ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

***

continued from such Bridge through Lands of the said *Wyrley Birch*, and of *John Gough*, Esquires, *William Mathewson*, and others, in the several Occupations of *John Smallwood*, *Thomas Smith*, *William Mathewson*, *Robert Furnace*, *Ann Storer*, *Henry Poney*, *William Salt*, *John Jones*, *John Butts*, and *William Mathewson*, until it joins the *Walsall* Turnpike Road on the Northern Side of *Hamstead* Bridge aforesaid, and also if a new Turnpike Road be made and continued from *Brown's Green* aforesaid, to or near to a certain House called The *Friary*: And whereas it is necessary and expedient that certain Messuages and other Buildings near *Hamstead* Bridge aforesaid, standing on the Line of the said intended new Turnpike Roads, in the several Occupations of *Ann Storer*, *William Mathewson*, *Henry Poney*, *William Salt*, *John Jones*, and *John Butts*, should be taken down and removed, and that Part of the said present *Walsall* Road, from *Brown's Green* to a certain Point in the *Walsall* Turnpike Road, situate Twenty-one Yards on the Northern Side of *Hamstead* Bridge, and all the Footpaths, Drift and other Roads leading into the same, and also that such Part of the *Hawthorn Tree Lane* as lies between the *Hawthorn Tree* and The *Friary*, and also that such Part of the present Carriage Road leading from *Hamstead* Bridge towards *Tower Hill*, and which lies between the Garden in the Occupation of *Ann Storer*, and Two Houses in the Occupation of *William Mathewson* and *Robert Furnace*, as will not be required for making the said new Turnpike Road, and also a Footpath leading from *Hamstead* Bridge to *Upper Tower Hill*, should be respectively stopped up and discontinued; 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

Trustees. the Right Honourable *William Legge* commonly called Lord *Lewisham*, Sir *Edmund Cradock Hartopp*, Baronet, Sir *Joseph Scott*, Baronet, the Honourable *Washington Shirley*, *William Adams*, *James Adams*, *James Alston*, *Thomas Attwood*, *Thomas Archer*, *John Vaughan Barber*, *William Bedford*, *Wyrley Birch*, Esquire, *Matthew Boulton*, Esquire, *Matthew Robinson Boulton*, Esquire, *Joseph Brearley*, the Reverend *Joseph Cartwright*, Clerk, *Nathaniel Gooding Clarke*, Esquire, *Nathaniel Richard Clarke*, *Edward Croxall*, Esquire, *Edward Croxall*, junior, *John Daniell*, Esquire, *Thomas Daniell*, Esquire, *William Dawes*, *Wriothesley Digby*, Esquire, *Dugdale Stratford Dugdale*, Esquire, *John Eginton*, *Charles Foster*, *William Fetcher*, Esquire, the Reverend *Thomas Lane Freer*, *George Freer*, *John Gough*, Esquire, *John Gough*, junior, *John Dimmock Griffith*, *Joseph Grice*, *Thomas Hadley*, *Henry Hadley*, *George Hartopp*, *William Haughton*, *Thomas Hanson*, *William Hicks*, Esquire, *Heneage Legge*, Esquire, *Samuel Lloyd*, *James Lloyd*, *Thomas Millward*, *William Osborne*, *Henry Perkins*, *Shirley Farmer Steele Perkins*, Esquire, *Theodore Price*, Esquire, *James Reynolds*, *John Reynolds*, *Richard Roberts*, *George Simcox*, Esquire, *John Southern*, *Richard Spooner*, *Isaac Spooner*, junior, the Reverend *Benjamin Spencer*, Doctor of Laws, *John Spencer*, *Joseph Stubbs*, *John Stubbs*, *John Smallwood*, *William Smallwood*, *James Swain*, *James Taylor*, *William Tenant*, Esquire, *James Underhill*, *William Villers*, Esquire, *James Villers*, *James Watt*, Esquire, *James Watt*, junior, *Alexander Walker*, *William Walker*, *William Wallis*, *John Wild*, *James Willmore*, *Thomas Willmore*, *Henry Piddock Whately*, *John Whately*, and *Christopher Wren*, and their Successors, to be elected in Manner hereinafter-mentioned, shall be, and they are hereby appointed Trustees for making, maintaining, altering, repairing,

and

and improving the said Roads, and for otherwise putting this Act into Execution.

On the Death of Trustees, others to be chosen.

II. And be it further enacted, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands to elect one other Person to be a Trustee in the Room of such Trustee so deceased or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing such Notice in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and also by inserting the same in some public Newspaper, printed or circulated in the Parishes through which the said Roads pass, at least Ten Days before every such Meeting; and all Persons who shall be so elected, shall have the same Powers and Authorities for putting this Act in Execution as if they had been respectively named Trustees in and by this Act.

Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, in his own Right, or in Right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of Forty Pounds above all Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid of the clearly Yearly Value of One hundred Pounds above Reprizes, or shall be possessed of, or entitled to a personal Estate of One thousand Pounds, nor (except in administering the Oath hereinafter-mentioned) until he shall have taken and subscribed, before any One or more of the said Trustees, an Oath in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear, that I am truly and *bonâ fide* in my own Right [*or*, in Right of my Wife] in the actual Possession and Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of Forty Pounds above Reprizes, [*or*, am Heir Apparent of a Person seised of such an Estate of the clear Yearly Value of One hundred Pounds, *or*, possessed of a Personal Estate of the Amount of One thousand Pounds], and that I will truly, faithfully, and impartially execute the Trusts reposed in me as a Trustee, by virtue of an Act passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled [*here insert the Title of this Act*] according to the best of my Skill and Judgement, and without Favour or Affection, Prejudice or Malice, 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 such Trustee, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *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

the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecution than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; and that no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted during the Time he ſhall hold any Place of Profit under this Act; nor ſhall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee be capable of holding any Place of Profit under this Act.

No Truſtee holding any Place of Profit to act; nor any Victualler or menial Servant of a Truſtee to hold a Place of Profit.

IV. Provided always, and be it further enacted, That any Mortgagee, or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall not on that Account be deemed diſqualified or rendered incapable of acting as a Truſtee in the Execution of this Act: Provided alſo, that all ſuch Truſtees as are Juſtices of the Peace for the ſaid Counties of *Warwick* and *Stafford*, or either of them, may act as Juſtices of the Peace, within their reſpective Juriſdictions, in the Execution of this Act, notwithſtanding they may be Truſtees, except in Matters in which they ſhall be perſonally intereſted.

Mortgagees may act.

Truſtees, being Juſtices, may act.

V. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, for or concerning any Thing which ſhall have been done by virtue or in purſuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit which ſhall be brought or commenced by the Direction of or againſt the ſaid Truſtees, by virtue of this Act, in the Name or Names of their Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Clerks, or by the Act of ſuch Clerk or Clerks, without the Conſent of the ſaid Truſtees, or any Five or more of them, but that the Clerk or Clerks for the Time being to the ſaid Truſtees ſhall be deemed Plaintiff or Plaintiffs, Defendant or Defendants, as the Caſe may be, in every ſuch Action.

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

VI. Provided always, That all and every ſuch Clerk or Clerks, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid out of the Money which ſhall be collected by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceeding he or they ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his or their being ſo made Plaintiff or Plaintiffs, Defendant or Defendants, as aforeſaid.

Clerks to be reimburſed their Expences.

VII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of *Mary Birch*, the Lamp Public-houſe, in the ſaid Pariſh of *Handſworth*, on the Second *Tueſday* next after the Day on which this Act ſhall receive the Royal Aſſent, or as ſoon after as conveniently may be, at Ten of the Clock in the Forenoon, and proceed to put this Act in Execution, and ſhall then adjourn themſelves, and from Time to Time afterwards meet at and again adjourn to ſuch Place within the Pariſh of *Handſworth*, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and if at any ſuch Meeting there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day (Two Truſtees being hereby declared and deemed ſufficient for the Purpoſe of Adjournment only), or in caſe the Truſtees, at any Time aſſembled, ſhall omit or neglect to adjourn themſelves, the Clerk or Clerks

Time and Place of Meeting.

Clerks to call Meetings in caſe a ſufficient Number of Truſtees do not attend,

Clerks to the ſaid Truſtees ſhall from Time to Time, in either of ſuch Caſes, by Notice in Writing to be affixed and inſerted in manner aforeſaid, at leaſt Seven Days before the next Meeting, appoint the Truſtees to meet at the Place at which the laſt Meeting was held, or was appointed to have been held, on ſuch Days as ſhall be ſpecified in ſuch Notice; and in caſe the Clerk or Clerks to the ſaid Truſtees ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Five or more of the ſaid Truſtees, although not aſſembled at a Meeting, at any Time or Times after the Space of Ten Days after ſuch Refuſal, Neglect, or Prevention of ſuch Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inſerted in manner aforeſaid, to appoint the Truſtees to meet at ſome Houſe within the ſaid Pariſh of *Handſworth*, upon that Day Fortnight next after the Date of ſuch laſt-mentioned Notice; but no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, and no Adjournment ſhall be made, or any Meeting appointed to be held at any Time later than Two of the Clock in the Afternoon of the Day on which ſuch Meeting ſhall be appointed to be held; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences; and 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, and not otherwiſe (except as herein particularly mentioned); and no Order or Determination ſhall be made, unleſs a Majority of the Truſtees preſent at a Meeting ſhall concur therein, nor ſhall any ſuch Order or Determination be revoked or altered at any ſubſequent Meeting, unleſs Nine Truſtees ſhall be preſent, or unleſs the Perſon or Perſons applying to revoke or alter any ſuch Order, ſhall give Notice thereof in Writing to the Clerk or Clerks to the ſaid Truſtees, and for want of ſuch Clerk or Clerks, to the Perſon or Perſons acting as Treaſurer or Treaſurers to the ſaid Truſtees, to be by him or them affixed and inſerted in manner hereinbefore-mentioned, at leaſt Ten Days previous to any Meeting.

Clerks to adjourn or omit to adjourn.

If Clerks omit to give Notice, Truſteesmay.

Hours of Meeting.

Truſtees to pay their own Expences, make Orders, &c.

Orders not to be revoked, unleſs Nine Truſtees preſent, or Notice given.

VIII. And be it further enacted, That if after any Adjournment of any Meeting of the ſaid Truſtees, it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the acting 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 the Order of the ſaid Truſtees (ſuch Time not being leſs than Seven Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at all ſuch Meetings, ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournment.

Meetings on Emergencies.

