ANNO PRIMO

GEORGII IV. REGIS.

Cap. xxxiv.

An Act for repairing and improving the Road leading from the Town of *Ludlow* in the County of *Salop*, through *Woofferton* and *Little Hereford*, to a Place called *Monk's Bridge*, in the said County; and also from the said Town of *Ludlow* to a Place or House called *The Maidenhead*, at *Orleton*, in the said County of *Hereford*. [22d *June* 1820.]

WHEREAS an Act was passed in the Twenty-fourth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and improving the Road leading from the Town of* Ludlow, *in the County of* Salop, *through* Woofferton *and* Little Hereford, *to a Place called* Monk's Bridge, *in the said County; and also from the said Town of* Ludlow *to a Place or House called* The Maidenhead, *at* Orleton, *in the said County of* Hereford: And whereas an Act was passed in the Sixteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Twenty-fourth Year of the Reign of His Majesty King* George *the Second, for repairing the Road leading from the Town of* Ludlow *in the County of* Salop, *through* Woofferton *and* Little Hereford, *to a Place called* Monk's Bridge *in the said County; and also from the said Town of* Ludlow *to a Place or House called*

24 G. 2. c. 29.

16 G. 3. c. 77.

called The Maidenhead, *at* Orleton, *in the County of* Hereford: And whereas another Act was passed in the Thirty-fourth Year of the Reign
34G.3 c. 122. of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of certain Acts of Parliament, for repairing the Road leading from the Town of* Ludlow *in the County of* Salop, *through* Woofferton *and* Little Hereford, *to a Place called* Monk's Bridge *in the said County; and also from the said Town of* Ludlow *to a Place or House called* The Maidenhead, *at* Orleton, *in the County of* Hereford: And whereas divers Sums of Money have been borrowed, and are still due and owing on the Credit of the Tolls authorized to be taken on the said several Roads, which cannot be paid off, nor can the said Roads be effectually amended, diverted, altered, straightened, improved, completed, and maintained in Repair, unless the Term and Powers of the said several Acts are enlarged, some additional Powers granted, and the Tolls increased: And whereas it will facilitate the Execution of the Purposes of the said several Acts, if such of the Powers and Provisions as it may be expedient to continue or amend, and the requisite additional Powers and Provisions, were to be consolidated and comprised in one Act: 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
Recited Act repealed. Parliament assembled, and by the Authority of the same, That the said recited Acts of the Twenty-fourth Year of the Reign of King *George* the Second, and the Sixteenth and Thirty-fourth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby repealed; and this Act shall from henceforth commence and take effect, and shall continue in force and be put in Execution, for and during the Term herein-after mentioned, for effectually repairing, widening, diverting, altering, straightening, and improving the several Roads herein-before mentioned; and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, or any of them, on the said Roads, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Appointment of Trustees. II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Salop* and *Hereford* respectively, and other Counties through which the said Roads pass, together with the Honourable and Reverend *George Rushout Bowles, Wade Browne, Edmund Lechmere Charlton, Thomas Colerick, Thomas Dunne, Dansey Richard Dansey, Samuel Downes, John Fox Downes,* Reverend *Edward Green, John Giles,* Reverend *Robert Fitzwilliam Halifax, William Jones,* Reverend *James Kevill, Edward Meredith,* Reverend *James Mainwaring, William Moseley, Robert Meyrick, Whitlock Nicholl* Doctor of Medicine, *Matthias Price, Edward Prodgers,* Honourable *Thomas Harley Rodney,* Reverend *Henry Rodney, Thomas Bourke Ricketts, Edward Rogers,* Sir *William Smith* Baronet, *Sydney Smith, John Salwey,* Reverend *John Thomas,*

Charles Walker, *Jervaise Thorpe* Doctor of Medicine, Reverend *Christopher Whitehead*, *Edmund Meysey Wigley*, Reverend *Thomas Wellings*, and *Edward Wellings*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, amending, diverting, widening, altering, straightening, improving, and maintaining in Repair the said Roads.

Appointing additional Trustees at First Meeting.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at their First Meeting to be held in pursuance of this Act (of which Meeting and of the Purpose thereof Ten Days Notice shall be given, as is herein-after directed respecting the Appointment of Trustees on Vacancies), to elect any Number of fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed Trustees in this Act.

Appointment of future Trustees.

