

ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. I.

An Act to continue the Term and alter and enlarge the Powers of an Act of His present Majesty, for repairing the Road from *Atcham* to *Condover* and *Dorrington*, and other Roads in the said Act mentioned, in the County of *Salop*.

[19th *May* 1819.]

WHEREAS an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for amending, widening, altering, improving, and keeping in repair the Road leading from* Atcham *through* Condover *to* Dorrington; *and also the Road branching out of the said Road at a certain Place called* Allfield Turning, *in the said Parish of* Condover, *to the Turnpike Road leading from* Shrewsbury *to* Ludlow, *at a Place called* Hongerhill, *in the same Parish, all in the County of* Salop: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be collected upon the said several Roads by virtue of the said recited Act, which Money still remains due and owing, and the same cannot be paid off, nor can the said several Roads be effectually amended, widened, improved, and kept in repair, unless the Term of the said Act be further continued, and the Powers and Provisions thereof amended, altered, and enlarged; but the Purposes aforesaid cannot be effected without the further Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the 37 G. 3. c. 172

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Act further continued.

That the said recited Act of the Thirty-seventh Year of the Reign of His present Majesty, and the several Powers, Provisions, Matters, and Things therein contained (except such as are varied, altered, or repealed), shall be and continue in full force and effect, and be executed for and during the Term herein-after mentioned, in like Manner, and as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Variations, Alterations, and Additions in this Act contained, and which shall commence and take Effect as herein-after is mentioned; and this Act and the additional Term hereby granted shall be subject and liable to the Payment of all Money now due upon the Credit or on Account of the said Act, or which may hereafter be borrowed or become due on the Credit of the said recited Act and of this Act, and of all Interest due and to grow due for the same respectively.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting in and for the said County of *Salop*, together with *Robert Burton*, *Henry Burton*, *Robert Burton* the younger, *John Brickdale Blakeway* Clerk, *John Beck*, *Joseph Corbett* Archdeacon of *Salop*, *Panton Corbett*, *William Cludde*, *Edward Cludde*, *William Childe*, *William Lacon Childe*, *William Coupland*, *William Clayton*, *John Dodson*, *Edmund Dana* Clerk, Sir *Henry Edwardes* Baronet, *Benjamin Edwardes* Clerk, *Benjamin Edwardes* Esquire, the Honourable *William Hill*, the Honourable *Richard Hill* Clerk, *William Henry Hurnage*, the Honourable *Cecil Cope Jenkinson*, *Edward William Smythe Owen*, *John Cressett Pelham*, *Edward Pemberton*, *Thomas Pemberton*, *Robert Norgrave Pemberton* Clerk, Sir *Edward Smythe* Baronet, *Richard Scott*, *Richard Scott* Clerk, *Edward Williams*, *Edward Williams* Clerk, *Francis Walford*, *Thomas Lockley Meire*, *John Meire*, *Luke Howells*, *William Jones*, *Thomas Farmer Dukes*, and *Thomas Salt*, and their Successors, to be elected in the Manner in the said recited Act mentioned, shall be and they are hereby added to and joined with the Trustees for executing the said recited Act, as fully and effectually as if they had been named and appointed Trustees in and by the said recited Act.

Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act, whilst he holds any Place of Profit under the said Act and this Act, or either of them, nor in any Case wherein he shall be personally interested, otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession of and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath, or being One of the People called

Quakers, an Affirmation, in the Words or to the Effect following; (that is to say),

'I *A. B.* do ſwear, [*or being One of the People called Quakers*, do ſolemnly affirm,] That I truly and *bonâ fide* am in my own Right [*or* in the Right of my Wife] in the actual Poſſeſſion and Enjoyment or Receipt of Rents and Profits iſſuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes [*or*, am poſſeſſed of a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount of Four thouſand Pounds; *or*, am Heir Apparent of *A. B.* who to the beſt of my Knowledge is poſſeſſed of a Real Eſtate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds.] So help me GOD.' Oath.

