and now in the Occupation of *Edward Penzer* situate in the Parish of *Enville* aforeaid; One other Garden Part of *Enville* Glebe Land, now in the Occupation of the Reverend *Richard Wilkes*, in the Parish of *Enville* aforeaid; One other Garden belonging to the Right Honourable *George Harry* Earl of *Stamford* and *Warrington*, now in the Occupation of *John Beckett*, situate in the Parish of *Enville* aforeaid; One other Garden belonging to *John Hodgetts Foley* Esquire, late in the Occupation of *Jeston Homfray* Esquire, deceased, situate at or near *Stourton*, in the Parish of *Kinver* aforeaid; One other Garden belonging to *Thomas Wheeler*, situate in the Township of *Stourbridge* aforeaid; One other Garden belonging to *John Compson* situate in the Township of *Stourbridge* aforeaid; and certain Pigstyes and Gardens belonging to and now in the Occupation of *Joseph Siddens* and *Hannab Siddens*, or One of them, also situate in the Township of *Stourbridge* aforeaid, any Thing in this Act contained to the contrary notwithstanding.

Trustees to fence any new Road.

LI. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the said Road, or make any new Road over and through any Private Grounds, or shall take away any Fence for widening the said Road, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such new Road, or on the Side upon which any such Fence may be so removed as aforeaid, with sufficient Ditches to the same, and a sufficient Post, Rail, or other Fence, to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Road; and also proper Gates, Bridges, and Arches where necessary out of the said Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of One Year from the Time that such Fences shall have been made or set up.

Trustees may purchase, and incapacitated Persons sell, Lands and other Hereditaments wanted for the Purposes of this Act.

LII. And be it further enacted, That for the Purposes aforeaid it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of and Persons interested in any Lands, Grounds, or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain, by making, widening, diverting, turning, or altering, the Course or Path of any Part or Parts of the said Road, through such Lands, Grounds, or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be received or raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors and Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infant, Females Covert, Cestuique Trusts, and for all and every Person and Persons whomsoever, who

are or shall be seised, possessed of, or interested in any such Lands, Grounds, or Hereditaments, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

LIII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees, Trustees, or any other Person or Persons as aforesaid, interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, or last Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments intended to be taken in and added to any Part of the said Road, and through which the same shall be intended to be made, diverted, turned, or altered as aforesaid, shall, for the Space of Thirty Days 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 or any such Case the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men, of the County or Place in which such Lands, Grounds, or Hereditaments shall be (which Oaths the said Trustees, or any Two or more of them, are hereby empowered and required to administer), what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Persons interested as aforesaid, for or on account of the taking of such Lands, Grounds, or Hereditaments into the said Road, or of making, diverting, turning, or altering such Road, or any Part thereof, into and through such Lands, Grounds, or Hereditaments; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, (which Oath the said Trustees, or any Two or more of them, are hereby empowered to administer); and they the said Trustees, or any Five or more of them, shall order and cause the said Jury to view the Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises, as the said Trustees shall think fit; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be

If Parties do not agree, the Value of the Premises to be settled by a Jury.

[*Local.*]

3 Z

assessed

assessed by the said Jury, for such Damages as aforesaid, to be paid to the said Owners, Occupiers, or Proprietors of or other Person or Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming or to claim in Possession, in Fee or in Tail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femmes Covert, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; and for the summoning and returning of such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff or Sheriffs of such of the said Counties in which such Lands, Grounds, or Hereditaments shall be, thereby commanding him or them to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff or Sheriffs, or his or their 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 Five or more of them, shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or Sheriffs, or his or their 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 make up the Number Twelve.

Juries may
be challenged,
and Sheriffs
fined for De-
fault.

LIV. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on any such Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, without sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, without sufficient Excuse, or shall refuse to be examined and to give Evidence; and from Time to Time to levy and apply such Fine or Fines in such and the same Manner as the Penalties, Forfeitures, and Fines are herein-after directed to be levied, applied, and dis-

posed of, so that such Fine shall not exceed the Sum of Twenty Pounds upon any such Sheriff or Sheriffs, or his or their Deputy or Deputies, and the Sum of Five Pounds upon any other of the Persons aforesaid for any One Offence.