IX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may at their firſt or any ſubſequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and ſhall take ſuch Security from ſuch Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors for the due Execution

Truſtees to appoint Officers.

ecution of his or their Office or Offices, as the ſaid Truſtees, or any Five or more of them ſhall think fit, and ſhall alſo elect and appoint a Surveyor or Surveyors, and ſuch other Officers as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and alſo may from Time to Time remove ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors and other Officers, or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall ſee Occaſion, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or as ſhall die, reſign or become incapable of performing their Duty, and the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Money to be raiſed and received by virtue of this Act, give ſuch Salaries or make ſuch Allowances to the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed, for and in Conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees, or any Five or more of them, ſhall ſeem proper; and all ſuch Officers and other Perſons ſhall upon their reſpective Oaths, if thereunto required by the ſaid Truſtees, or any Five or more of them (which Oaths any One of the ſaid Truſtees is hereby empowered to adminiſter) from Time to Time, and as often as ſuch Officers and other Perſons ſhall be called upon for that Purpoſe, produce and give up to the ſaid Truſtees full, true, and perfect Accounts in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, received, or collected, and how, to whom, and for what Purpoſes ſuch Monies and every Part thereof ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments, and ſhall and are hereby reſpectively required to pay all ſuch Monies as ſhall appear to be in their reſpective Hands to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, or for ſuch Uſes and Purpoſes as they ſhall direct and appoint; and if ſuch Officer or other Perſon (being required ſo to do) ſhall refuſe or neglect to render and give up, or to verify upon Oath ſuch Account or Accounts as aforeſaid, or to produce or deliver up to the ſaid Truſtees, or any Five or more of them, the Receipts and Vouchers relating to the ſame, or to pay as aforeſaid any Sum or Sums of Money which ſhall appear to remain in his or their Hands, or ſhall not deliver to the ſaid Truſtees, or any Five or more of them, within Ten Days after having been thereunto required by any Five or more of the ſaid Truſtees, all the Books, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of this Act, then, and in any of the ſaid Caſes, any One or more of the Juſtices of the Peace for the County, City, Town, or Place wherein ſuch Officer or Perſon ſhall be and reſide, ſhall (upon Complaint of any Five or more of the ſaid Truſtees) make Enquiry concerning ſuch Default, either by the Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward; and if any ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall and may commit ſuch Officer or other Perſon ſo convicted to the common Gaol for ſuch County, City, Town, or Place, there to remain, without Bail or Mainprize, until ſuch Officer or other Perſon ſhall give and make a true and perfect Account, and verify the ſame as aforeſaid, and make ſuch Payment as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and ſhall have

Officers to account.

Proceedings againſt Officers refuſing to account or deliver Books, &c.

Truſtees empowered to

have paid such Composition Money to the said Trustees or to their Treasurer or Treasurers, (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make), or until such Officer or Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them, but no Officer or other Person who shall be committed for any of the Offences aforesaid, shall be detained in Prison any greater Length of Time than Six Calendar Months.

compound to with Officers.

X. And be it further enacted, That when, and as often as any Collector or Receiver of the Tolls shall die, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint a 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 as shall so die or be discharged; and such 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 who shall so die or be discharged would have had or have been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative of any Collector or Receiver who shall die or be discharged, or any other Person or Persons shall refuse to deliver up the Possession of any Tollhouse or Building to be erected or set up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, (although not assembled at any Meeting), or by their Clerk or Clerks, Treasurer or Treasurers, then, and in any or either of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County of *Stafford*, by Warrant under his Hand and Seal, or their Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Three or more of them, or such new appointed Collector or Receiver into the Possession thereof.

Trustees may appoint temporary Collectors,

and remove those discharged.

Collectors refusing to deliver up Tollhouses.

Justices empowered to grant Warrants, and Constable to enter and remove such Collectors.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time cause to be erected and set up such and so many Turnpikes or Tollgates, in, upon, across, or on the Side or Sides of any Part or Parts of the said Roads, and across any Lane or Way leading into, from, or out of the same, and also a Tollhouse to each Gate or Turnpike, with suitable Outbuildings thereto; and also may for that Purpose inclose from the said Roads, or from the adjoining Grounds, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or planted with ornamental Trees, sufficient Ground, not exceeding in the whole Twenty Perches, and may cause any such Turnpikes, Tollgates, Tollhouses or other Buildings from Time

Trustees may erect Tollhouses, &c.

Time to Time to be taken down, removed or altered as they, or any Five or more of them, shall judge proper.

And take Tolls.

XII. And be it further enacted, That the Tolls following shall and may be demanded and taken before any Horse, Cattle or Carriage shall be permitted to pass through any such Turnpikes or Tollgates respectively; (that is to say),

Tolls.

For every Coach, Landau, Berlin, Chariot, Curricle, Calash, Chaise, Chair, or other such like Carriage, or Hearse, drawn by Six Horses or Beasts of Draught, the Sum of Two Shillings, and drawn by Four or Five Horses or Beasts of Draught, the Sum of One Shilling and Sixpence, and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling, and drawn by Two Horses or Beasts of Draught, the Sum of Nine Pence, and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, and drawn by Four or more Horses or Beasts of Draught, the Sum of One Shilling and Sixpence, and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Two Pence, and drawn by Two Horses or Beasts of Draught, the Sum of Nine Pence, and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, and drawn by Eight Horses or Beasts of Draught, the Sum of One Shilling and Sixpence, and drawn by Six or Seven Horses or Beasts of Draught, the Sum of One Shilling and Two Pence, and drawn by Five Horses or Beasts of Draught, the Sum of One Shilling, and drawn by Four Horses or Beasts of Draught, the Sum of Ten Pence, and drawn by Three Horses or Beasts of Draught, the Sum of Eight Pence, and drawn by Two Horses or Beasts of Draught, the Sum of Sixpence, and drawn by One Horse or Beast of Draught, the Sum of Four Pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen and not drawing, the Sum of One Penny Halfpenny:

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, whether immediately on the same becoming due or at any Time after, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Coach, Chaise, or other such like Carriage, or Hearse, Waggon, Wain, Cart, or other such like Carriage, and the Horses drawing the same, and any Horse, Beast, or other Cattle not drawing, upon which any Toll is by this Act respectively imposed, together with their Saddles, Bridles, Gears, Harness or Accoutrements, or any other

of the Goods or Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay ſuch Tolls; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Coach, Chaiſe, or other ſuch like Carriage, or Hearſe, Waggon, Wain, Cart, or other ſuch like Carriage, and the Horſe, Beaſt, or other Cattle ſo ſeized and diſtrained, or any of them, or any Part of ſuch Saddles, Bridles, Gears, Harneſs, or Accoutrements, returning the Overplus (if any) and what ſhall remain unſold, upon Demand to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall have been deducted and paid; and that all the Tolls to be collected or levied by virtue of this Act ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied, and may be aſſigned in ſuch Manner as hereinafter-mentioned. Tolls veſted in Truſtees.

XIII. Provided always, and be it further enacted, That in caſe more than One Turnpike or Tollgate ſhall be erected by virtue of this Act, no more than One Toll (except as hereinafter is provided) ſhall be taken between the Town of *Birmingham* and the Termination of the ſaid new Turnpike Road, where the ſame is intended to join the *Walſall* Turnpike Road on the Northern Side of *Hamſtead Bridge*, nor ſhall any ſuch Carriage, Hearſe, Waggon, Horſe, or Cattle as before-mentioned, for which Toll ſhall be paid for paſſing through any Turnpike or Tollgate erected by virtue of this Act, be ſubject or liable to any Toll for repaſſing through the ſame Turnpike or Tollgate before Twelve of the Clock of the Night of the ſame Day on which ſuch Toll ſhall have been paid; but ſuch Carriages, Hearſe, Waggons, Horſes, and Cattle as aforeſaid ſhall be permitted to repaſs Toll-free on a Note or Ticket being produced to the Collector of the Tolls at ſuch reſpective Turnpike or Tollgate, denoting Payment of ſuch Toll, which Note or Ticket the Collector of the ſaid Tolls is hereby required to give *gratis* on receipt of ſuch Toll. Limitation of Tolls.

XIV. And be it further enacted, That if any Diſpute ſhall ariſe reſpecting the Tolls due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, (as the Caſe may happen), till the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs (as the Caſe may happen) be aſcertained by ſome Juſtice of the Peace for the ſaid County of *Stafford*, who, upon Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and of the Collector's Attendance for the Purpoſes aforeſaid upon the ſaid Juſtice, all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector before he ſhall be required to return the ſaid Diſtreſs or the Overplus after Sale thereof, or any Part thereof. For ſettling Diſputes concerning Tolls, &c.

XV. And be it further enacted, That in caſe any Diſpute, Suit or Litigation ſhall ariſe, touching, or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon Tollbar Keepers competent Witneſſes.

reaſon of his, her, or their being ſo appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees.

Roads, Tollhouſes, &c. veſted in Truſtees.

XVI. And be it further enacted, That the Right and Property of all the Roads, Gates, and Tollhouſes, Bridges, Culverts, and other Buildings, to be made, erected or provided by virtue of this Act, and of the Stones and Materials for building or repairing the ſame, and alſo of all Stones and Materials got or collected for repairing the ſaid Roads, ſhall be and are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby empowered to bring, or cauſe to be brought any Action or Actions in the Name of their Clerk or Clerks for the Time being, or to prefer or order the preferring of any Indictment or Indictments againſt any Perſon or Perſons who ſhall injure the ſame, or diſturb them in the Poſſeſſion thereof.

Truſtees may make Fences on Commons to prevent Tolls being evaded.

XVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby authorized and empowered, if they ſhall ſee Occaſion, to make or cauſe to be made ſuch Hedges, Ditches, Mounds, Walls, and Fences by the Sides of the ſaid Roads, or upon, over, or acroſs any Waſte Lands, Commons, or uncultivated Grounds, in ſuch Manner and Direction as they ſhall find neceſſary to prevent the ſaid Tolls from being evaded; and if any Perſon or Perſons ſhall pull down or in any Manner damage, diſplace, or carry away any ſuch Fence, or any Part thereof, or ſhall fill up or ſpoil any ſuch Ditch, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on permitting private Paſſages or evading Tolls.

XVIII. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Lands, Grounds or Hereditaments lying near any Turnpike or Tollgate, which ſhall be erected by virtue of this Act (the ſame not being a public Highway); or if any Owner or Occupier of any ſuch Lands, Grounds, or Hereditaments ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage whatſoever to paſs through the ſame; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Note or Ticket, Notes or Tickets by this Act directed to be given, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be evaded, or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike or Tollgate with any Carriage, Waggon, Horſe, Beaſt, or other Cattle without Payment of the Toll due, or ſhall take off or cauſe to be taken off any Horſe, Beaſt, or other Cattle from any Carriage, or having paſſed through any Turnpike or Tollgate to be erected by virtue of this Act, ſhall afterwards add or put an additional Horſe or Beaſt to ſuch Carriage, with an Intent to evade the Payment of the ſaid Tolls, or ſhall leave or cauſe to be left upon or near any Part of the ſaid Roads any Carriage, Horſe, Cattle, or other Beaſt, with an Intent to evade the Payment of any of the ſaid Tolls, or any Part thereof, or ſhall, with ſuch an Intent, unload any Goods from or out of any Carriage, or in any other Manner whatſoever, evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds.