And if any Perſon unqualified by any of the Clauſes aforeſaid, or not being qualified as herein-before mentioned, ſhall nevertheleſs preſume to act contrary to the true Intent and Meaning hereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of the ſaid recited Act and this Act, or either of them; any Thing in the ſaid recited Act to the contrary thereof notwithſtanding: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of the ſaid Act and this Act, or either of them, (although not duly qualified) previouſly to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at their Firſt Meeting to be holden in purſuance of the ſaid recited Act or this Act, to elect any additional Number of fit and proper Perſons, not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of the ſaid recited Act and of this Act; and ſuch Truſtees ſo elected ſhall be and are hereby veſted with the ſame Powers and Authorities for executing the ſaid Act and this Act, as if they had been named and appointed Truſtees in or by virtue of this Act. Power to appoint additional Truſtees.

V. Provided always, and be it further enacted, That the Tolls to be levied under the ſaid recited Act and this Act ſhall not be demanded or taken more than Once in any One Day from any Perſon or Perſons for the ſame Carriages, Horſes, or other Cattle, upon the ſaid Roads, ſuch Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next ſucceeding Night; and that nothing in the ſaid recited Act or this Act contained ſhall extend to authorize or empower the ſaid Truſtees to cauſe Tolls to be taken on the ſame Day for the ſame Cattle Toll to be paid but Once a Day.

Cattle or Carriage at more than One Gate within the Space of Four Miles, any Thing herein or in the ſaid recited Act contained to the contrary notwithſtanding.

Tickets to be given on Payment of the Tolls.

VI. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment, and which Note or Ticket ſhall be provided by the ſaid Truſtees, and there ſhall be printed and ſpecified thereon the Name or Names of the Gate or Gates freed by ſuch Payment.

Exemptions.

VII. Provided always, and be it further enacted and declared, That none of the Tolls by the ſaid recited Act granted ſhall be demanded or taken for or in reſpect of any Carriage, Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the ſame Day, Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Roads, or any Roads or Bridges in the ſeveral Townſhips, Pariſhes, Hamlets, or Places in which any Part of the ſaid Roads are ſituate; or Hay, Graſs, Turnips, Potatoes, or other Fodder, Straw, or Corn in or out of the Straw, not ſold or diſpoſed of, or paſſing for that Purpoſe, but paſſing to be placed or laid up in the Buildings or on the Premiſes of the Owners thereof, or for ſowing therein; or for Faggots or Firewood, being the Produce of and cut from Lands in the actual Occupation of the Owner or Owners of ſuch Articles reſpectively, and carried or conveyed for the proper Uſe and Conſumption of ſuch Owner or Owners; or for or in reſpect of any Carriage, Horſe, Cattle or Beaſt employed only in carrying or conveying, or going empty or unladen to carry and convey, or returning empty or unladen from carrying or conveying, having been employed only in conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, Aſhes, or other Manures (except Lime,) to be employed only in Huſbandry for manuring or improving Lands, and not for printing, dyeing, or other Purpoſes of Trade; or for any Horſe or Cattle going to or returning from Paſture or Watering Place, or going to be or returning from being ſhoed or farried, or employed in the ploughing, ſowing, tilling, cultivating, or ſtocking any Land or Ground; or for or in reſpect of any Horſe or Horſes drawing any Waggon, Cart, or other Carriage going to or returning from being repaired, or from any Occupier of Land going to or returning from his or her Farm or Farms, or from any Perſon going to or returning from his or her Parochial Church or Chapel, or from any Perſon going to or returning from his or her uſual 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 who ſhall die and be buried in any or either of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting ſick Perſons, or upon other his parochial or miniſterial Duty, on a *Sunday*, or on any Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſe, Beaſt, Cattle, or Carriage of whatever Deſcription employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or returning from conveying the

the ſame; or for any Horſe or Carriage belonging to His Majeſty or any of the Royal Family, or any Horſe or Carriage attending His Majeſty or any of the Royal Family; or for any Horſe, Beaſt, Cattle, or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, Commiſſariat, or other public Stores, of, for, or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning from attending them on ſuch Occaſions; 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 the Place appointed for and on the Days of Exerciſe or Review, provided that ſuch Perſons are in the Uniforms of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemptions as aforeſaid; or for any Horſe, Cart, Waggon, or other Carriage employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning from ſuch Employment; or for any Horſe, Cattle, Beaſt, or Carriage carrying or conveying any Perſon or Perſons going to or returning from any Election for a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Salop*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; 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, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act and the ſaid recited Act.

Owners or Drivers of Waggons in the King's Service not ſubject to Penalties for Overweight, and to put any Number of Horſes to ſuch Waggons.

VIII. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight in any ſuch Waggon, Wain, Cart, or other Carriage, or for being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid recited Act contained to the contrary notwithſtanding.