LV. And be it further enacted, That all and every Sum and Sums of Money or Recompence, to be agreed for or ascertained as aforesaid, shall be paid by the said Trustees out of the Tolls or other Money arising by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, or (in case of Refusal to accept the same, or the Parties not being to be met with), upon Payment thereof into the Bank of *England*, in Manner hereinafter directed, and after Ten Days Notice thereof given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments, such Lands or Hereditaments shall be laid into and made Part of the Road, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a Public and Common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and from and after such Parts of the said Road hereby intended to be made a new Road, shall be formed and completed, then the Land comprised in or constituting the old or former Road (unless leading over some Common or Waste, or to some Town or Place to which such new Road shall not lead) shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, or exchanged for other Lands used for the Purposes of this Act, and the Money arising by such Sale shall be applied for the Purposes of this Act; and all Deeds of Exchange or Conveyance executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the County or Place wherein such Lands or Grounds respectively shall lie, shall be good, valid, and effectual in the Law to all Intents and Purposes.

Money agreed upon, or assessed for Lands, &c. how to be charged and tendered.

Former Roads to be sold.

LVI. And whereas by reason of the diverting, altering, or turning, the Road herein-before mentioned and described, agreeably to the Power herein-before given for that Purpose, or by reason of the Purchases which the said Trustees are hereby empowered to make by virtue of this Act, the said Trustees may happen to be seised of the Ground or Soil which formed the Road to be diverted, altered, or turned by virtue of this Act, or of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Grounds or Soil, or Piece or Pieces of Ground, together or in Parcels, either by Public Sale or Private Contract, as they shall find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same.

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

LVII. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Road to be diverted, altered, or turned by virtue of this Act,

Persons whose Lands adjoin to have the Preference.

or such Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell, (as the Case may happen to be) to the Person or Persons who shall be the Owner or Owners of the Lands, Tenements, and Hereditaments lying on both Sides of such diverted Road, or the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground for the Purposes of this Act; and in case the Owner or Owners of the said Lands, Tenements, and Hereditaments on both Sides of the said diverted Road, or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased for the Purposes of this Act, shall refuse to purchase or repurchase the same, (as the Case may happen to be). 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 or Place in which such diverted Road or Piece or Pieces of Ground shall lie (who is hereby required to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom it was made, (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Road, or of repurchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then and in such Case 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, or any Five or more of them, in pursuance of this Act; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed, with respect to such Purchase made by the said Trustees, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such diverted Road, Piece or Pieces of Ground as aforesaid, shall be applied to and for the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

How Expences of the Jury shall be paid.

LVIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands, Grounds, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a
Recompence

Recompence or Satisfaction for any such Right, Interest, or Property in any Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the respective County or Place wherein such Lands, or Grounds, and Hereditaments shall lie, not interested in the Matter in Question (who is hereby authorized and required to examine and settle the same), shall 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 and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, in and by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees, touching the Matters aforesaid, the whole of such Costs and Expences shall be paid by the said Trustees, out of the Monies to arise by virtue of this Act.

LIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons, under any Disability or Incapacity as herein mentioned, such 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, *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 and Profits of the said Lands, Tenements, or Hereditaments in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and 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, Tenements, or 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, Tenements, or 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 or Settlement shall be existing undetermined

Application
of Compen-
sation Money
if amounting
to 200l.

[*Local.*]

4 A

and

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 said 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 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compen-
sation Money
when less than
200*l.*, and
exceeding 20*l.*

LX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, 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, Tenements, or 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 Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before 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 Three or more of the said Trustees for executing this Act, (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-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application
of Compen-
sation Money,
where not
more than
20*l.*

LXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall not exceed 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, 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, or if
Persons can-
not be found,

LXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so awarded, assessed, or ordered to be paid as aforesaid for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same,

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 shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded, assessed, or ordered to be paid 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 so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the 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; 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends 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.

Purchase Money to be paid into the Bank subject to the Order of the Court of Chancery.

LXIII. 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 Privy of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, 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 Possession of such Lands, Tenements, 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 be lawfully entitled to such Lands, Tenements, or 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, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession to be deemed presumptively entitled, &c.

LXIV. 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, Tenements, or Hereditaments to be purchased under the

The Court may order reasonable Expences of the

Purchases,
&c. to be paid
by Trustees.

the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery 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, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Upon Pay-
ment of Pur-
chase Money,
Conveyances
to be execu-
ted.