XIX. And

Tolls may be varied.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, with such Consent, and upon such Notice as hereafter-mentioned, to lessen or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Nine or more of them, shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened, to any Sum or Sums of Money, not exceeding the respective Tolls hereinbefore granted, and to order and direct such Tolls, so lessened, or reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said respective Tolls are hereinbefore directed to be collected, levied, and applied, 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 be then owing upon the Credit of the Tolls intended to be reduced, shall be consenting thereto, nor shall any such Reduction be made unless Thirty Days' Notice at least of the Meeting to be held for the Purpose of making such Reduction, shall be given in Writing, to be affixed upon all the Turnpikes or Tollgates which shall be then erected by virtue of this Act, and unless such Notice be inserted in some public Newspaper circulating in the Parishes through which the said new Turnpike Roads are intended to pass, Thirty Days before such Meeting is holden.

Trustees empowered to compound for the Tolls.

XX. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons for the Passage of any Horses, Cattle, Beasts, or Carriages, through any of the said Turnpikes or Tollgates; and all such Composition Money shall be paid One Year in advance, otherwise such Composition shall be void.

Trustees may lease Tolls.

XXI. 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, by Writing under their respective Hands, or under the Hand or Hands of their Clerk or Clerks, Treasurer or Treasurers, for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons, for any Time not exceeding Three Years at one Time, for the best Rent that can or may be got for the same, payable at such Times, and under such Covenants, and unto such Person or Persons as the said Trustees, or any Five or more of them, shall direct or appoint; and the said Trustees are hereby required, before the said Tolls are let or leased, to give Fourteen Days' Notice at the least in Writing, to be affixed on all the Turnpikes or Tollgates which shall be then erected by virtue of this Act upon the said Roads, and by inserting such Notice in some public Newspaper circulating in the Parishes through which the said new Turnpike Roads shall pass, that they are desirous to let or lease the said Tolls, and the Monies arising thereby shall be applied in the same Manner as the Tolls so leased are hereby directed to be applied.

Exemption from Tolls.

XXII. And be it further enacted, That no Toll shall be demanded or taken for the Passage of any Horse, Cattle, Beast, or Carriage which shall be

be going unladen or empty for, or that ſhall be uſed only in conveying, or that ſhall be returning unladen or empty, after having been uſed only in conveying Stones, Brick, Lime, Gravel or other Materials for repairing the ſaid Roads, or any Buildings, Bridges, or Culverts belonging to the ſaid Roads, or for repairing any public Road or Highway within the Pariſh, Townſhip, Hamlet, or Place wherein any Part of the ſaid Roads lie, or for Dung, Lime, Marl, Soil, Mould, Compoſt or other Manure, of whatever Nature or Kind ſoever, to be uſed in manuring and cultivating of Lands, or for Hay, Graſs, Sainfoin or other Fodder, Corn in the Straw, or Straw to be laid up in the Buildings or Premiſes of the Owners or Proprietors thereof; nor ſhall any Toll be demanded or taken for or in reſpect of any Ploughs, Harrows or other Implements of Huſbandry, or for any Horſes or Cattle going to or returning from Stable, Water, or Paſture; or for any Cattle which ſhall be going to be or returning after having been ſhoed or farried; or for any Horſes or Carriages of whatſoever Deſcription, employed or to be employed in carrying 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 returning back therefrom; or for the Horſes of any Officers or Soldiers upon their March or upon Duty, or for any Carriages attending them laden with their Arms, or Baggage, or returning empty after having been ſo employed, or carrying any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, for the Uſe of His Majeſty's Forces; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or in returning from any Place of Exerciſe, Inſpection, or Review, provided ſuch Perſon is in the Uniform of his Corps, and has his Arms, Furniture and Accoutrements, according to the Regulation appointed for ſuch Corps, at the Time of claiming the Exemption; or for Horſes or Carriages travelling with Vagrants ſent by legal Paſſes; or for any Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Curricle, or Chair or Horſe uſed by any Perſon going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Stafford*, on the Day or Days of any ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar or Curate going to or returning from his own Pariſh Church or other Place of Divine Worſhip, on a *Sunday* or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated, or going to viſit, or returning from viſiting his ſick Pariſhoners; or from any Perſon or Perſons reſiding in the ſaid Pariſh, or in any Townſhip, Hamlet, or Place as aforeſaid, for paſſing through any of the ſaid Turnpikes or Tollgates to or from their reſpective Church, Chapel, or other Place of Religious Worſhip on *Sundays*, or on other Days on which Divine Worſhip is ordered by Authority to be celebrated; or for any Cattle or Carriage conveying the Corpſe or going to or attending the Funeral of any Perſon who ſhall die and be buried in the Pariſh in which the ſaid Roads lie; or for any Cattle or Carriage going to or returning from any Corn Mill or Malt Kiln, ſituate in the ſaid Pariſh, or in any Townſhip, Hamlet, or Place as aforeſaid, with or for any Corn, Grain, Malt, Meal, or Flour, to be ground, made, or ſmelted, or when

ſo done for the Owner's own Uſe and Conſumption, and not for Sale; and if any Perſon or Perſons ſhall claim or take the Benefit of any of the Exemptions aforeſaid, (not being legally entitled to the ſame), every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Owners or Drivers of Waggons conveying Military Stores not ſubject to Penalties for Overweight.

XXIII. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack or Commiſſariat, or other public Stores of or belonging to His Majeſty or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithſtanding.

No Toll for croſſing the Road only, &c.

XXIV. And be it further enacted, That no Tolls ſhall be demanded or taken at any Tollgate or Turnpike to be erected by virtue of this Act, on the Side or Sides of any Part of the ſaid Roads, for any Horſe, Cattle or Carriage which ſhall only croſs the ſaid Roads, or ſhall not paſs above One hundred and Fifty Yards thereon, unleſs ſuch croſſing ſhall be with Intent to evade the Payment of Toll at any of the ſaid Turnpikes or Tollgates.

XXV. And whereas Perſons travelling from *Birmingham* towards *Walſall* at preſent paſs along that Portion of the *Wedneſbury* and *Birmingham* Turnpike Road which lies between the Town of *Birmingham* and the Point in the *Wedneſbury* and *Birmingham* Turnpike Road, near the Houſes of *John Smith* and *John Eginton* on *Soho Hill*, in the Pariſh of *Handſworth*, where the Road intended to be made a Turnpike Road by virtue of this Act branches off from the ſaid *Wedneſbury* and *Birmingham* Turnpike Road, and ſuch Perſons do neceſſarily paſs through the Tollgate ſtanding in and croſſing *Great Hampton Street*, in *Birmingham* aforeſaid, erected and maintained by the Truſtees for executing an Act paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Firſt, intituled, *An Act for repairing the ſeveral Roads leading from* Birmingham *through the Town of* Wedneſbury, *to a Place called* High Bullen *and to* Great Bridge, *and from thence to the End of* Gibbet Lane *next adjoining to the Townſhip of* Bilſon, *and from* Great Bridge *through* Dudley *to* Kingſwinford, *and to the further End of* Brittel Lane *in the Counties of* Warwick, Stafford *and* Worceſter, and alſo for executing an Act paſſed in the Twenty-firſt Year of the Reign of His Majeſty King *George* the Second, intituled, *An Act for enlarging the Term and Powers granted by an Act paſſed in the Thirteenth Year of the Reign of His late Majeſty King* George *the Firſt, for repairing the ſeveral Roads leading from* Birmingham *through the Town of* Wedneſbury *to a Place called* High Bullen *and to* Great Bridge, *and from thence to the End of* Gibbet Lane *next adjoining to the Townſhip of* Bilſon, *and from* Great Bridge *through* Dudley *to* Kingſwinford, *and to the further End of* Brittel Lane *in the Counties of* Warwick, Stafford *and* Worceſter, and alſo for executing another Act paſſed in the Twelfth Year of the Reign of His preſent Majeſty, intituled, *An Act for enlarging the Terms and Powers of*

Two Acts made in the Thirteenth Year of the Reign of King George *the First, and in the Twenty-first Year of the Reign of King* George *the Second, for repairing the several Roads leading from* Birmingham *through the Town of* Wednesbury *to a Place called* High Bullen *and to* Great Bridge, *and from thence to the End of* Gibbet Lane *next adjoining to the Township of* Bilson, *and from* Great Bridge *through* Dudley *to* Kingswinford, *and to the further End of* Brittel Lane *in the Counties of* Warwick, Stafford *and* Worcester; and also for executing another Act passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term of Three Acts of the Thirteenth Year of King* George *the First, the Twenty-first Year of His late Majesty, and the Twelfth Year of His present Majesty, so far as the same relate to the Roads from* Birmingham *through* Wednesbury, *to* High Bullen *and to* Great Bridge, *and from thence to the Portway at the End of* Darlaston Lane *next to* Bilson, *and to* Nether Trindle *near* Dudley, *in the Counties of* Warwick, Worcester *and* Stafford; *and for making and keeping in Repair a Road from* Trouse Lane *in the Parish of* Wednesbury *to* Darlaston, *in the County of* Stafford; be it therefore enacted, that it shall be lawful for the Trustees for executing this Act, and they are hereby directed to reimburse and pay unto the Trustees of the said *Wednesbury* and *Birmingham* Turnpike Road, or to their Clerk, one Moiety of all the Charges and Expences incurred in and expended by them in repairing that Part of the said Turnpike Road between the Point aforesaid and the Top of *Snow Hill* adjoining to *Bull Street* in *Birmingham* aforesaid; and also to reimburse and pay unto the same Trustees or to their Clerk, a proportional Part of the other incidental Expences attending the Support and Repair of the said *Wednesbury* and *Birmingham* Turnpike Road, between the Point aforesaid and *Bull Street* aforesaid; and the said Trustees of the *Wednesbury* and *Birmingham* Turnpike Road, and their Tollgate Keeper and Servants or others for the Time being, who shall be appointed to collect the Tolls, and shall have the keeping and management of the said Tollgate, or of any other Tollgate set up, or to be set up and maintained between the Point aforesaid and *Bull Street* aforesaid, is and are hereby authorized and empowered to ask, demand, receive and take, except from Persons who shall have compounded for Tolls, the several Tolls by this Act authorized to be received for the Passage of any Coach, Chaise or other such like Carriage, or Hearse, Waggon, Wain, Cart or other such like Carriage, or Horse, Beast or other Cattle, through any Tollgate to be erected by virtue of this Act on any Part of the new Turnpike Roads to be made by virtue of this Act, from any Person or Persons who shall require such Coach, Hearse, Waggon, Carriage, or Horse, Beast or other Cattle to pass through the said Turnpike Gate now erected and standing across *Great Hampton Street* aforesaid, or any other Tollgate erected or to be erected by the Trustees of the *Wednesbury* and *Birmingham* Turnpike Road, between the Point aforesaid and *Bull Street* aforesaid, and the said Trustees of the *Wednesbury* and *Birmingham* Turnpike Road, and their Tollgate Keeper and Tollgate Keepers or Servants and others, is and are hereby directed and required (except in any Case where the Trustees under this Act shall have compounded for their Tolls with any Person or Persons, and the said Tollgate Keeper or Tollgate Keepers, or Servants to the Trustees of the *Wednesbury* and *Birmingham* Turnpike Road shall have received Notice thereof from the Trustees for executing this Act), to give to all such Persons so paying Toll for any Coach, Chaise, Hearse, Waggon or other Carriage, or Horse, Beast or other Cattle, subject to the Payment of Toll directed to be taken and collected by virtue of this Act,

Directing Contribution to be made towards to Repair of Part of the Wednesbury and Birmingham Turnpike Road.