Abatement of Toll in certain Caſes.

IX. And be it further enacted, That all Waggons, Carts, and other Carriages having the Wheels of the Widths and Deſcriptions, and the Axletrees fixed, as mentioned and ſet forth in and by an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages and to allow of their carrying extra Weights in certain Caſes*, and the ſeveral Horſes and other Beaſts drawing the ſame, ſhall have and enjoy the Privileges and Exemptions granted in and by ſuch Act.

Toll Collectors to put up their Names.

X. And be it further enacted, That all and every Toll Collector, appointed either by the ſaid Truſtees, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the ſaid recited Act and this Act, or either of them, upon the ſaid Roads, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon coming on Duty, each of the Letters of ſuch Name to be at leaſt One Inch in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid; or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of the ſaid recited Act and this Act, or any or either of them; or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption; or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder, any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having been paid the Tolls, or any of them, or ſhall give a falſe Name or Names on ſuch Demand; or ſhall refuſe or neglect to deliver a Ticket *gratis* of the proper Date, and denoting the Payment of the Tolls, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment; or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Roads; or ſhall without ſufficient Cauſe detain or delay any Perſon or Perſons travelling thereon; then and in every ſuch Caſe every ſuch Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be levied and recovered in ſuch and the ſame Manner as the other Penalties are by the ſaid recited Act directed to be levied and recovered, and ſhall be applied as hereinbefore is mentioned.

Truſtees enabled to take Poſſeſſion of Toll Houſes, if the Terms of the Leaſe are broken, &c.

XI. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act at the ſaid Turnpike Gates, or any of them, ſhall be demiſed or let to farm to any Perſon or Perſons in purſuance of the ſaid recited Act or of this Act, and ſuch Perſon or Perſons ſhall neglect or refuſe to perform the Terms and Conditions of the Demiſe or Contract by which the ſame are let to him, her, or them, either by taking a greater or leſs Toll in reſpect of any Kind of Carriage, Waggons, Cart, Horſe, Beaſt, or Cattle than thoſe demiſed or let to him, her, or them, or in any other Way or Manner; or in caſe the Rent for which ſuch Tolls ſhall be demiſed or let, or any Inſtalment thereof, ſhall be in Arrear and unpaid for the Space of Ten Days next after any of the Days or Times whereon the ſame ſhall become due and ought to be paid, purſuant to ſuch Demiſe or Contract; and the Toll Houſe or Toll Houſes appertaining to ſuch Turnpike Gate or Gates ſhall be in Poſſeſſion of any ſuch Leſſee or Leſſees, Farmer or Farmers, or any Perſon or Perſons by him, her, or them appointed to collect the Tolls thereat; then and in any of the ſaid Caſes it ſhall be lawful for the ſaid Truſtees, or any Five or more

of them, (if they ſhall think proper), to vacate and determine ſuch Demiſe or Contract, giving a Notice in Writing of ſuch their Determinations to ſuch Leſſee or Leſſees, Farmer or Farmers, by leaving the ſame at the Toll Houſe or Toll Houſes or at ſuch Turnpike or Turnpikes; and ſuch Leaſe or Contract ſhall from that Time be utterly void to all Intents and Purpoſes, (ſave as to the Covenants for Payment of the Rent to the Day of ſuch Notice being delivered), as if the ſame had not been made; and in caſe any ſuch Leſſee or Leſſees, Farmer or Farmers ſhall not, on Service of ſuch Notice as aforeſaid, deliver the Poſſeſſion of the Toll Houſe or Toll Houſes, and the Turnpike Gate or Gates, with the Appurtenances ſo demiſed or let to him, her, or them, it ſhall be lawful for any Juſtice of the Peace for the County of *Salop*, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe or Toll Houſes and Premiſes in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with their Goods, out of ſuch Houſe or Houſes, and to put ſuch Perſon or Perſons into the Poſſeſſion thereof as the ſaid Truſtees or any Five or more of them ſhall appoint.

For ſettling Diſputes concerning Tolls.

XII. And be it further enacted, That if any Diſpute ſhall happen or ariſe about the Amount of the Tolls or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful for the Collector or the Perſon ſo diſtraining to retain ſuch Diſtreſs or the Money ariſing from the Sale thereof (as the Caſe may be), until the Amount of the Tolls due and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, be aſcertained by ſome Juſtice of the Peace for the ſaid County of *Salop*, who upon Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized to adminiſter), 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 or 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), upon 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.