IV. And be it further enacted, That when any Trustee hereby appointed or to be appointed in Manner herein-before or herein-after mentioned, shall become by Bankruptcy or Insolvency disqualified to act, or shall die, or by Writing under his Hand delivered to the Clerk to the said Trustees for the Time being, refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees for the Time being, or any Three or more of them, by Writing under their Hands, to elect and appoint one other Person to be a Trustee in the Room or Stead of such Trustee so disqualified, or dying, or refusing to act as aforesaid; but Notice of the Time and Place of Meeting for such Election shall be given by any Two or more of the said Trustees, or by the Clerk to the said Trustees, by affixing such Notice in Writing upon all the Turnpike Gates then erected in or upon the said Roads, at least Ten Days before every such Meeting shall be held; and all Persons who shall be so elected, shall be and are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with.

Qualification of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting therein he shall be in his own Right, or in the Right of his Wife, in the actual Possession of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent of a Person seised of an Estate of Freehold or Copyhold Lands of the yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor before he shall have taken and subscribed an Oath or Affirmation before any Three or more of the said Trustees (who are hereby authorized and empowered to administer

administer such Oath), in the Words or to the Effect following; (that is to say,)

Oath.

'I *A. B.* do swear, [*or*, being One of the People called *Quakers*, 'I do solemnly affirm,] that I truly and *bonâ fide* am seised of in my 'own Right, or in the Right of my Wife, [*as the Case may be*,] and 'in the actual Possession of [*or*, in the Receipt of Rents and Profits 'issuing out of] Freehold or Copyhold Lands, Tenements, or Hereditaments situate in the County of or of 'the clear yearly Value of One hundred Pounds; [*or*, am Heir Apparent of who to the best of my Knowledge and Belief is 'seised of a Real Estate of Freehold or Copyhold Lands, Tenements, 'or Hereditaments situate in the County of or 'of the clear yearly Value of One hundred and fifty Pounds; *or*, am 'possessed of Personal Estate alone, or Real and Personal Estate 'together, of the Amount of Four thousand Pounds]; and that I 'will truly, faithfully, and impartially act in the Execution of the 'Trusts and Powers vested and reposed in me by an Act passed in 'the First Year of the Reign of His Majesty King *George* the Fourth, 'intituled *An Act* [*here set forth the Title of this Act.*]

'So help me GOD.'

[*or*, being a Quaker, omit the Words, 'So help me God.']

Persons holding Places of Profit under this Act not to act as Trustees.

Victuallers not to be Trustees.

VI. Provided also, and be it further enacted, That no Person (appointed or to be appointed a Trustee by virtue of this Act), shall be capable of acting as a Trustee in the Execution of this Act, in any Case where he shall be personally interested (except as hereinafter provided), nor whilst he holds any Place of Employment or Profit under the said Trustees or this Act; and that no Person shall be capable of being appointed a Trustee, or of acting as such during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, or who shall be interested or concerned, directly or indirectly, in any Contract under this Act, or who shall be a Lessee or Farmer of the Tolls, or of any Part or Parts thereof under this Act; and if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed by such Person, touching the Execution of this Act, previous to his being convicted of any Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as

Penalty on acting if not qualified.

if

if such Person had been qualified according to the Directions of this Act.

Meetings and Manner of Adjournment.

