ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. xii.

An Act for making and maintaining a Turnpike Road from and out of the Turnpike Road at the Bottom of *Coalbrook Dale*, in the Parish of *Madeley*, into the Turnpike Road leading from *Shiffnal* to *Shrewsbury*, at or near a Place called *Watling Street*, in the Parish of *Wellington*, all in the County of *Salop*. [29th *April* 1817.]

WHEREAS there is not at present any direct public Road leading from *Coalbrook Dale*, in the Parish of *Madeley*, in the County of *Salop*, to the Town of *Wellington* in the same County: And whereas it would be of great Convenience to the Neighbourhood and Places adjacent, as well as of public Utility, if a Turnpike Road were to be made and maintained from and out of the Turnpike Road (leading from the Iron Bridge in the Parish of *Madeley* aforesaid to *Shrewsbury*, in the said County of *Salop*) at the Bottom of *Coalbrook Dale* aforesaid into the Turnpike Road leading from *Shiffnal* to *Shrewsbury*, at or near a Place called *Watling Street* in the Parish of *Wellington* aforesaid, and to pass through *Coalbrook Dale*, the *Gighouse Bank*, *Lawley* and *Arleston*, and the several Parishes of *Madeley*, *Dawley*, *Little Wenlock*, and *Wellington*, all in the said County of *Salop*; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable *John Simpson*, Trustees, the

the Honourable *Charles Cecil Cope Jenkinſon*, *William Anſtice*, *John Acton*, *Robert Burton*, the Reverend *Henry Burton* Clerk, *Edward Burton*, *Robert Burton* the younger, *George Brooke*, *Thomas Botfield*, *William Botfield*, *George Biſhton*, *Thomas Biſhton*, Sir *Andrew Corbet* Baronet, *John Corbet*, *John Cotes*, *William Cludde*, *Edward Cludde*, *William Charlton*, *Philip Charlton*, *William Childe*, *William Lacon Childe*, *William Clarke*, the Reverend *Charles R. Cameron*, *James Clayton*, *Francis Darby*, *Richard Darby*, *Barnard Dickinſon*, *Thomas Eyton*, the Reverend *John Eyton* Clerk, *Richard Emery*, *Joſhua Emery*, *Richard Emery* junior, *Cecil Weld Foreſter*, the Reverend *Townſhend Foreſter* Doctor in Divinity, *Francis Foreſter*, *William Ferriday*, *Robert Ferriday*, the Reverend *Joſhua Gilpin* Clerk, *George Goodwin*, *Richard Hodges Gwyn*, Sir *John Hill* Baronet, *Thomas Harries*, *Francis Blythe Harries*, *William Horton*, Sir *Thomas John Tyrwhitt Jones* Baronet, *William Jones*, *William Jones* the younger, *Thomas Kynnerſley*, *Francis Knyvett Leighton*, *Richard Lyſter*, *Egerton Leeke*, *Richard Mountford*, *Charles Maddiſon*, *William Nock*, *John Onions*, *John Onions* the younger, *John Kynaſton Powell*, *Edmund Plowden*, *John Creſſet Pelham*, *William Phillips*, *George Phillips*, *William Purton*, *Joſeph Reynolds*, *John Reynolds*, *Thomas Reynolds* of *Ketley*, *Joſeph Reynolds* of the Bank, *Benjamin Rowley*, *Thomas Ridding*, *Frederick Ridding*, *John Roſe*, the Reverend *Michael Pye Stevens* Clerk, *William Shakeſhaft*, *Robert Slaney*, *Robert Aglionby Slaney*, *Valentine Vickers* of *Cranmere*, *John Wilkinſon*, *Thomas Whitmore*, *William Woolrych Whitmore*, *Henry Williams*, *Timothy Yate*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, and keeping in Repair the ſaid Road, 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 Ten in the whole, to be Truſtees for executing this Act, in addition to the Truſtees hereby mentioned; and that 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 of 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 Turnpike 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 appointed (being qualified as herein-after mentioned) are hereby inveſted with the ſame Powers and Authorities for putting this Act into Execution as the Perſons in whoſe Places they ſhall be reſpectively nominated and appointed were inveſted with.