Certain Tolls to be taken at Hampton Street Tollgate, to be paid to the Trustees under this Act.

Act, Tickets correctly certifying the Toll so paid by him or them respectively, and such Tickets shall be delivered to the Tollgate Keeper of the first Tollgate to be erected by virtue of this Act, upon the Line of the said intended Turnpike Roads through which such Coach, Chaise, Hearse, Waggon or other Carriage, or Horse, Beast or other Cattle shall pass; and the said Ticket or Note so to be delivered shall exempt the Coach, Chaise, Hearse, Waggon and other Carriage, and Horse, Beast or other Cattle therein mentioned from the Payment of any other or further Toll on the Line of the said Turnpike Road to be made by virtue of this Act; and all Tickets given by the Collectors or Tollgate Keepers at *Great Hampton Street* Tollgate shall be an Acknowledgment that so much Toll as shall be therein expressed has been received by the Trustees of the *Wednesbury* and *Birmingham* Turnpike Road for and on Account of the Trustees for executing this Act; and the said Trustees of the said *Wednesbury* and *Birmingham* Turnpike Road shall Twice in every Year account with and pay the Trustees under this Act the Amount of Toll so expressed in such Ticket to have been received by them, to be applied by the Trustees for executing this Act to the Purposes thereof, and the said Trustees under this Act shall and will reimburse and pay to the said Trustees of the said *Wednesbury* and *Birmingham* Turnpike Road, or their Clerk or Treasurer aforesaid, a proportional Part of the Expence of collecting the said Tolls at the said Tollgate in *Great Hampton Street* aforesaid, or at any other Tollgate as aforesaid, such proportional Part to be ascertained and determined by the relative Amounts of the Tolls received or paid at the Tollgate in *Great Hampton Street* aforesaid, or at any other Tollgate as aforesaid, for or on Account of the Trustees of the *Wednesbury* and *Birmingham* Turnpike Road, and for and on Account of the Trustees for executing this Act.

Tickets to be given by Tollgate Keepers of the Handsworth Road.

XXVI. And be it further enacted, That when and as often as any Toll shall be received at any Turnpike Gate to be erected by virtue of this Act, the Tollgate Keeper or Collector thereof shall and is hereby required to give to the Person who shall pay the same a Ticket denoting Payment thereof, and such Ticket being left with the Keeper of the Tollgate now standing across *Great Hampton Street*, or of any other Gate erected or to be erected between the Point aforesaid and *Bull Street* aforesaid, shall exempt the Coach, Chaise, Hearse, Waggon or other Carriage, Horse, Beast or other Cattle, in respect of which such Ticket shall have been given, from the Payment of any other or further Toll at such last-mentioned Tollgate or Tollgates so erected or to be erected by the Trustees of the *Wednesbury* and *Birmingham* Turnpike Road; any Law or Statute to the contrary notwithstanding.

Authorizing the Trustees for executing this Act to affix Notices on certain Tollgates upon the Wednesbury and Birmingham Roads.

XXVII. And be it further enacted, That it shall and may be lawful for the Trustees for executing this Act, and they are hereby authorized from Time to Time, as Occasion may require, to place up and affix on the said Turnpike Gate across *Great Hampton Street* aforesaid, or at any Tollgate to be erected by the Trustees of the *Wednesbury* and *Birmingham* Turnpike Road, on any Part of the said *Wednesbury* and *Birmingham* Turnpike Road, between the Point aforesaid and *Bull Street* aforesaid, any printed or written Notice or Notices which may be thought expedient for the Information of Persons travelling towards *Walsall*, relative to the Payment

Payment or Collection of the Tolls by this Act impoſed, or to the taking or delivering of Tickets denoting Payment of the ſame.

Truſtees may borrow Money.

XXVIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any Meeting or Meetings to be holden for that Purpoſe, whereof Fourteen Days' Notice in Writing ſhall be given by the Clerk or Clerks, Treaſurer or Treaſurers, to be affixed on all the Turnpikes or Tollgates then erected and ſet up by virtue of this Act, and inſerted in ſome public Newſpaper circulating in the Pariſhes through which the ſaid new Turnpike Roads are intended to paſs, may and they are hereby empowered from Time to Time by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage all or any of the Tolls to be collected and to ariſe by virtue of this Act, and alſo the Tollhouſes, Turnpike Gates and Appurtenances thereunto belonging, (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls), for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the ſaid Truſtees upon the Credit of ſuch Tolls, to ſuch Perſon or Perſons, his, her or their Executors, Adminiſtrators or Aſſigns, or his, her, or their Truſtee or Truſtees, as ſhall advance or lend the ſame, to ſecure the Repayment thereof, with ſuch legal Intereſt as the ſaid Truſtees, or any Five or more of them ſhall think proper, which ſaid Money ſo to be borrowed ſhall be applied and diſpoſed of in ſuch Manner as the Tolls to ariſe or be collected at the ſaid Turnpike or Tollgate are hereby directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever; and that ſuch Mortgage or Mortgages, Aſſignment or Aſſignments may be in the Form following, or ſuch other Form as the Truſtees making the ſame ſhall think proper, (that is to ſay);

Form of Mortgage.

'BY virtue and in purſuance of an Act paſſed in the Forty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled, '[*here inſert the Title of this Act*], in conſideration of the Sum of to *A. B.* the Treaſurer appointed by the Truſtees for 'putting the ſaid Act in execution, this Day paid by *C. D.* of we whoſe Names are hereunto ſubſcribed, and 'Seals affixed, being Five of the ſaid Truſtees, do grant and aſſign unto 'the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, ſuch Proportion of the Tolls ariſing upon the Roads in the ſaid Act mentioned, and 'of the Turnpikes and Tollhouſes erected for collecting the ſame Tolls, 'as the ſaid Sum of doth or ſhall bear to the whole 'Sum due and owing on the Credit of the ſame Tolls, or charged there'upon for the Term of this Act, to have, hold, receive and take ſuch 'Proportion of the ſaid Tolls, Turnpikes, Tollhouſes and Premiſes, with 'the Appurtenances, unto the ſaid *C. D.* his Executors, Adminiſtrators 'and Aſſigns, for the Reſidue and Remainder now to come of the Term 'of Twenty-one Years, for which the ſaid Tolls are granted by the ſaid 'Act, ſubject to the Proviſo following; (that is to ſay), Provided always, 'that if the ſaid Sum of ſhall be repaid to the ſaid 'C. D. his Executors, Adminiſtrators or Aſſigns, together with Intereſt 'for the ſame, after the Rate of *per Centum per* '*Annum*, without any Deduction whatſoever, on or before the Day of now next enſuing, 'then

'then this Assignment shall be void, or else shall remain in full Force. In
'witness whereof we have hereunto set our Hands and Seals this
'Day of One thousand eight
'hundred and

Of all which Mortgages or Assignments Copies shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered from Time to Time by Assignment under his, her or their Hand and Seal, or Hands and Seals, to be indorsed upon the Back of his, her or their Security, or by any other Writing or Writings under his, her or their Hand and Seal, or Hands and Seals before One credible Witness, to assign over or transfer his, her or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever, in the following Words, or in Words to the like Effect; (that is to say), Copies to be entered.

'I DO hereby transfer and assign this Mortgage, [*or*, a certain Mort-
'gage, &c. *as the Case may be*], with all my Right and Interest to the
'Principal Money thereby secured, and all Interest now due on the same,
'unto Executors, Administrators
'and Assigns. In Witness whereof I have hereunto set my Hand and
'Seal, the Day of
'in the Year of our Lord One thousand Eight hundred and Form of Transfer.

All which Assignments and Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, within Sixty Days after the making thereof; and such Clerk or Treasurer shall cause an Entry to be made of such Assignments or Transfers, containing the Dates, Names and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for each of which Entries, the Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Ten Shillings and more, and which said Book or Books shall and may, at all seasonable Times, be perused or inspected without any Fee or Reward; and after such Entry made, and not before, such Assigment or Transfer shall entitle such Assignee or Assignees, his, her and their Executors, Administrators and Assigns, to such Mortgage or Assignment, and to the Monies thereby secured and so assigned and transferred, and to the Benefit thereof and Payment thereon, and such Assignee or Assignees, and his, her or their Executors or Administrators, shall and 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 who shall have made any such Assignment or Transfer, to make void, release or discharge the same, or any Monies thereon due.

XXIX. Provided, nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons who may advance any Sum or Sums of Money upon the Credit of the said Tolls, in respect of the Priority of advancing any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall be No Priority of Mortgages.

made as aforesaid, shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls, in equal Degree one with another.

Application of the Tolls and Money borrowed.