Truſtees not to adminiſter Oaths on verifying Officers Accounts.

XIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to authorize or empower the ſaid Truſtees, or any of them, to adminiſter any Oath or Oaths to any Clerk, Treaſurer, Collector of the Tolls, Surveyor or other Officer or Officers now appointed or hereafter to be appointed under or by virtue of the ſaid recited Act and this Act, or either of them, for the Purpoſe of verifying his or their Accounts.

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

XIV. 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 of Account to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk 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

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 or continued, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take Copies of or Extracts from the ſaid Book or Books, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit, or ſhall not permit the ſaid Truſtees or ſuch Creditors to inſpect ſuch Book or Books, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner directed by the ſaid recited Act.

Clerk reſtrained from acting as Treaſurer, and vice verſa.

XV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been or may be appointed to act as their Clerk in the Execution of this Act, or the ſaid recited Act, or either of them, or the Partner of any ſuch Clerk, to be the Treaſurer for the Purpoſes of the ſaid Act and this Act, or either of them, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, to be Clerk to the ſaid Truſtees for executing the ſaid Act and this Act, or either of them; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this and the ſaid recited Act, or either of them, or if any Perſon being the Partner of any ſuch Clerk, ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer, ſhall act as Clerk in the Execution of this and the ſaid Act, or either of them, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Truſtees not to deviate more than One hundred Yards from the Line of the old Road, without Conſent of Owners and Occupiers of the Land.

XVI. And be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, in diverting, turning, varying, or altering the Courſe or Path of any Part of the Road compriſed in the ſaid recited Act, to deviate more than One hundred Yards from the preſent Line or Courſe thereof, without the Conſent in Writing of the Owners and Occupiers, or the reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any ſuch Diverſion or Alteration, any thing in the ſaid recited Act contained to the contrary thereof in anywiſe notwithſtanding.

Gates to be hung inward, and not towards the Road.

XVII. And be it further enacted, That all Gates to be hereafter placed in any Field or Ground adjoining any Part of the ſaid Roads ſhall be made and hung to open and ſwing inward towards ſuch Field or Ground (and not towards the ſaid Roads), and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order all ſuch Gates as are now or hereafter ſhall be erected and hung to open or ſwing outward towards the ſaid Roads, to be altered and made to open and ſwing inward, as the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or ſhall be conſtructed ſo as to open and ſwing outward towards the ſaid Roads, ſhall after Notice in Writing from the Surveyor of the ſaid Roads, requiring him, her, or them to alter any ſuch Gate or Gates and make the ſame to open and ſwing inward, refuſe or neglect to make ſuch Alteration within the Space

of

of One Calendar Month next after such Notice, or after such Alteration shall have been once made, shall again alter the same, every such Occupier shall for any such Offence forfeit and pay any Sum not exceeding Five Pounds.

An Action of Ejectment may be supported by one Mortgagee.

XVIII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

For preventing Nuisances on the Road.

XIX. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Road, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze, or be and remain loose on the said Road, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path formed upon or on the Side of or adjoining the said Road, or shall drive any Horse, Beast, Cattle, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person shall hale or draw or cause to be haled or drawn upon any Part of the said Road any Timber, Stone, or other Thing, (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road, shall suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage upon the said Road, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage shall not keep his Carriage on the Left or near Side of the said Road, and also keep on the same Side himself or herself, or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set Fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football, or any other Game or Games on the said Road, or on any Part or Parts thereof, or on any Footway or Path adjoining thereto, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident) upon or on the Side

of the ſaid Road, without a proper Perſon in the Cuſtody or Care thereof, longer than may be neceſſary to load or unload the ſame, or ſhall not place the ſame during the Time of loading or unloading thereof as near to the Side of the ſaid Road as conveniently may be, either with or without any Horſe or other Beaſt of Draught harneſſed or yoked thereto; or if any Perſon, after having blocked any Waggon, Wain, Cart, or other Carriage whatſoever in going up any Hill or riſing Ground, ſhall leave on the ſaid Road the Stone or other Matter or Thing uſed in ſuch blocking, or ſhall plough, dig, or break up any of the Soil within Twenty Feet of the Centre of the ſaid Road, or ſhall ſcrape off any Soil or other Thing from the ſaid Road, or the Side or Sides thereof, or ſhall take up or carry away any Scrapings thereof, without Leave of the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors; or if any Perſon ſhall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon the ſaid Road, or on the Side or Sides thereof, to the Prejudice of the ſaid Road, or to the Prejudice, Annoyance, or Interruption of any Perſon or Perſons paſſing or travelling thereon; or if any Perſon or Perſons ſhall wilfully commit any other Nuiſance or Annoyance upon the ſaid Road, or on the Side or Sides thereof, every Perſon offending in any or either of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Application of Compenſation Money when amounting to or exceeding 200l.