Qualification of Truſtees.

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, Tithes, 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, Tithes, 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.

Truſtees to take an Oath.

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 hereinafter 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 (in the Caſe of an Owner of Real Eſtate):

Oath.

'I 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, Tithes, or Hereditaments of the clear yearly Value of above Reprizes; [*or, in caſe of an Heir Apparent*], I do ſwear [*or, being one of the People called Quakers,* do ſolemnly affirm], That I am Heir Apparent of who, to the beſt of my Knowledge, 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, Tithes, or Hereditaments of the clear yearly Value of above Reprizes; [*and in caſe of Perſonal Eſtate*] I 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 ; 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-ſeventh Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act*], according to the beſt of my Skill and Judgment, without Favour or Affection to any Perſon or Perſons whomſoever.

'So help me GOD.'

Penalty on Perſons acting not being qualified.

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 Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecution than that ſuch Perſon hath acted as Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any ſuch

ſuch Perſon acting or who ſhall act as 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, or be concerned or intereſted in any Contract, or ſhall be a Leſſee or Farmer of the Tolls, or any Parts thereof, 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.

Truſtees being Juſtices may act as ſuch in Execution of this Act.

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.

Truſtees lending Money not to be diſqualified on that Account.

First and ſubſequent Meetings, &c.

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 Cock Inn*, *Watling Street*, ſituate in the Pariſh of *Wellington* in the County of *Salop*, 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 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, at leaſt Ten Days before the next intended Meeting, adjourn the Meeting to ſuch Time and Place as he or they ſhall think fit, not exceeding Twenty-one Days from the Time at which the laſt Meeting was appointed to be 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 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.

VIII. And

Meetings on Emergencies.

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.

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

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.

Truſtees not to be concerned in Contracts.

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 Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

For appointing Officers, &c.

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 in Writing 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 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.

Treaſurers and Receivers to give Security.

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.

Offices of Clerk and Treaſurer not to be held by one Perſon.

XIII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the Perſon who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, 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 Act, 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, nor more than One Imparlance, ſhall be allowed.

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

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

Clerk or Treaſurer to be reimburſed his Expences.

Orders to be entered, and Books admitted as Evidence.

XV. And be it further enacted, That all Orders and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, or by their Clerk, which Book or Books, and

and alſo the Book or Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments, or Transfers thereof, ſhall be admitted as Evidence in all Courts whatſoever.

Truſtees to appoint temporary Collectors, &c.

XVI. And be it further enacted, That upon the Death, Incapacity, Abſconding, or Abſence of any Collector or Receiver of the 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 or other Perſons into the Poſſeſſion thereof, for the Purpoſe of collecting and receiving the Tolls herein granted and made payable.

Toll Gates, &c. to be erected.

XVII. 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 Outbuildings and other Conveniencies 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

No Gate to be erected

conſtrued

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 the Dwelling House belonging to and now in the Occupation of *George Longmore*, and the said Turnpike Road leading from the Iron Bridge to *Shrewsbury* at the Bottom of *Coalbrook Dale* aforesaid.

between the House of G. Longmore and the Road leading from the Iron Bridge to Shrewsbury.

XVIII. And be it further enacted, That no Toll Gate, Turnpike, Side Gate, or other Building, shall be erected on or across the Road leading from the North End of the said intended new Road and the Town of *Wellington*.

No Gate to be erected between the North End of the Road and the Town of Wellington.

XIX. 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),

Tolls to be taken.

Tolls.

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

For every Horse, Mule, Ass, 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 Nine Inches or upwards on the Bottom or Sole thereof, the Sum of Four-pence:

For every Horse, Mule, Ass, 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, and under Nine as aforesaid, the Sum of Sixpence:

For every Horse, Mule, Ass, 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 Eight-pence:

For every Horse, Mule, or Ass, 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 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 less Number.