XXX. And be it further enacted, That out of the first Money to arise by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay all the Costs, Charges and Expences of obtaining and passing this Act, or in anywise relating thereto, and the Remainder of such Monies shall from Time to Time be applied in erecting Turnpike or Toll-Houses, and making, repairing, widening, diverting and amending the Roads directed to be made or repaired under this Act, and in paying the Principal and Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Power to shut up old Roads.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, when and as soon as the said new Turnpike Roads shall have been formed and completed, and they are hereby authorized and directed to discontinue that Part of the present *Walsall* Road, which lies between *Brown's Green* aforesaid and a certain Point in the *Walsall* Turnpike Road, on the Northern Side of *Hamstead* Bridge, and which Point is distant from *Hamstead* Bridge about Twenty-one Yards or thereabouts, and is defined by a Line drawn from the End of the Southern Side of a certain Road leading from *Hamstead* Bridge towards the Spout House, to and touching the End of the Southern Side of the said new Turnpike Road, as the same new Turnpike Road is intended to be continued from the said new Bridge to where it joins the *Walsall* Turnpike Road beyond *Hamstead* Bridge; and also to discontinue a certain Footpath leading from *Sandwell* Park Corner into the said *Walsall* Road above directed to be discontinued near *Hamstead* Park Lodge; and also to discontinue another Footpath leading from the same *Walsall* Road by the Plantation on the Eastern Side of the same Road towards *Brown's Green*; and also to discontinue another Footpath leading from the same *Walsall* Road opposite the *Hawthorn Tree* towards *Brown's Green*; and also to discontinue all other Footpaths, Driftways, and other Roads or Ways, if any such there be, leading into or out of the said Road between *Brown's Green* and *Hamstead* Bridge as aforesaid, hereby directed to be discontinued; and also to discontinue so much and such Part of the present Carriage Road leading from *Hamstead* Bridge aforesaid towards *Tower Hill*, as lies between a Garden in the Occupation of *Ann Storer*, and Two Houses in the Occupation of *William Mathewson* and *Robert Furnace*, and as will not be required for the Purpose of making the said new Turnpike Road from the intended new Bridge to the present *Walsall* Turnpike Road; and also to discontinue a Footpath leading from *Hamstead* Bridge aforesaid to *Upper Tower Hill*; and also to discontinue so much and such Part of the *Hawthorn Tree Lane* as lies between the *Hawthorn Tree*, near the House of *James Villers*, and a certain House called The *Friary*: Provided always, that it shall be lawful for *Henry Piddock Whately*, of the Parish of *Handsworth* aforesaid, and his Heirs, Executors, Administrators and Assigns, or other the Proprietor or Lessee of the Three Pieces of Land herein mentioned called *Hortonsfield*, and the *Gravel Pit* or *Hop Yard*, and the *Hawthorn Tree* Piece, and his and their Tenants, Agents, Servants, Workmen and others on his Account, either

Footpaths and Driftways.

Reserving to Henry Piddock Whately and to James Villers a Right of Road over Part of the old Road;

either with or without Horſes, Cattle, Carts or other Carriages, to paſs and repaſs from Time to Time and at all Times hereafter, as Occaſion may require, through, over and along the ſaid Road leading from *Brown's Green* towards *Hamſtead* Bridge as aforeſaid, and ſo directed to be diſcontinued, as far as the ſame Road extends from *Brown's Green* aforeſaid to the ſaid Piece of Land called *Hortonsfield*, and to the ſaid Piece of Land called the *Gravel Pit* or *Hop Yard*, and the ſaid Piece of Land called the *Hawthorn Tree* Piece, throughout the whole Front of all the ſame laſt-mentioned Pieces of Land as the ſame join the ſaid Road leading from *Brown's Green* towards *Hamſtead* Bridge aforeſaid, ſo intended to be diſcontinued as aforeſaid: Provided alſo, that it ſhall and may be lawful for the ſaid *James Villers* and his Executors, Adminiſtrators and Aſſigns, or other the Leſſee, Aſſignee or Occupier of the Lands and Grounds herein after-mentioned, for the Remainder of the Term of a certain Leaſe of the ſame Lands and Grounds granted by *John Wyrley* Eſquire, to *John Roebuck*, and for his and their Tenants, Agents, Servants, Workmen and others on his Account, either with or without Horſes, Cattle, Carts or other Carriages, to paſs and repaſs from Time to Time, and at all Times hereafter as Occaſion may require, through, over and along the ſaid Road leading from *Brown's Green* towards *Hamſtead* Bridge aforeſaid, hereby directed to be diſcontinued as aforeſaid, as far as the ſame Road extends from *Brown's Green* to the Dwelling-Houſe of the ſaid *James Villers*, and to the ſeveral Pieces of Land now in his Occupation, or in the Occupation of his Under-Tenants: Provided alſo, that it ſhall and may be lawful for the ſaid *James Villers*, his Executors, Adminiſtrators and Aſſigns, or other the Leſſees or Aſſignees of certain Lands and Grounds contiguous to or adjoining to the ſaid Lane called The *Hawthorn Tree Lane*, to incloſe and convert to agricultural Purpoſes, or otherwiſe to employ and uſe, during the Remainder of the Term of a certain Leaſe granted by the ſaid *John Wyrley* to the ſaid *John Roebuck*, the ſaid Lane called The *Hawthorn Tree Lane*, ſo directed to be diſcontinued as aforeſaid, without paying any additional Rent for the ſame.

and alſo to James Villers a Right to cultivate the Hawthorn Tree Lane.

XXXII. And whereas the ſaid *Wyrley Birch*, who is the Proprietor of certain Lands and Grounds, through which Part of the ſaid new Turnpike Road to be made by virtue of this Act, from *Brown's Green* aforeſaid to the *Walſall* Turnpike Road, has conſented to allow the Truſtees for executing this Act, to take and uſe ſo much of the ſaid laſt-mentioned Lands and Grounds as will be ſufficient and neceſſary to make that Part of the ſaid Road which is intended to paſs through his Eſtates, in conſideration that the ſaid ſeveral Footpaths now uſed over and through the Lands of the ſaid *Wyrley Birch* be diſcontinued, and that the ſeveral Roads and Ways next hereafter particularly mentioned, and which are hereinbefore directed to be diſcontinued as aforeſaid, and alſo the ſaid preſent Bridge over the River *Tame* called *Hamſtead Bridge*, upon the Conditions after mentioned, ſhall be ſeverally veſted in him in manner hereinafter mentioned; be it therefore further enacted, That when and as ſoon as the ſaid new Turnpike Road, to be made from *Brown's Green* to the ſaid *Walſall* Turnpike Road, ſhall have been completely made and formed, ſo much and ſuch Part of the preſent Public Carriage Road, called the *Walſall* Road, as lies between *Brown's Green* and a certain Point in the *Walſall* Turnpike Road on the Northern Side of *Hamſtead* Bridge, and which Point is diſtant from *Hamſtead* Bridge aforeſaid Twenty-one Yards

Old Roads and Hamſtead Bridge veſted in Wyrley Birch, Eſquire;

or

or thereabouts, and is defined by a Line drawn from the End of the South Side of a certain Road leading from *Hamſtead* Bridge towards the Spout Houſe, to and touching the End of the South Side of the new Road as the ſame is continued from the ſaid intended new Bridge, to where it joins the *Walſall* Turnpike Road, beyond *Hamſtead* Bridge as aforeſaid, and alſo the preſent Bridge over the River *Tame*, called *Hamſtead Bridge*, and alſo ſo much and ſuch Part of the preſent Carriage Road, leading from *Hamſtead* Bridge aforeſaid towards *Tower Hill*, as lies between a Garden in the Occupation of *Ann Storer*, and Two Houſes in the Occupation of *William Mathewſon* and *Robert Furnace*, and as will not be required for the Purpoſe of making the ſaid new Turnpike Road from the intended new Bridge to the preſent *Walſall* Turnpike Road, and alſo ſo much and ſuch Part of the *Hawthorn Tree Lane* as lies between the *Hawthorn Tree*, near the Houſe of the ſaid *James Villers*, and a certain Houſe called The *Friary*, and all which ſaid Roads being by this Act reſpectively authorized and directed to be diſcontinued, ſhall be and they are hereby ſeverally veſted in the ſaid *Wyrley Birch*, to, for, and upon the ſame Uſes, Truſts, Eſtates, Intents and Purpoſes, and under and ſubject to the ſame Limitations and Conditions (if any) which the ſaid *Wyrley Birch* now holds the Lands which are hereby agreed to be given up by the ſaid *Wyrley Birch* for the Purpoſes of this Act, ſubject nevertheleſs to ſuch Rights of Way and Paſſage as are by this Act mentioned and reſerved.

Power to take Land belonging to Wyrley Birch to make new Roads.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any Lands and Grounds, being the Eſtate and Property of the ſaid *Wyrley Birch*, lying on the Line of the intended new Turnpike Road, between *Brown's Green* and the *Walſall* Turnpike Road, and through which the Turnpike Road hereby authorized to be made is intended to paſs, and to ſtake out and make ſuch new Turnpike Road as aforeſaid, of the Width of Sixty Feet, and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, or without being liable to any Action or Actions for ſo doing; and all and every Part of ſuch Lands and Grounds which ſhall be ſo taken and uſed for making the ſaid new Turnpike Road, ſhall from thenceforth become and be the Property of and veſted in the ſaid Truſtees for the Purpoſes of this Act: Provided always, that the Turf and Soil to be dug or taken from the ſaid Lands and Grounds in order to form the ſaid new Turnpike Road, ſhall be the Property of the ſaid *Wyrley Birch*, and ſhall and may be uſed and carried away by him, without any Recompence or Conſideration being made or paid for the ſame to the Truſtees for executing this Act: Provided alſo, that full Recompence and Satisfaction ſhall be made to the Occupier or Occupiers of ſuch laſt-mentioned Lands and Grounds, for any Damage or Loſs which he, ſhe or they may ſuſtain by the making of the ſaid new Turnpike Road, in like Manner as Recompence or Satisfaction is directed by this Act to be made to Occupiers of other Lands which may be uſed for the Purpoſe of making the ſaid new Turnpike Road.

Satisfaction to be made to Occupiers.

Not more than Forty-eight Feet,

XXXIV. And be it further Enacted, That the ſaid Truſtees ſhall, and they are hereby required to make full Compenſation to the ſaid *Wyrley Birch*, his Heirs and Aſſigns, for all Land and Ground belonging to him and

and them which ſhall be taken or uſed for the Purpoſes of making the ſaid Turnpike Roads of greater Width than Forty-eight Feet, including the Ditches; any Conſent, Agreement for Exchanges, Contract, or other Matter or Thing herein contained to the contrary notwithſtanding.

including the Ditches, to be taken for making the Road through Wyrley Birch's Lands, without Compenſation from Truſtees.