VII. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet together at the *Crown Inn*, in the Town of *Ludlow* aforesaid, or elsewhere near the said Roads, at any Time within Three Months after the passing of this Act, and proceed to the Execution of this Act, and shall then and from Time to Time afterwards adjourn and meet again at such Time and Place as the said Trustees or any Three or more of them shall think proper; and all Meetings of the said Trustees, to be held in pursuance of this Act, shall consist of Three Trustees at the least; and if there shall not appear at any Meeting a sufficient Number of Trustees to act, or to adjourn to another Day (Two Trustees being deemed sufficient for the Purpose of Adjournment only); or in case the Trustees at any Time assembled shall omit to adjourn, then the Clerk to the said Trustees shall adjourn the Meetings to such Time and Place, in or near the said Roads, as he shall think fit, not exceeding the Space of Fourteen Days from the Time of the last Default, and shall give Notice thereof in Writing affixed on all the Turnpike Gates, or by Advertisement to be inserted in some or One of the Newspapers circulated in the Neighbourhood of the said Roads; and in case no Adjournment, Notice, or Appointment of Meeting shall be made or given by the Clerk, then it shall be lawful for any Three or more of the Trustees to cause Notice in Writing to be affixed upon all the Turnpike Gates, or an Advertisement to be inserted in some or One of the Newspapers circulated in the Neighbourhood of the said Roads, appointing the Trustees to meet at such Time and Place near the said Roads as they the said Three or more Trustees shall think proper, not exceeding Fourteen Days, nor being less than Ten Days from the Time of such Advertisement, or of affixing such Notice; and all Orders and Determinations of the said Trustees, in the Execution of this Act, shall be made at a Meeting to be held in pursuance of this Act, and not otherwise, except as herein particularly mentioned; and all Acts and Proceedings of the said Trustees at any of their Meetings to be held in pursuance of this Act, in which Two of the Trustees present shall concur, the whole Number present not being less than Three, shall be as valid and effectual as if all the said Trustees had concurred therein; and at all such Meetings a Chairman shall or may be elected; and in all Cases where there shall be an equal Number of Votes, including the Vote of the Chairman, such Chairman shall have the decisive or casting Vote; and no such Order or Determination shall be revoked or altered at any subsequent Meeting unless Nine Trustees shall be present, nor unless Notice of the Intention to revoke or alter any such Order or Determination shall be given in Writing to the Clerk to the said Trustees, and by him fixed up at all the Turnpike Gates then standing upon the said Roads, and advertised in some or one of the Newspapers circulated in the Neighbourhood of the said Roads, at least Ten Days previous to any Meeting to be held for such Purpose; and that all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their

Three Trustees to be a Quorum.

Clerk to adjourn and call Meetings, if a sufficient Number of Trustees do not attend to act or adjourn, or neglect to adjourn.

All Orders to be made at Meetings.

Chairman to have the casting Vote.

Trustees to pay their own Expences at Meetings.

being Trustees, except only in such Cases where they shall be personally interested; and the said Trustees at all their Meetings shall defray their own Expences.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed for such Adjournment, in that case it shall and may be lawful to and for any Two or more of the said Trustees, or to and for the Clerk to the said Trustees, upon an Order in Writing signed by Three or more Trustees, although not assembled at a Meeting, to appoint the Time and Place of such Meeting, and to give Notice thereof by Writing affixed on all the Turnpike Gates then erected upon the said Roads, such Meeting not being less than Seven Days after such Notice, which Notice must mention the Purpose of such Meeting, and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees (the proper Number being present), 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 Adjournments: Provided always, that no Trustee hereby appointed, or hereafter to be appointed by virtue of this Act, who shall not have acted in the Execution hereof, and subscribed the Book in which the Orders and Proceedings of the Trustees shall be entered, within Twelve Calendar Months next before any Meeting to be held by virtue of this Act (Meetings by Adjournment only excepted), shall any longer be considered as a Trustee for the Purposes of this Act, or afterwards to act in the Execution hereof.

Proceedings to be entered.

IX. And be it further enacted, That all Orders, Proceedings, and Agreements of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Trustees making the same; which said Book or Books, and also the Book directed to be kept for registering Mortgages and Assignments, and all and every Book and Books in which any Entry or Entries of any Proceeding or Proceedings of any of the Trustees, or other Person or Persons acting by and under the Authority of the said recited Acts, or any of them, such Entry or Entries (being made in such Book or Books, according to the Directions of, and rendered Evidence by the said Acts, or any of them), shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Accounts to be entered in a Book.

X. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk for the Time being to the said Trustees, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been received, laid out, and expended; which Books, and also the Book or Books to be kept for the Purpose

of entering Mortgages and Assignments herein-after mentioned, shall at all seasonable Times be open to the Inspection of the said Trustees, or any or either of them, or any Creditor or Creditors of the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any or either of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Clerk shall refuse to permit, or shall not permit, at all seasonable Times, the said Trustees or such Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay to any Person or Persons who shall sue for the same, any Sum of Money not exceeding Five Pounds.

Appointment of Officers.