Additional Half Toll to be taken on Sundays.

And that One Half over and above the said respective Tolls shall and may be demanded and taken on every *Sunday* during the Continuance of this Act.

Tolls vested in Trustees.

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, 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.

One Half Toll to be taken for paſſing along the Road through Coalbrook Dale to and from the Road leading to Lightmoor.

XX. Provided always, and be it further enacted, That only One Half Toll ſhall be demanded or taken for every Horſe, Mule, Aſs, or Pair of Oxen, Bullocks, or other Neat Cattle, drawing any Waggon, Cart, or other Carriage of the like Nature, along the ſaid Road from and to the Commencement thereof at the Bottom of *Coalbrook Dale* to and from the Top of *Coalbrook Dale*, and there communicating with a Road leading to the Iron Works at *Lightmoor*, and the Townſhip of *Little Dawley*, in the County of *Salop*.

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

XXI. 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 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.

Tickets to be delivered.

XXII. And be it further enacted, That upon the Payment of any of the Tolls granted or made payable by virtue of this Act, the Collector or Receiver 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 Names of the ſeveral or reſpective Gates which ſuch Tickets ſhall free, or which ought under the Proviſions of this Act to be paſſed free for One Payment of Toll.

XXIII. And

Accounts to be kept of Receipts and Diſburſements.

XXIII. 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 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 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, or any of them, ſhall or 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 ſhall refuſe to permit the ſaid Truſtees, or ſuch Creditors, or any of them, 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 herein-after mentioned.

Collectors of Tolls not to be deemed incompetent Witneſſes.

XXIV. 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.

Side Gates may be erected.

XXV. 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.

Toll Houſes, &c. veſted in Truſtees.

XXVI. 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 for the Time being, and they 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, and to prefer and proſecute or order and direct the preferring and proſecuting of any Informations or Indictments againſt any Perſon or Perſons who

ſhall

ſhall dig up, break, or pull down, ſteal, take or carry away, ſpoil, deſtroy, injure, or damage, any of the Toll Gates or Toll Houſes, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Poſts, Rails, and Fences, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials aforeſaid.

Puniſhing Toll Collectors miſbehaving.

XXVII. And be it further enacted, That all and every the Toll Collectors, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees or by any ſuch Leſſee or Leſſees to collect the Tolls payable at any Toll Gate or Toll Bar to be erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, on the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately on his beginning to collect ſuch Toll or coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length, and of a Breadth in proportion, and painted either in Black Letters on a White Ground or White Letters on a Black Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall collect ſuch Toll or be upon ſuch Duty; and if any Collector of the ſame 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 than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof; 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 anyways 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 paid the ſaid Tolls, or any of them, or ſhall in Anſwer to ſuch Demand give a falſe Name or Names; or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment; or upon the legal Toll being paid or tendered ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Toll Gate or Toll Bar, or ſhall make uſe of any ſcurrilous or abuſive Language to any Traveller or Paſſenger, then and in every ſuch Caſe every ſuch Toll 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 recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Application of the Tolls, and the Money to be borrowed.

XXVIII. 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 or 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.

XXIX. 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 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.

Limiting the Toll to be paid in one Day on the whole of the Road.

XXX. Provided always, and be it further enacted, That no more than One full Toll in the whole ſhall be demanded or taken in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night, for or in reſpect of the ſame Horſes, Beaſts, Cattle, and Carriages, or the ſame Horſes, Beaſts, or Cattle in different Carriages, for paſſing through all the Turnpikes or Toll Gates to be erected upon the ſaid Roads by virtue of this Act.

Tolls may be leaſed.

XXXI. 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 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.

Obtaining Possession of Toll Houses when let to farm.

XXXII. 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 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.

XXXIII. 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.

XXXIV. 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 Perſon or Perſons (not being in his, her, or their Service or Employ, or of his, her, or their Family) with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to go or paſs through or over ſuch Land, Ground, or Place, with Intent to evade 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; ſuch Perſon or Perſons, and every of them, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

General Exemptions.