XXXV. And be it further enacted, That the preſent Bridge acroſs the River *Tame*, called *Hamſtead Bridge*, in the ſaid Pariſh of *Handſworth*, ſhall be valued by Two Surveyors, one to be named by the Truſtees for executing this Act, and the other by the ſaid *Wyrley Birch*, within Six Months next after the Erection of the ſaid new Bridge, and the Diſcontinuance of the public Uſe of the old Road, lying between *Brown's Green* and *Hamſtead Bridge*, hereby authorized to be ſtopped up; and if the Surveyors ſo to be named ſhall agree to make ſuch Valuation, and ſhall differ in Opinion as to the Value of ſuch Bridge, then they are hereby required to nominate a Surveyor to make a Valuation of ſuch Bridge within Two Months after ſuch Difference in Opinion ſhall ariſe, and the ſaid *Wyrley Birch* is hereby required to pay to the Truſtees for executing this Act the Amount of ſuch Valuation to be made and ſettled as aforeſaid, and the Value of the ſaid Bridge, to be aſcertained as aforeſaid, ſhall and may be recovered of and from the ſaid *Wyrley Birch*, his Heirs or Aſſigns, by the ſaid Truſtees or their Clerk, by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Eſtimate of Hamſtead Bridge to be made by Two Surveyors.

XXXVI. And be it further enacted, That from and after the new Turnpike Road, to be made from *Brown's Green* to the *Walſall* Turnpike Road, ſhall have been formed and completed, the Lane leading from *Brown's Green* aforeſaid to a Lane turning to the Right towards a Farm Houſe and Lands belonging to *Dugdale Stratford Dugdale*, Eſquire, in the Occupation of *John Heathcote*, and lying between certain Lands in the Occupation of *John Heathcote* and *George Cooper* on the one Side, and *Nathaniel Gooding Clarke*, Eſquire, on the other Side, ſhall be ſtopped up and diſcontinued as a Road, and the ſaid *Nathaniel Gooding Clarke* ſhall and may hold and enjoy the ſame, and ſhall be ſeiſed and poſſeſſed thereof, to, for and upon the ſame Uſes, Truſts, Eſtates, Intents and Purpoſes, and under and ſubject to the ſame Limitations and Conditions (if any) which he now holds the Land adjoining to the ſaid Lane, for ever freed and diſcharged of and from all Rights of Way, or Claims of Rights of Way, of or by any Perſon or Perſons whatſoever; and it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and directed to ſet, make and fence out from a certain Piece of Land, the Property of the ſaid *Wyrley Birch*, in the Occupation of the ſaid *Henry Piddock Whately*, a Road of the Width of Fifteen Feet from the ſaid new Turnpike Road to the ſaid Lane leading to the Dwelling-Houſe of the ſaid *John Heathcote*, to be uſed and enjoyed by the ſaid *Dugdale Stratford Dugdale*, his Heirs and Aſſigns, and his and their Tenants and Occupiers of the ſaid Houſe and Lands, the ſaid Truſtees making Satisfaction and Recompenſe to the Proprietor or Leſſee of the ſaid Piece of Land for the Loſs and Damage he may ſuſtain thereby: Provided always, That the ſaid Road, when ſo made as aforeſaid, ſhall not be repaired by the Truſtees under this Act, but ſhall be repaired and maintained by the ſaid *Dugdale Stratford Dugdale*, his Heirs and Aſſigns, or his or their Tenants.

Power to ſtop up the Lane near Nathaniel Gooding Clarke's Eſquire, and to veſt the ſame in him; and to make a new Road to Heathcote's Farm.

Surveyor to get Gravel, &c.

XXXVII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take and carry away any Coping Stone, Wall Stone or other Stone, and also any Furze, Heath, Gravel, Sand or other Materials proper for the making and repairing of the said Roads, and the Bridges, Culverts, Walls and Fences in or upon the same, in, upon, out of, or from any Waste Grounds, Commons or Uncultivated Lands, Rivers or Brooks, in any Parish, Township or Place in which any Part of the said Roads lie, or in any neighbouring Parish, Township or Place to be used in making and repairing the said Roads, without paying any Thing for the same, and to cart and carry away the same over the Lands and Grounds of any Person or Persons, making Satisfaction as hereinafter mentioned, such Surveyor or Surveyors, or other Person or Persons filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Coping Stone, Wall Stone or other Stone, or Furze, Heath, Gravel, Sand or other Materials proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds, Commons, or Uncultivated Lands, Rivers or Brooks contiguous to that Part of the said Road therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, and make Pits, and get, gather, take and carry away any such Stone and Materials as aforesaid, in, upon or out of, from and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or planted with ornamental Trees) paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds a sufficient Compensation for such Damages and Loss which may arise in consequence of the cutting, digging, gathering, taking and carrying away the said Coping Stone, Wall Stone or other Stone, Furze, Heath, Gravel, Sand and Materials, and for carrying the same or the Materials gotten in any Waste Ground, Commons or Uncultivated Lands, Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the County, Town or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County, Town or Place next after such Difference shall have arisen, and on Ten clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, shall hear, settle and determine the Matter of the said Damage, and the Costs attending the hearing and determining of the same; and the Judgment and Order of the said Justices therein shall be final and conclusive upon all Parties.

Justices to determine Differences.

XXXVIII.

XXXVIII. Provided, nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or any other Perſon or Perſons under the Authority of this Act, to dig, gather, take and carry away Stone or other Materials for making or repairing the ſaid Roads, Bridges, Culverts, Walls and Fences, out of or from any incloſed Lands or Grounds, until Fourteen Days' Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier, at his or her uſual Place of Reſidence, to appear by himſelf or herſelf or his or her Agent, before the ſaid Truſtees, or any Five or more of them, at a Meeting to be called for that Purpoſe, or any Two or more Juſtices of the Peace acting for the Diviſion of the County, Town or Place in which ſuch Lands are ſituated, to ſhew Cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier, or his or her Agent, ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or any Five or more of them, or ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor, or other Perſon or Perſons, to dig, gather, take and carry away ſuch Stone and Materials, at ſuch Time or Times as to ſuch Truſtees, or any Five or more of them, or to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, before the ſaid Truſtees, or ſuch Juſtices as aforeſaid, then and in ſuch Caſe the ſaid Truſtees, or any Five or more of them, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier, or his or her Agent, had attended.

Power to remove the Cauſeway between the Crick Lane and the Lamp Public Houſe, to the Eaſt Side of the Road.

Surveyors may make Cauſeways, Bridges, &c.

XXXIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby directed with all convenient ſpeed after the paſſing of this Act, to remove the Foot Road or Cauſeway leading from the *Crick Lane* to the *Lamp* Public Houſe aforeſaid, from the Weſtern Side of the preſent *Walſall* Road to the Eaſtern Side thereof; and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make any other Cauſeways, in and upon the ſaid Roads, and alſo to make any Ditches or Drains, in, under, or upon the ſaid Roads, and in, upon, under and through any Grounds lying contiguous thereto, in order to conduct the Water from and off the ſaid Roads (not being the Ground whereon any Houſe or Outbuilding ſtands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or planted with ornamental Trees), and alſo by Order of any Five or more of the ſaid Truſtees, to build, erect, and repair, and keep in Repair a Bridge over the River *Tame* below *Hamſtead* Bridge aforeſaid, on the Line of the new Turnpike Road, and any other Bridge or Bridges, Arch or Arches upon any Part or Parts of the ſaid Road, and acroſs any Canal, Stream, River, Brook, Water, Ditch or Drain therein or contiguous thereto, making ſuch Recompenſe to the Owners and Occupiers of the private Grounds reſpectively, for the Damages which 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 ſuch Damages, the Juſtices of the Peace for the County, Town, or Place in which ſuch private Grounds may be ſituated, aſſembled at the General Quarter Seſſions of the Peace next after ſuch Difference ſhall have ariſen,

and

and such Notice as before directed having been given, shall hear, settle and determine the Matter of the said Damages, and the Costs attending the hearing and determining of the same, and the Judgement and Order of the said Justices therein shall be final and conclusive to all Parties: Provided always, that no Satisfaction shall be made for doing and performing any of the Works aforesaid, upon or through any Waste Ground, Common or Uncultivated Land.

Penalty on taking away Materials got by Surveyors.

XL. And be it further enacted, That if any Person or Persons shall take or carry away any Stone or other Materials which shall have been dug, gotten, or gathered for the Purpose of making, completing, altering, or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the space of Thirty Days, (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made or opened, and 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 forfeit, for every such Offence, any Sum not exceeding Five Pounds.

Surveyors may remove Annoyances.

XLI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to remove and prevent all Annoyances on any Part of the said Roads, by Timber, Stone, Carriages, Sawpits or other Pits, Buildings, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or by any other Thing or Means whatsoever, and to turn any Watercourses, Sinks, or Drains running along, into or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down, lop or top, at proper Seasons of the Year, any Trees, Shrubs, or Bushes growing or to grow on the said Roads, or in the Hedges or Banks adjacent thereto respectively, such Watercourses, Sinks, Drains, Ditches, Trees, Shrubs and Bushes not being or growing within any Garden, Orchard, Plantation, Walk, or Avenue to an House, or any inclosed Ground planted and set apart as a Nursery for Trees, or planted with ornamental Trees, and to take and carry away the same Trees, Shrubs or Bushes, in case the Owners or Occupiers of the Premises shall, for the Space of Fourteen Days next after Notice in Writing shall have been given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down or remove such Trees, Shrubs or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other 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 shall be settled by the said Trustees or any Five or more of them, and shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person

Perſon ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds.

Penalty for obſtructing Collectors or Surveyors.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt or hinder, or cauſe to be aſſaulted, interrupted or hindered any Collector of the Tolls, or any Turnpike Surveyor, or any other Perſon or Perſons by them, or any of them, or by the ſaid Truſtees, or any Five or more of them, employed in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may make and widen the Roads.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby fully authorized and empowered to make and repair the ſeveral Roads in the Lines and Directions before ſpecified, and from Time to Time to widen the Courſe or Path of any Part or Parts of the ſaid Roads, within the Diſtance hereinafter mentioned, and for thoſe Purpoſes to take any Waſte Grounds, Commons, or Uncultivated Lands, without making Satisfaction for the ſame, and alſo any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein for the Damages they may ſuſtain thereby; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to treat, contract and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the making of the ſaid Roads, and of widening any Part or Parts of the ſaid Roads through ſuch Lands and Heriditaments; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees or Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees, not only for and on behalf of themſelves, their Heirs and Succeſſors, but alſo for and on behalf of their *Ceſtuique* Truſts, whether Femes Covert, Infants or Iſſue unborn, Lunatics, Idiots, or other Perſon or Perſons, and to and for all Femes Covert, who are or ſhall be ſeiſed of or intereſted in their own Right, and to and for all and every Perſon and Perſons who are or ſhall be poſſeſſed of and intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof for the Purpoſes aforeſaid, and all Contracts, Sales and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; provided that nothing therein contained ſhall authorize the ſaid Truſtees to make the ſaid Roads of a greater Width than Sixty Feet.