XX. 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 the ſaid recited Act or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, 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 the ſaid recited Act and this Act, 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 Incumbrances or Parts 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 to the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the Direction and with the 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 or taken and 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 and capable of taking Effect; and in the meantime or 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 Five Pounds *per Centum* Navy Stock, or Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime or until the ſaid Stock or Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Stock or Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by the Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe and Settlement were made.

Application when the Money is leſs than 200l. and not leſs than 20l.

XXI. 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, 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 amount to or 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 in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in the 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 and the ſaid recited 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 and Intereſts ariſing thereon, may be applied in the Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20l.

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

In caſe of not making out Titles, or if Perſons cannot be found, Purchaſe Money to be paid

XXIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this or the ſaid recited Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Three or more of them, or in caſe ſuch Perſon or Perſons to

into the Bank;

to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the

ſubject to the Order of the Court of Chancery on Motion or Petition.

Lands, Tenements, or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery, 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, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the Eſtate or reſpective Eſtates, Title or Intereſt of the Perſon or Perſons making claim thereunto, and to make ſuch Order in the Premiſes as to the 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.

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

XXIV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of the ſaid recited Act or 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 of the ſaid recited Act or this Act, 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 have been 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 applied and diſpoſed of accordingly, unleſs it ſhall be made 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.

Court of Chancery to direct Payment of Expences.

XXV. Provided always, 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 Authority of the ſaid recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery,

cery, and to be applied in the Purchaſe of any 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 the ſaid recited Act or this Act, or ſo much of the ſaid Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees or any Three or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Labour.

XXVI. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the County or Place in which the ſaid Roads do lie, 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 Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in force or effect for the Repair of the public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work in every Year upon the ſaid Roads, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and in ſuch Parts of the ſaid Roads as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, or appoint; and the ſaid Juſtices ſhall and may order and direct the Perſons who by ſuch Liſts ſhall 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 Surveyor or Surveyors of ſuch Pariſhes, Townſhips, and Places reſpectively, to be by him or them paid over to the Surveyor or Surveyors of any ſuch Pariſh, Townſhip, or Place, to be by him or them paid to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof, the

ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Fines, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute now in force or effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Roads, 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 as aforeſaid, in ſuch and the ſame Manner 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 Roads; all which Forfeitures ſhall be paid to the Treaſurer of the ſaid Truſtees and applied towards amending the ſaid Roads; 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 any ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe and imperfect Liſts, or ſhall refuſe or neglect to collect or pay over ſuch Compoſition Money, or any Part thereof, in Manner aforeſaid, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, paid, and applied in ſuch and the ſame Manner as Penalties are by the ſaid recited Act directed to be levied, recovered, paid, and applied.

For paying the Expences of this Act.

XXVII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act ſhall be paid and diſcharged by the Truſtees of the ſaid Road, or any Five or more of them, out of the Money which hath ariſen by virtue of the ſaid recited Act, or out of the firſt Money which ſhall ariſe by virtue thereof, and of this Act, together with lawful Intereſt from the Time of advancing or diſburſing the ſame, in preference to any other Payments whatſoever; and the Money then remaining, and afterwards to be raiſed on the ſaid Road, ſhall from Time to Time be applied by the Truſtees of ſuch Road in putting this and the ſaid recited Act into Execution, and repaying the principal Monies already borrowed or to be borrowed on the ſaid Road, and the Intereſt thereof reſpectively.

Public Act.

XXVIII. 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.

Continuance and Term of the Act.

XXIX. And be it further enacted, That this Act ſhall commence and take effect upon the paſſing thereof, and that the ſaid recited Act (ſubject to the Alterations and Amendments in this Act contained) and this Act ſhall continue and be in force and be executed for and during the Reſidue

now to come of the Term granted and continued by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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