XXXV. And be it further enacted, That no Toll ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horſes or other Beaſts employed in carrying or conveying, or going to carry or convey, or returning after 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 or other Beaſts 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 other 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 ſhoed 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 for any Horſe 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

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 for any Horſes, Carts, or Waggons 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 Waggons 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 County of *Salop*, 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.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XXXVI. 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 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.

Compelling Payment of Subſcriptions.

XXXVII. 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

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 Essoign, 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.

Power to borrow Money.

XXXVIII. 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 Seals 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),

Form of Mortgage.

'BY virtue of an Act passed in the Fifty-seventh 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 into 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 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 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 may be assigned.

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

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 indorſing on the Back of ſuch Security before One credible Witneſs the following Words, or Words to the like Effect; (that is to ſay),

Form of Transfer.

'I the within named or I Aſſignee, Executor,
'or Adminiſtrator of the within named [*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.'

Transfer 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 Two 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.

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

XXXIX. 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 adjoining 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

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 now being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any Houſe, or any incloſed Ground planted or ſet apart as a Nurſery for Trees).

Notice to be given to Occupiers of incloſed Lands before Materials are taken therefrom.

XL. 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 ſhow 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 ſhow 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 or his or her Agent had attended.

Satisfaction for Materials and Damages.

XLI. Provided always, and be it further enacted, That ſuch Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, ſhall make or tender Satisfaction for the Materials ſo taken away, and for the Damages done thereby, to the Owners and Occupiers of ſuch Lands or Grounds where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Road ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Lands or Grounds, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers reſpectively, or any of them, concerning ſuch Damages, it ſhall be lawful for any Two or more Juſtices of the Peace for the County, City, or Place, where or from whence ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away, on Application made to them for that Purpoſe, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine ſuch Payment and Damages; and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials got by the Surveyors.

XLII. Provided always, and be it further enacted, That if any Perſon whoſoever ſhall take away any Materials which ſhall have been dug or gathered in any Ground, River, or Brook for the Purpoſe of making, repairing, or improving the ſaid Road, or ſhall get or take away any Materials

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 in leaving Carriages on the Roads.

XLIII. 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; or in caſe the ſame ſhall not during ſuch Time be 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, Furnace or Forge Cinders, 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 Annoyances.

XLIV. 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 ſame 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 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.

Gates to Fields to open inward.

XLV. 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 outward 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 inward towards ſuch Field, again alter the ſame ſo as to open outward 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.

No Windmill to be erected within 200 Yards of the Road.

XLVI. 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.

Penalty on obſtructing Toll Collectors.

XLVII. 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 employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Miles Stones to be ſet up.

XLVIII. 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 and impoſed.

Truſtees may make Foot-paths, &c.

XLIX. 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

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 Footpath or Causeway 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 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 Persons injuring Footpaths, &c.

L. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway, 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, upon any such Footpath or Causeway, 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 Footpath or Causeway, 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 and for no other Purpose whatsoever.

Power to divert, turn, and alter the Road.

LI. 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 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 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 herein 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.

Road to be made according to Plan depoſited, and new Road not to deviate more than 100 Yards from the Plan.

LII. And whereas a Map or Plan, deſcribing the Line of the ſaid Road, and the Lands through which the ſame is to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Salop*; be it therefore enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of the ſaid Clerk of the Peace for the ſaid County, to the End that all Perſons may at ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk 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 Map or Plan or Book 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 Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Lands marked in the Plan may be uſed, notwithſtanding Errors in the Book of Reference.

LIII. 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 Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be erroneouſly deſcribed, or altogether omitted in the ſaid Book 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

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.

Truſtees to fence any new Road.

LIV. 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 aforeſaid, 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 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.