Where Perſons intereſted neglect or refuſe to treat.

XLIV. And be it further enacted, That if any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing at

the Dwelling House or Dwelling Houses, Place, or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands and Hereditaments through which any Part of the said new Turnpike Roads are intended to be made as aforesaid, or from which any Part or Parts shall or may be taken for the Purpose of widening the said new Turnpike Roads, shall, for the Space of Thirty Days next after such Notice shall have been given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage, Value, or Recompense to be enquired into and ascertained, by a Jury of Twelve indifferent Men of the County of *Stafford*, 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 such Jury and examine upon Oath all and every Person and Persons whom they shall think necessary and proper to be examined concerning the Premises, (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises, and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and the Judgement, Order, and Determination thereon, shall be final, binding, and conclusive, to all Intents and Purposes, upon all Persons and Parties, and upon all Bodies Politic, Corporate and Collegiate, claiming or to claim any Estate in Possession, Reversion, or otherwise; and for summoning and returning such Juries the said Trustees or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Stafford*, wherein such Lands or Hereditaments do lie, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees or any Five or more of them, at such Time and Place, as in such Warrant or Warrants shall be appoited; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impanneled, 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 swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid, and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers by, or that can speedily be procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees or any Five or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or

The Damages and Recompence to be settled by a Jury.

Verdict of the Jury to be final.

Trustees to issue Warrants to the Sheriff to impannel a Jury.

Jury may be challenged.

or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear. or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, ſo that no one Fine ſhall be more than Five Pounds on any one Perſon for one Offence.

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

Fines,

XLV. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence or Satisfaction for the Right, Intereſt or Property of any Perſon or Perſons in any ſuch Lands or Hereditaments, or for any Loſs or Damage to be by him, her or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or for any Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of any Money which ſhall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid ſhall give in and deliver a Verdict or Aſſeſsment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt or Property in any ſuch Lands or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been ascertained and ſettled by ſome Juſtice of the Peace for the County of *Stafford*, or within whoſe Diſtrict or Diviſion the Cauſe of Diſpute ſhall ariſe, not intereſted in the Matter in queſtion (who is hereby 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 upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by the Ways and Means hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, That in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

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

XLVI.

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

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

Truſtees not to take down Houſes, &c.

XLVII. Provided always, and be it further enacted, That the Power and Authority by this Act given to the ſaid Truſtees ſhall not extend to enable the ſaid Truſtees to take, uſe, injure or damage any Dwelling-houſe or other Building, or to take any Garden, Orchard, Yard, Park, planted Walk or Avenue to a Houſe, or Plantation or Nurſery of Trees, for any of the Purpoſes of this Act, without the Conſent in Writing of the Owners or Proprietors thereof, and other Perſons intereſted therein, firſt had and obtained, except a Houſe in the Occupation of *John Butts*, another Houſe in the Occupation of *John Jones*, another Houſe in the Occupation of *William Salt*, another Houſe in the Occupation of *Henry Poney*, a Stable or Barn in the Occupation of *William Mathewſon*, and the ſeveral Gardens adjoining to the ſaid Houſes and Barn, and occupied therewith, and another Stable or Cow Houſe in the Occupation of *Ann Storer*, and except alſo a Garden in the Occupation of *William Mathewſon* and *Robert Furnace*, all which Houſes are reſpectively ſituated in the ſaid Pariſh of *Handſworth*; and alſo except that it ſhall and may be lawful for the ſaid Truſtees, and they are hereby authorized, from and after the Expiration of Three Years from the paſſing of this Act, but not before, to widen the preſent *Walſall* Road near a Plantation of the Reverend *Thomas Lane Freer*, Clerk, throughout the whole Extent of the ſaid Plantation, as it joins the preſent *Walſall* Road, oppoſite the *Lamp* Public Houſe in *Handſworth* aforeſaid, and for that Purpoſe to take and uſe ſo much of the Land and Ground on which the ſaid Plantation ſtands, as ſhall be expedient and neceſſary for that Purpoſe: Provided always, that the ſaid Truſtees do and ſhall, as ſoon after the paſſing of this Act as conveniently may be, plant in a proper and ſufficient Manner, in ſuch Situation as ſhall be pointed out by the ſaid *Thomas Lane Freer*, another Plantation of equal Extent, and of Trees of good Growth; any Thing herein contained to the contrary notwithſtanding.

Except certain Houſes and Gardens;

and a Plantation of the Reverend Thomas Lane Freer.

XLVIII. And

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

XLVIII. And whereas by Means of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by diverting, altering or turning some Part or Parts of the said Roads, they may happen to be seised of more Land or Ground than will be necessary for effecting 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 any Piece or Pieces of Land or Ground, or Piece or Pieces of old Road or Roads (except in such Cases where such old Road is vested in any Person or Persons particularly named in this Act), to such Person or Persons as shall be willing to contract for and purchase the same.

Persons whose Lands adjoin to have the Preference.

XLIX. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, before they shall sell and dispose of any Piece or Pieces of old Road or Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and that the said Trustees, before they shall sell or dispose of the said Piece or Pieces of Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, an Affidavit, to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Stafford*, by the Clerk or Clerks to the said Trustees for the Time being, stating that such Offer was made by or on the Behalf of the said Trustees, or any Five or more of them, and that such Offer was not then and thereupon accepted or agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not accepted or agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall accept such Offer, and be desirous of purchasing or repurchasing the same, and he, she, or they and the said Trustees, or any Five or more of them, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in manner hereinbefore 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 Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchase made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees, or any Five or more of them, of such Piece or Parcel of old Road or Roads or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Restraining the Trustees from deviating beyond a certain Distance from the Line described in the Map or Plan.

L. And whereas a Map or Plan, describing the Line of the said new Turnpike Roads, 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, has been deposited at the Office of the Clerk of the Peace for the said County of *Stafford*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in

in the Cuſtody of the Clerk of the Peace for the ſaid County of *Stafford*, to the End that all Perſons may, at all ſeaſonable Times, have Liberty to peruſe and inſpect the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan, and Book of Reference; and that the ſaid Truſtees, in making the ſaid new Turnpike Roads, 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 or over whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees may make the Road through Lands although the Names are not in the Book of Reference.

LI. Provided alſo, and be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to make the ſaid new Turnpike Roads, into, through, acroſs or over the ſeveral Lands or Grounds of any Perſon or Perſons who is, are, or may be Owner or Owners of Lands over which the ſame is 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 omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County of *Stafford*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Truſtees not reſtrained from diverting the Roads beyond One hundred Yards if Parties conſent.

LII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prevent, hinder, or reſtrain the ſaid Truſtees from widening, diverting, turning, ſhortening, varying or altering the Courſe or Path of any Part or Parts of the ſaid new Turnpike Roads, beyond the Diſtance of One hundred Yards through the Lands or Grounds of any Perſon or Perſons whomſoever, in caſe ſuch Perſon or Perſons ſhall be conſenting thereto, and ſhall ſignify his, her, or their Conſent in Writing to ſuch Diverſion or Alteration being made.

Application of Compenſation Money if amounting to £ 200.

LIII. 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 Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, purſuant to the Method preſcribed by the Act of the Twelfth Year of King *George* the Firſt, Chapter Thirty-ſecond, and the General Orders of the ſaid Court, without Fee or Reward, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements or Hereditaments, or affecting any other Lands, Tenements or Hereditaments

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ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the 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 Meſſuages, 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 the Conveyance and 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 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 Lands, Tenements and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than £200 and exceeding £20.

LIV. 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 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 with the Privity and in the Name of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore 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 Five 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 any Manner hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where leſs than £20.

LV. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or awarded to be paid as laſt before-mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo purchaſed, taken or uſed for the Purpoſes of this Act, in ſuch Manner

Manner as the ſaid Truſtees, or any Five 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 Benefi of ſuch Perſon and Perſons ſo entitled reſpectively.

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

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

Subject to the Order of the Court of Chancery, on Motion or Petition.

When any Queſtion ſhall ariſe, touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

LVII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe. touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands 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

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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 or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

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

Perſons liable to repair Roads, &c. to continue ſo.

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

Pariſh Surveyors to deliver in Liſts of Statute Work.

LX. And be it further enacted, That the reſpective Surveyors of the Highways for the Pariſh, and ſeveral Townſhips, Hamlets, Diſtricts or Places, in which any Part of the ſaid new Turnpike Roads ſhall lie, ſhall, Twice in every Year, within Four Days after Demand ſhall have been made from them reſpectively, in Writing by any Surveyor or Surveyors, to be appointed by virtue of this Act, deliver to ſuch Turnpike Surveyor or Surveyors, to be appointed by virtue of this Act, deliver to ſuch Turnpike Surveyor or Surveyors an exact Account or Liſt in Writing under their Hands, of the Chriſtian and Surname of every Perſon who, within their Pariſh and reſpective Townſhips, Hamlets, Diſtricts and Places, is liable to do Statute Work, and ſhall diſtinguiſh in ſuch Account or Liſt what Statute Work each of the ſaid Perſons is liable to do and perform, and the Statute Work ſhall be done by all ſuch Perſons on ſuch Parts of the ſaid Roads hereby authorized to be made and repaired, as are within the ſaid Pariſh and reſpective Townſhips, Hamlets, Diſtricts and Places, in ſuch Manner and at ſuch Times as any Two Juſtices of the Peace for the Diſtrict or Diviſion of the County in which the reſpective Parts of the ſaid Roads may be ſituated, upon Application being made to them by the ſaid Truſtees, or any Two or more of them, or by their Clerk or Clerks, or Surveyor or Surveyors ſhall direct; and the ſaid Surveyors of the Highways for ſuch Pariſh and reſpective Townſhips, Hamlets, Diſtricts and Places reſpectively, within Ten Days after Notice ſhall have been given to him or them by ſuch Clerk or Clerks, or Turnpike Surveyor or Surveyors, of the Time or Times when and how many of ſuch Perſons are to

do ſuch Work upon any Part or Parts of the ſaid new Turnpike Roads, ſhall give Notice thereof to the Perſons directed to perform the ſame; and if any Surveyor for any ſuch Pariſh, Townſhip, Hamlet, Diſtrict or Place ſhall neglect or refuſe to deliver in ſuch Account or Liſt to ſuch Turnpike Surveyor or Surveyors, or ſhall be guilty of any Fraud therein, or ſhall refuſe or neglect to ſummon ſuch Perſons to do their Statute Work as aforeſaid, every ſuch Pariſh Surveyor ſhall, for every ſuch Neglect or Refuſal, forfeit and pay any Sum not exceeding Five Pounds.