XI. And be it further enacted, That the said Trustees, or any Three or more of them, at their First or any subsequent Meeting held either by Adjournment or by Notice as aforesaid, shall and may nominate and appoint One or more fit Person or Persons to be a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and also a Receiver or Receivers, Collector or Collectors of the Tolls, with such Salaries as they the said Trustees, or any Three of more of them, shall think reasonable; and shall also appoint such other Officers as they shall think necessary to employ in the Execution of this Act; and shall have Power, from Time to Time, to remove such Clerks, Treasurers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and to appoint others in their Stead, in cases of Death or such Removal; and that no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Ale, Wine, or other Spirituous Liquors by Retail; and the said respective Clerks, Treasurers, Surveyors, Receivers, Collectors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from Time to Time, as often as they or any of them shall be required, give unto such Trustees true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Three or more of them, or to such Person or Persons as any Three or more of them shall direct and appoint; and if any of the said Officers or other Persons shall not give such Account, or shall refuse to deliver up all or any of the Books, Papers, and Accounts belonging to the said Trustees, within Four Days after being served with a Copy of an Order, signed by Three or more of the said Trustees, requiring the same, then upon Application made by the said Trustees, or any Three or more of them, or by any Person by their Order, to any Two or more Justices of the Peace for the County, Division, or Place where such Officer or other Person shall reside, such Justices are hereby authorized and required to make Inquiry concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon

Officers shall account.

Proceedings against Officers neglecting to account.

upon Oath (which Oath such Justices are hereby required and empowered to administer without Fee or Reward); and if any such Person shall be thereof convicted, such Justices shall commit such Officer or Officers, Person or Persons, to the Gaol or House of Correction, there to remain until he shall give and make a true and perfect Account, or give Security to the Satisfaction of the said Justices or Trustees to make such Account, within some reasonable Time to be allowed and approved by the said Justices or Trustees; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two or more Justices of the Peace for the County or Division where such Person or Persons shall live or reside, to make Inquiry touching such Neglect or Refusal, in a summary Way, in Manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sum or Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of any such Person or Persons, rendering the Overplus (if any), after the Money remaining due and the Charges of making such Distress and Sale shall be deducted, unto such Person or Persons upon Demand; and if sufficient Distress cannot be found, then such Justices may commit such Person or Persons to some Gaol or House of Correction within the said County, there to remain without Bail or Mainprize, until he or they shall have paid over such Monies in Manner as aforesaid, or shall have given Security, to be approved by the said Justices or Trustees, or have compounded for the same; which Composition the said Trustees, or any Three or more of them, at any Meeting assembled, are hereby empowered to make, saving to all Persons their lawful Appeals at the General Quarter Sessions as herein-after provided: Provided always, that no Person who shall be committed for want of sufficient Distress as aforesaid, shall be detained in Prison for any longer Time than Three Calendar Months.

Treasurers and others to give Security.

XII. And be it further enacted, That the said Trustees shall and they are hereby authorized and required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, and other Officers to be appointed as aforesaid, for the due Execution of their respective Offices; and no such Treasurer, Receiver, Collector, or other Officer shall be permitted to enter upon such their Offices respectively until they shall have given such Security.

Present Officers to continue until others appointed.

XIII. Provided also, and be it further enacted, That the Clerk or Clerks, Surveyors, and other Officers, (save and except the Treasurer or Treasurers) who have been appointed under and employed in the Execution of the said former Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively resign or be removed or displaced by the said Trustees in Manner aforesaid, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all Respects whatsoever, as if they had been appointed under or by virtue of this Act.

XIV. Pro-

Officers under former Acts to account to the Trustees under this Act.

XIV. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said former Acts hereby repealed, or any or either of them, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the Roads comprised in this Act, shall account for and pay and deliver over the same and every Part thereof to the said Trustees, in like Manner and under the like Penalties as are by this Act directed in respect to the several Officers and other Persons receiving any Monies, or having the Custody or Power of any Books, Writings, or other Things by virtue of this Act.

Conveyances, Bonds, and other Securities under the former Acts, to be in like force under this Act.

XV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and other Securities entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts, according to the Provisions and Directions of the said Acts, shall remain in full force and effect, and shall be and continue available, and shall and may be enforced by the Trustees acting in the Execution of this Act in all Courts of Law and Equity, until the same are fully satisfied and performed, on account of the Trustees under this Act, and for the Benefit of the said Roads; and all Contracts or Agreements duly made or entered into by the Trustees for executing the said Acts to or with any Person or Persons shall remain in full force and effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them according to the Terms or Stipulations thereof respectively; and the same shall and may be enforced against the said Trustees in such and the like Manner as any Contract or Agreement entered into by the said Trustees according to the Directions of this Act can or may be enforced.

Clerk restrained from acting as Treasurer, and vice versâ.