LXV. And be it further enacted, That upon Payment of such Sum or Sums of Money, so to be agreed on or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands, Tenements, or Hereditaments, or any Part thereof, the Person or Persons entitled thereto shall make and execute, or procure to be made and executed, proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law, to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint, of the said Lands, Tenements, or Hereditaments for which such Sum or Sums of Money was or were so awarded or adjudged to be paid, and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereunto; and such Conveyances, Surrenders, Assignments, and Assurances, shall contain such usual and reasonable Covenants as shall, on Behalf of the Trustees, be required; and in case any Person or Persons to whom such Money shall be agreed, awarded, or adjudged to be paid as aforesaid, shall not evince a clear and perfect Title to the said Premises, and make or procure to be made at the Expence of the said Trustees, proper and effectual Conveyances thereof, or shall refuse so to do, being thereunto required, such Sum or Sums of Money so agreed, awarded, or adjudged to be paid as aforesaid, shall be paid into the Bank of *England* in Manner herein-before mentioned; and when and so soon as the same shall be so paid into the Bank, all Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand whatsoever, in Law and Equity, of all and every Person or Persons who shall be entitled to such Money, of, in, to, from, and out of the same Lands, Tenements, or Hereditaments, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever, either in Law or Equity, as fully and effectually to all Intents and Purposes, as if all and every Person and Persons having any Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, or Demand, of, in, to, from, and out of the same Lands, Tenements, or Hereditaments, had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seizin, Fine, and Recovery, or any other Conveyance whatsoever.

Persons liable
to the Repair
of the Roads,
&c. to con-
tinue so.

LXVI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable to the amending, maintaining, or repairing any Part or Parts of the said Road, or any Bridge, Causeway,

Caufeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act.

LXVII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work on the said Road or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall be lawful to and for any Two or more Justices of the Peace, acting in and for the County or Place where the said Road is situate, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, 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 by the Inhabitants of the respective Parishes or Places in which the said Road or any Part thereof lies, 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 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 respectively 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 paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Road as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear 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 or 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, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers,

Statute Labour and Compensation Money, how to be performed and apportioned.

[Local.]

4 B

Team

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 Public 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, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to Work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the 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 so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees to
compound
for Statute
Work.

LXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, and in all or any of the Parishes or Places in which the said Road is situated, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work, to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in Advance, on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees may
contract for
Repairs and
other Work.

LXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint from Time to Time, to contract and agree with any Person or Persons, for making, altering, widening, diverting, or repairing the said Road, or any Part thereof, or for erecting Mile or 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 Five or more of them, shall think proper; and that all Contracts or Agreements in Writing, entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Treasurer, Surveyor or other Officer, with any 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 and Persons as shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits shall

shall and may be maintained thereon by the said Trustees, or any Five or more of them, in the Name or Names of their Clerk or Clerks, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said 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 or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

LXX. And whereas certain Parts of the said Road will be diverted in pursuance of this Act, in order to make the same nearer or more commodious to the Public; and Doubts may arise whether the Inhabitants of any Parish, Township, or Place, or any particular Person or Persons liable to repair the old Road so deviated from, by Statute Duty, Tenure, or otherwise, ought to repair, or contribute to the Repair of the whole or some or what Part or Proportion of such new Road; for obviating which Doubts, and preventing Disputes about the same, be it further enacted, That the Inhabitants of every such Parish, Township, or Place, and all and every Person or Persons who was, were, or shall be liable as aforesaid to the Repair of any such old Road, which shall be so diverted and turned, shall respectively be and continue in the same Manner liable to the Repair of the said new Road, or so much thereof as shall be equal to the Burthen and Expence of repairing such old Road from which he, she, or they shall be exonerated by turning or diverting the same as aforesaid; and that if the several Parties interested cannot agree therein, the same shall be viewed by Two Justices of the Peace, acting within the Limits where such Road shall be, by whom the same shall be settled, adjusted, and determined, in such Manner as they shall think just and reasonable; and from and after such Determination of the said Justices, the Inhabitants of the said Parish, Township or Place, or the Person or Persons liable to repair such new Road as aforesaid, shall bear all Charges and Expences of Indictments and Prosecutions for not repairing the same; and if it shall be found more convenient to fix a gross Sum, or annual Rent or Sum, to be paid by any such Inhabitants, or Person or Persons towards the Repair of such new Road, instead of fixing the Part or Proportion of such new Road to be repaired by him, her, or them, the said Justices may, with the Consent of such Person or Persons, and of the major Part of the Inhabitants interested therein, obtained at a Vestry or Public Meeting held for that Purpose, and also of the said Trustees, or any Five or more of them, at a Public Meeting, order and direct the same accordingly; which Order shall be and for ever after continue binding to and upon all Persons whomsoever; and that if any Person or Persons who, by any Order of any such Justices as aforesaid, shall be made liable to the Repair of different Parts of the said Road, or the future Occupiers of the Estates in respect of which they shall be so charged, shall neglect to repair or amend so much and such Parts thereof as are particularly set forth in the same Order, after Ten Days Notice in Writing shall have been given to them by the Clerk to the said Trustees, to repair the same, such Person or Persons so neglecting shall forfeit any Sum not exceeding Five Shillings