LV. And be it further enacted, That for the Purpoſes aforeſaid 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, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Executors, and Adminiſtrators, Guardians, or other Truſtees whatſoever, for or in Behalf of any Infant, Femes 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.

If Parties do not agree,

LVI. And be it further enacted, That if any ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Feoffees,

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 inquired 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 aſſeſſed by the ſaid Jury for ſuch Damages as aforeſaid, to be paid to the 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, Femes 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 anyways 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

the Value of the Premiſes to be ſettled by a Jury.

any Five or more of them are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County, thereby commanding him to impannel, 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 his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo impannelled, 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 his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve.

Juries may be challenged, and Sheriffs fined for Default.

LVII. 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 Sheriff or his 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, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, or Expences, 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 diſpoſed of, ſo that ſuch Fine ſhall not exceed the Sum of Twenty Pounds upon any ſuch Sheriff or his Deputy or Deputies, and the Sum of Five Pounds upon any other of the Perſons aforeſaid for any One Offence.

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

LVIII. 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 upon Payment into the Bank of *England* in Manner herein-after directed (as the Caſe may be), 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 made, 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 comprized 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.

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

LIX. 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 Ground 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.

Persons whose Lands adjoin to have the Preference.

LX. 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, 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 be (who is hereby required to take such Affidavit), by some Person or Persons noway interested in the Premises, stating that such Offer was made by or on 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 Evi-

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dence 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.

LXI. 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 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 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 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 Treasurer to the said Trustees in and by such Ways and

Means

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.

Application of Compenſation Money if amounting to 200l.

LXII. 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 and capable of taking Effect; and in the meantime, 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 meantime, 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 Compenſation Money where leſs than 200l. and exceeding 20l.

LXIII. 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 any 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

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 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 Compensation Money where not more than 20*l.*

LXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall not amount to the Sum of 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.

Directions in Cases of not making out Titles.

LXV. 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, 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 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 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, and 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 ſame 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.

Reſpecting diſputed Titles.

LXVI. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the 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 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 may order reaſonable Expences to be paid by Truſtees.

LXVII. 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 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 Payment of Purchaſe Money, Conveyances to be executed.

LXVIII. 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

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 hereinbefore 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 at 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 and 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 Seiſin, Fine, and Recovery, or any other Conveyance whatſoever.

Perſons liable to repair the Roads to continue ſo.

LXIX. 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 by Law liable to the amending, maintaining, or repairing any Part or Parts of the ſaid Road, or any Bridge, Cauſeway, 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.

Statute Labour.

LXX. 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

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 Hay-time or Harveſt), and on 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, 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.

LXXI. 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 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.

LXXII. 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 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.

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

LXXIII. And whereas certain Parts of the ſaid Road may 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

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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 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 ſaid 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 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.

Recovery and Application of Penalties.

LXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed (the Manner of leyying and recovering of which is not hereby otherwiſe particularly directed), ſhall, upon Proof of the Offence reſpectively before any One Juſtice of the

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, 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.

For ſecuring tranſient Offenders.

LXXV. 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 into 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 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.

LXXVI. 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*),

Form of Conviction.

‘ County of } BE it remembered, That on the Day of
‘ to wit. } in the Year of our Lord is
‘ convicted before me one of His Majeſty's Juſtices of
‘ the Peace for the County of by virtue of an Act of the Fifty-
‘ ſeventh 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*

'*the ſame was committed.*] Given under my Hand and Seal the Day and 'Year firſt above written.'

Proceedings to be entered in a Book.

LXXVII. 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 not to be quaſhed for Want of Form.

LXXVIII. 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 this Act, ſhall be quaſhed for Want of Form, or be removed or removable 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.

LXXIX. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf or themſelves 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 or Perſons 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, her, or their 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.

LXXX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act until Twenty Days Notice thereof ſhall be given to the Clerk or Treaſurer to the ſaid Truſtees, nor after a ſufficient Satisfaction or 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.

Public Act.

LXXXI. 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.

Commencement and Duration of this Act.

LXXXII. 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.

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