XVI. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any or either of them; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any or either of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts and this Act, or any or either of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Trustees may appoint temporary Collectors.

XVII. And be it further enacted, That in case of the Death, Incapacity, Absconding, Misbehaviour, or Absence of any Collector or Receiver of the Tolls, the said Trustees, or any Three or more of them, though not assembled at a General Meeting of the said Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may lawfully nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, misbehave, or absent himself; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all respects, as the Person he or she shall succeed would have had or been subject to; and that if any Collector or Receiver of the said Tolls shall be discharged from his said Office by the said Trustees or Treasurer as aforesaid, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged as aforesaid, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Toll Gate, Toll Bar, Chain, or Weighing Machine, Buildings, and Premises continued or erected by virtue of this Act, for the Space of Ten Days after Demand made thereof, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which the Toll House, Buildings, and Premises shall be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter and take Possession of such House, Buildings, and Premises, Toll Gate, Bar, Chain, or Weighing Machine, in the Day-time, and to remove the Person or Persons who shall be found therein, or in Possession thereof, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any Three or more of them, or their new appointed Officer, in the Possession thereof.

Actions to be brought in the Name of the Treasurer, or Clerk, or Trustees.

XVIII. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any One of the said Trustees, for or on Behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the said Action shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees at a Meeting to be holden in pursuance of this Act: Provided always, that every such Treasurer, Clerk, or Trustee shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Action he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

Erection of Gates.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby

authorized and empowered to continue or erect, or cause to be continued or erected, or set up, One or more Gate or Gates, Bar or Bars, Turnpike or Turnpikes, Toll House or Toll Houses, in, upon, and across any Part of the said several Roads, and also upon the Sides thereof, and also across any Road, Lane, or Way leading into or out of the said Roads, with suitable Out-buildings to such Toll House or Toll Houses; and also to take in and inclose on the Sides of the said Roads, or any Parts thereof, convenient Garden Spots for each of the said Toll Houses, not exceeding One-eighth Part of an Acre, as the said Trustees, or any Three or more of them, shall direct or appoint; and also shall and may from Time to Time remove, alter, or discontinue the same, or any of them, as they the said Trustees, or any Three or more of them, shall think expedient.

Toll Houses vested in Trustees.

XX. And be it further enacted, That the Right, Interest, and Property of and in all the Turnpikes, Toll Houses, Toll Gates, Toll Bars, Chains, Weighing Machines, and other Buildings already erected or which shall be erected or provided in pursuance of this Act, or which at any Time heretofore shall have been purchased, with the several Conveniencies and Appurtenances thereunto respectively belonging, and of the Materials belonging to the same, and also of all Rails, Posts, and Fences which shall belong to the said Roads, and also of all Tools, Implements, Stones, Gravel, Sand, and other Materials now purchased, gotten, or had, or hereafter to be purchased, gotten, or had, for amending, repairing and improving the said Roads, shall be and the same are hereby vested in the said Trustees, and they are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute any Indictment or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the said Toll Gates or Turnpikes and Toll Houses, or any of the Buildings and other Conveniencies and Appurtenances thereunto belonging, or any of the Tools, Implements, or Materials aforesaid, or who shall do any act to hinder or obstruct the said Trustees or any Person or Persons employed by them in the Execution of this Act; and in any such Action, Indictment or other Proceeding for the Purposes aforesaid, it shall be sufficient to state generally any such Toll Gates or Turnpikes and Toll Houses, or any of the Conveniencies and Appurtenances thereunto belonging, or any of the Materials, Tools, Implements or other Matters or Things, to be the Property of the Clerk or Clerks for the Time being to the said Trustees.

Tolls to be taken.

XXI. And be it further enacted, That the Tolls following shall be demanded and taken at each of the said Gates, Bars, or Turnpikes, by such Person or Persons as the said Trustees, or any Three or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through any Turnpike Gate or Bar already erected, or which shall be erected upon the said Roads, or on the Side or Sides thereof, or across any Road, Lane or Way leading into or out of the said Roads; (that is to say),

For

Tolls.