Persons liable to repair old Road, to continue liable to repair new Road where diverted.

lings for every Seven Yards of such Road so neglected to be repaired, and so in Proportion for any greater or less Quantity; which Forfeiture shall be recovered and levied in such and the same Manner as the Penalties and Forfeitures for Offences against this Act are herein-after directed to be recovered and levied; and if the Person or Persons who by the same Order, shall be made liable to the Payment of different annual Sums of Money, in lieu of repairing Part of the said Road, or the future Occupiers of the Estates, in respect of which they shall be so charged, shall neglect to pay the several Sums of Money so ordered to be paid by them to the Treasurer to the said Trustees for the Time being, after Ten Days Notice shall have been given to them by the Clerk to the said Trustees to pay the same, it shall be lawful for the said Trustees, or any Five or more of them, to recover and levy such several Sums of Money by Distress and Sale of the Goods and Chattels of such Person or Persons, in such and the same Manner as the Forfeitures and Penalties for Offences against this Act are herein-after directed to be recovered and levied.

Milestones to
be set up.

LXXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to cause the said Road to be measured, and Stones or Posts to be placed and set up in or near the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles and Distance of Places from any Town or Place, and also such and so many Guide or Direction Posts upon such Parts of the said Road as are or may be crossed or joined by other Roads, as they the said Trustees, or any Five or more of them, shall think proper; and if any Person or Persons shall wilfully pull up or damage any such Direction Post, or Mile Post or Stone, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied and recovered by such Ways and Means as are herein directed with respect to other Penalties, Fines, and Forfeitures hereby inflicted or imposed.

Penalty on
defacing
them.

Recovery and
Application
of Penalties.

LXXII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (the Manner of levying and recovering of which is not hereby otherwise particularly directed), shall upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place where such Offence shall be committed, or wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when so paid and recovered, (if not otherwise directed to be applied by this Act) shall be from Time to Time paid, One-half Part thereof to the Informer, and the other half Part thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of this Act; but if the Surveyor shall be the Informer, then the whole of such Penalties, Forfeitures, and Fines, shall be paid to the said Treasurer or Clerk,

Clerk, and be applied to the Purposes of this Act; and in case such sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless any such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXXIII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore further enacted, That it shall be lawful for any of the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed to the hearing and determining of the Complaint.

For securing
transient Of-
fenders.

LXXIV. 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; (*videlicet*),

County of } BE it remembered, That on the Day of
to wit. } in the Year of our Lord A. B. is
convicted before me C. D. one of His Majesty's Justices of the Peace for
the County of by virtue of an Act of the Fifty-sixth
Year of the Reign of King George the Third, intituled, [*here set forth the*
Title of this Act, and specify the Offence, and when and where the same
was committed]. Given under my Hand and Seal, the Day and Year
first above written.

Form of Con-
viction.

LXXV. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, when entered, shall be signed by the Trustees making the same, or any Five or more of them, and shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, and also the Book or Books herein directed to be kept for registering and entering Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever, touching any Thing done in pursuance and by the Authority of this Act.

Proceedings
to be entered
in a Book.

LXXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against
[Local.] 4 C this

Proceedings
not to be
quashed for
Want of
Form.

this Act shall be quashed for Want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action, for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining, before such Action brought.

Persons aggrieved may appeal to the Quarter Sessions.

LXXVII. Provided always, and be it further enacted, That if any Person shall think himself, or herself, aggrieved by any Thing done or omitted to be done in pursuance of this Act, either by the said Trustees, or by any One or more of His Majesty's Justices of the Peace, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County or Place in which such Cause of Appeal shall arise, such Appellant, if there shall be sufficient Time after the Cause of such Complaint shall have arisen, first giving or causing to be given Eight Days Notice at least in Writing of his or her Intention to bring such Appeal and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal and abide the Order to be made thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for Want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the County or Place in which such Cause of Appeal shall arise; and the Justices at such First or Second 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 Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions 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 or neglect to pay the same, and for Want of sufficient Distress, commit such Person or Persons to the Common Gaol or House of Correction, of and for the County or Place in which such Offence shall be committed, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Limitation of Actions.

LXXVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance

fuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place wherein the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall and may, at his or their Election plead specially, or the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer, 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 any Case by Law.

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

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1816.