Penalty for not performing Statute Work.

LXI. And be it further enacted, That all and every Perſon and Perſons who ſhall neglect or refuſe to do ſuch Work as aforeſaid, after Notice in Writing ſhall have been given to or left for him, her or them, at his, her or their laſt or uſual Place or Places of Abode for that Purpoſe by 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 Penalties and Forfeitures as Perſons neglecting or refuſing to do Statute Work on any public Highway are or may be by any Law or Statute ſubjected; and every Perſon who ſhall, according to ſuch Notice as aforeſaid, come as a Labourer, or with any Team, Draught or Plough, to work on the ſaid new Turnpike Roads, and ſhall be found negligent or idle by the ſaid Turnpike Surveyor or Surveyors where the Work is to be done, ſuch Surveyor or Surveyors may, and is and are hereby required to diſcharge ſuch Perſon, and it ſhall be conſidered as if ſuch Perſon or Perſons, or ſuch Team, Draught or Plough had not come or been ſent to work, and every ſuch Labourer or Perſon, or the Owner of ſuch Team, Draught or Plough, ſhall be liable to the reſpective Forfeitures before mentioned, and all Perſons duly performing ſuch Days Work on the ſaid new Turnpike Roads ſhall not be liable to do any other Statute Work thereon.

Juſtice to determine Statute Work.

LXII. And, for preventing Differences between the ſaid Truſtees and the Surveyors of the Highways for the Time being of the Pariſh, and the ſeveral Townſhips, Hamlets, Diſtricts or Places through which the ſaid Turnpike Roads hereby directed to be made and repaired ſhall lead, touching what Part of the Statute Work, in any ſuch Pariſh, Townſhip, Hamlet, Diſtrict or Place ought to be done on the ſaid new Turnpike Roads; be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace at any Special Seſſion to be holden for the Diviſion or Hundred, Diviſions or Hundreds, wherein ſuch Part or Parts of the ſaid new Turnpike Roads ſhall lie, upon Application made to them for that Purpoſe by the ſaid Truſtees, or any Five or more of them, to adjudge and determine what Part and Proportion of the Statute Work ſhall be done on the ſaid new Turnpike Roads, by the ſaid Pariſh, and in each and every of the Townſhips, Hamlets, Diſtricts or Places aforeſaid.

Truſtees may compound for Statute Work.

LXIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound and agree, by the Year or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements or Hereditaments which are or ſhall be liable to or chargeable with the Repair of any

Part

Part of the ſaid new Turnpike Roads, or of any Bridge, Arch or Sewer, or with any Perſon or Perſons for the Performance of his, her or their Statute Work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of the ſaid Pariſh, and of any of the ſaid Townſhips, Hamlets, Diſtricts or Places, by and with the Conſent and Approbation of a Majority of the Inhabitants of ſuch Pariſh or reſpective Townſhips, Hamlets, Diſtricts or Places firſt obtained at any Veſtry or other public Meeting of ſuch Inhabitants, to compound and agree by the Year or otherwiſe with the ſaid Truſtees, or any Five or more of them, for and in Lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part or Parts of the ſaid new Turnpike Roads, all which Compoſition Monies ſhall be from Time to Time paid in advance, and ſhall be applied in the Repair of the ſaid new Turnpike Roads; and all ſuch Surveyors ſhall be reimburſed the Money ſo by them paid, in ſuch Manner as Surveyors of the Highways are by Law to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may contract for Repairs.

LXIV. And be it further enacted, That 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, are hereby empowered to contract with any Perſon or Perſons for making, altering, turning, widening or repairing the ſaid new Turnpike Roads, or any Part thereof, and for erecting Mile and Direction Stones or other 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 and Agreements in Writing entered into purſuant to any Order of the ſaid Truſtees, or any Five or more of them, by their Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors 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 and their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the Truſtees, or any Five or more of them, or by their Clerk or Clerks, Treaſurer or Treaſurers, and in his or their Name or Names reſpectively, and Damages and Coſts recovered againſt the Party or Perſon, Parties or Perſons failing in the Performance of ſuch Contracts or Agreements reſpectively; and ſuch Sum of Money as ſhall and may be requiſite for making or repairing the ſaid new Turnpike Roads, 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 any ſuch Party or Perſon, Parties or Perſons ſo as aforeſaid making Default in fulfilling his, her or their Contract or Agreement.

Contracts to be binding.

Perſons who may be Proſecutors, and Perſons proſecuted on account of Truſtees, indemnified.

LXV. And be it further enacted, That in caſe any Action or Proſecution ſhall be commenced or proſecuted in purſuance of this Act, under the Authority or by the Direction of the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall, out of the Monies ariſing by virtue of this Act, allow and pay to the Proſecutor, or ſuch Perſon or Perſons in whoſe Name or Names ſuch Action or Proſecution ſhall be commenced and proſecuted, all

all ſuch reaſonable Coſts and Charges as ſuch Perſon or Perſons ſhall be really and *bonâ fide* out of Pocket for or by reaſon of ſuch Action or Proſecution, or any Judgement or Determination therein, and likewiſe indemnify all ſuch Perſons as ſhall be proſecuted, or have any Action or Actions brought againſt them for or by reaſon of any Thing done in purſuance of this Act, under the Authority and by the Direction of the ſaid Truſtees, or any Five or more of them.

Mile Stones to be ſet up.

LXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid new Turnpike Roads to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of ſuch Roads, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet; and if any Perſon ſhall wilfully pull up or damage any of ſuch Stones or Poſts, or ſhall obliterate or deface any of the Letters, Figures or Marks which ſhall be inſcribed thereon; or if any Perſon ſhall ride upon any Cauſeway or Footway adjoining to ſuch Roads, or ſhall drive or draw any Horſe or other Cattle, or any Swine, or any Cart or other Carriage thereon, or ſhall cauſe any Damage to be done to ſuch Cauſeway or Footway; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon the ſaid Roads, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon Wheel Carriages to drag upon any Part of ſuch Roads, to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon ſuch Roads ſhall ſuffer them to root up and damage the ſame, or any Part thereof, or the Fences, Hedges or Backings on either Side thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart or other Carriage upon ſuch Roads, and meeting another Coach, Chaiſe, Waggon, Cart or other Carriage, ſhall not keep his Carriage on the left or near Side of ſuch Roads; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him upon ſuch Roads, or the Coach, Chaiſe, Waggon, Cart or other Carriage under his Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, commonly called Bonfires, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent or other Firework on any Part or Parts of ſuch Roads; or if any Perſon ſhall leave any Waggon, Wain, Cart or other ſuch Carriage, in, upon or on the Side of any Part of ſuch Roads longer than may be neceſſary for loading or unloading the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh or other Matter or Thing whatſoever on any Part of ſuch Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Perſons travelling thereon, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on defacing them.

Riding on Footpaths, &c.

Dragging Timber or Stone.

Suffering Pigs to root up the Roads.

Drivers of Carriages not keeping the left Side of the Road, when meeting other Carriages.

Perſons preventing others from paſſing.

Making Bonfires or letting off Fireworks.

Leaving Carriages or Timber, &c. on the Roads.

Penalties how to be levied and applied.

LXVII. And be it further enacted, That all Penalties, Forfeitures and Fines by this Act inflicted or authorized to be impoſed, if the Manner of levying and recovering thereof is not herein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any one Juſtice of the Peace for the County, Town or Place wherein the Offence ſhall have been committed, or any one Juſtice of the Peace for the County, Town or Place wherein

wherein the Offender ſhall reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, (which Warrant or Warrants ſuch Juſtice is hereby empowered to grant for thoſe Purpoſes), and the Overplus, after ſuch Penalties, Forfeitures and Fines, and the Charges of ſuch Diſtreſs and Sale ſhall have been paid and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures and Fines, when paid or recovered, ſhall, if not otherwiſe directed by this Act, from Time to Time be paid, Half to the Informer, and Half to any Five or more of the ſaid Truſtees, or to their Clerk or Clerks, Treaſurer or Treaſurers, and be applied in the Repair of the ſaid new Turnpike Roads; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any one Juſtice of the Peace, within his Juriſdiction 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 the County, Twn or Place wherein the Offence ſhall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Form of Conviction.

LXVIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every Juſtices or Juſtice 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:*)

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

Proceedings not to be quaſhed for want of Form.

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

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

LXX. Provided always, and be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money 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 done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover Satisfaction for the Special Damage in an Action upon the Caſe.

Limitation of Actions.

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

General Iſſue.

Treble Coſts.

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

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

For ſecuring tranſient Offenders.

LXXIII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors or other Officers appointed to carry this Act into Execution; be it therefore further enacted, That it ſhall be lawful for any One or more of the ſaid Truſtees, or their Clerk or Clerks, or the 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 other Authority than this Act, to

ſeize

ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her or them before any Juſtice of the Peace for the County of *Stafford*; and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his, her or their Appearance at the next Petty Seſſion to be holden in and for the ſaid County, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch Petty Seſſion, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the ſaid Complaint in a ſummary Way, and upon Conviction of the Offender or Offenders either by the Juſtice before whom he, ſhe or they ſhall be firſt taken, or by the Juſtices at ſuch Seſſion as aforeſaid, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively to commit him, her or them to the Common Gaol or Houſe of Correction of the ſaid County, there to remain for any Time not exceeding Twenty-one Days, unleſs he, ſhe or they ſhall ſooner pay the reſpective Penalties by him, her or them incurred for ſuch Offence or Offences, together with the Coſts and Charges attending his, her or their Conviction and Commitment.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXIV. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already preſcribed, ſuch Perſons may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the County of *Stafford* within Six Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Twenty-one Days' Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the ſaid Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Seſſion, upon due Proof of ſuch Notice having been given as aforeſaid, and of ſuch Recognizance having been entered into, 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 Quarter Seſſion ſhall be final, binding and concluſive to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſion may alſo by their Order or Warrant levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for want of ſufficient Diſtreſs commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction of or for the ſame County wherein ſuch Quarter Seſſions ſhall be held, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

For compelling Subſcribers to pay their Subſcriptions.

LXXV. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed Money for and towards the making of the ſaid new Turnpike Roads, ſhall and they are hereby required to pay the Sum or Sums of Money ſo ſubſcribed within or at ſuch Time or Times, and in ſuch Parts and Proportions as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time order and direct, and the ſame ſhall be paid

paid to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Name of the said Trustees, or any Five or more of them, or in the Name of their Clerk or Clerks, Treasurer or Treasurers, 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.

Public Act.

LXXVI. 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 Continuance of this Act.

LXXVII. And be it further enacted, That this Act shall commence upon and have Continuance from the Day on which the same shall receive the Royal Assent, and shall continue 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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