For every Horse, Mule or other Beast, drawing any Coach, Berlin, Landau, Hearse, Chariot, Chaise, or Chair, the Sum of Sixpence:

For every Horse, Mule or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage, with Wheels of less Breadth than Six Inches, the Sum of Sixpence:

For every Horse, Mule or other Beast, drawing any Waggon, Wain, Cart, Car or other Carriage, with Wheels of the Breadth of Six Inches, and less than Nine Inches, the Sum of Four-pence Halfpenny:

For every Horse, Mule or other Beast, drawing any Waggon, Wain, Cart, Car, or other Carriage, with Wheels of the Breadth of Nine Inches and upwards, the Sum of Three-pence:

For every Ox, Neat Cattle, or Ass, drawing any Waggon, Wain, Car, Cart, or Carriage, the Sum of Three-pence:

For every Horse, or Mule, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number; and for every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number.

Which 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, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Saddles, Gears, Harness or Accoutrements, or their Loading, or any Carriage with its Loading, upon which such Toll is by this Act imposed (except the Bridle apart from the Horse or Beast), or by Distress of any of the Goods and Chattels of such Person and Persons respectively; and if such Tolls, and the reasonable Charges of such Seizure and Distresss, shall not be paid within the Space of Three Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted and paid; and that all the Tolls and Money to be collected under this Act, and Money borrowed and to be borrowed on the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, to and for the several Ends, Intents, and Purposes, and in such Manner as is herein-after mentioned.

Tolls vested in Trustees.

Tickets to be provided.

XXII. And be it further enacted, That on Payment of the said Tolls, the Collector or Receiver thereof shall and he is hereby required

quired to deliver *gratis* to the Person paying such Tolls, (and without being asked by such Person for the same), a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates (if any) freed by such Payment.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3.

XXIII. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages, (in respect whereof, or of the Horses or Beasts of Draught drawing the same, the Tolls hereby granted are made payable), having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to an Abatement of One Fourth Part of the Tolls hereby granted, and have and enjoy the Privileges and Exemptions granted by the said Act.

How often Tolls shall be paid.

XXIV. And be it further enacted, That no more than One Toll shall be demanded or taken in any one Day, to be computed from Twelve of the Clock in the one Night to Twelve of the Clock in the succeeding Night, for or in respect of the same Horses, Beasts, Carriages, and Cattle passing through all or any Turnpike Gate or Turnpike Gates, Bar or Bars, erected or to be erected on the said Roads, or on the Sides thereof, or in, upon or across any Road, Lane, or Way leading into or out of the said Roads, for which such Toll shall have been paid, every such Person producing a Note or Ticket denoting such Payment.

For limiting the Number of Tolls.

XXV. Provided always, and be it further enacted, That no more than Four full Tolls shall be demanded or taken from any Person or Persons for passing and repassing the same Day, to be computed as aforesaid, with the same Horses, Cattle, Sheep, Beasts, or Carriages, through all or any of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act.

Penalties on avoiding Tolls.

XXVI. And be it further enacted, That if any Person or Persons shall go or pass with any Horse, Mule, or Ass, Sheep, Swine, Cattle, or Carriage, through or over any Land, Ground or other Place (except the Owner or Owners, Occupier or Occupiers thereof, or any of his, her, or their Family or Servants), not being a public Highway, lying by the Side of or near to any Part of the said Roads, in order or with the Intent to avoid the Payment of the Tolls by this Act granted, or any Part thereof; or shall forge, counterfeit, or alter, or shall deliver to or receive of any other Person or Persons any Note or Ticket, with Intent to avoid the Payment of any or any Part of the said Tolls; or if any Person or Persons owning or occupying any Land, Ground, or Place, not being a public Highway, shall knowingly or wilfully permit or suffer any other Person or Persons (except as aforesaid), to go or pass with any Cattle or Carriage through or

over such Land, Ground, or Place, in order or with Intent that the Payment of any of the said Tolls, or any Part thereof, should be avoided; or if any Person or Persons shall forcibly or wilfully pass through any such Turnpike with any Horse or other Cattle or Beast, with Intent to evade the Payment of any of the said Tolls, or any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; or shall take off or cause to be taken off any Horse or other Cattle from any Carriage, or shall leave or cause to be left upon or near the said Roads, or any Part thereof, any Carriage, Horse, Cattle, or Beast, with Intent to evade the Payment of any of the said Tolls, or any Part thereof, such Persons and every of them shall for each Offence forfeit any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures; One Moiety of which Penalties, when raised, shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

For settling Disputes concerning Tolls.

XXVII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls or Charges of the Distress (as the Case may happen), be ascertained by some Justice of the Peace for the County wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall assess and award such Costs to be paid by either Party to the other of them as to the said Justice shall appear just and reasonable; all which Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors of the Tolls may give Evidence.

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

Exemptions from Tolls.

XXIX. Provided always, and be it further enacted, That no Toll shall be taken for or in respect of any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning after being

so employed; and that no Person shall be charged with any of the Tolls aforesaid, for any Horses, Cattle, or Carriages passing through any of the Turnpikes already erected, or which shall be erected by virtue of this Act, carrying any Stones, Gravel, or other Materials for repairing any of the said Roads, or the Streets of the Town of *Ludlow*, or that shall carry through the said Turnpikes any Dung, Mould, Rubbish, or Compost of any Nature or Kind whatsoever (Lime excepted), for manuring Gardens or Land; nor shall any Person or Persons be chargeable with the said Tolls for any Waggons, Carts, or other Carriages carrying any Hay or Corn in the Straw, or Straw not sold or disposed of, or passing to be sold or disposed of, but passing to be laid up in the Houses, Out-houses, Barns, or Yards of the Owner or Owners thereof; nor for any Ploughs, Harrows, or other Implements of Husbandry, nor for any other Things whatsoever employed in Husbandry in the respective Parishes through or into which the said Roads do lead or lie; nor for any Horse or any Cattle going to or from Water or Pasture, or Plough, or Tillage, or Work in Husbandry; nor for Sheep or Lambs going to Water or Pasture, or to be washed or returning therefrom; nor for any Horses or other Cattle of any such Inhabitants as aforesaid going to or returning from any Smith's or Blacksmith's Shop to be shoed or farried; nor shall any Toll be demanded or taken from any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Salop* or *Hereford*, or for a Burgess or Burgesses for the Town of *Ludlow*, on the Day before or on the Days of such Election, or the Day after the same shall be concluded; nor for any Horse or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses, or other Beasts, drawing any Waggon, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or of any sick, wounded, or disabled Officers or Soldiers; or for any Horse or Horses, or other Cattle, drawing any Waggon, Cart, or other Carriage which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning after having been so employed; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps, at the Time of his claiming such Exemption; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to Gaol or the House of Correction, or returning after being so employed; nor shall any Toll be demanded

or

or taken from any Rector, Vicar, or Curate going to or returning from performing his Duty at any Church or Chapel, or to or from visiting any of his sick Parishioners, nor of or from any other Person or Persons for passing through any of the said Toll Gates or Toll Bars, to or from his or their proper parochial Church, or from any Person or Persons going to or from his, her, or their usual Place of Religious Worship, tolerated by Law, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Townships or Parishes through which the said Roads, or any Part thereof, do lead; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Government Carriages not liable for Overweight.

XXX. 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 or liable to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horses or other Cattle drawing the same, 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 other Cattle; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or other Cattle 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.

Trustees may vary Tolls.

XXXI. And be it further enacted, That the said Trustees, or any Three or more of them, at any Meeting to be held for that Purpose, whereof Twenty-one Days Notice shall be affixed in Writing upon all the Turnpike Gates on the said Roads, may and are hereby empowered from Time to Time to reduce all or any of the Tolls hereby granted, and to order such Tolls so reduced to be collected and received, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Rates by this Act granted; and such Tolls so reduced or raised again shall be levied, collected, recovered, paid, and applied in the same Manner as the Tolls hereinbefore granted are directed to be levied, collected, recovered, paid, and applied: Provided always, that no such Reduction shall be made unless the Person or Persons who shall be entitled to Three Fourth Parts of the Money which shall have been lent and be then due upon the Credit of the Tolls intended to be reduced, shall be consenting thereto.

Trustees may compound.

XXXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, to compound and agree for any Term not exceeding Twelve Calendar Months at

at any one Time with any of the Inhabitants within any of the Parishes wherein or near to which any Part of the said Roads doth lie, or any other Person or Persons, for the Passage of their Horses, Sheep, Cattle, and Carriages; all which Composition Monies shall be paid in advance, and shall be applied as the Tolls hereby granted are to be applied.

Trustees may lease the Tolls.

XXXIII. And be it further enacted, That the said Trustees, or any Three or more of them, shall be and they are hereby empowered, after giving Fourteen Days Notice thereof in some one or more of the public Newspapers circulated in the Neighbourhood of the said Roads, and also in Writing to be affixed on the Turnpike or Turnpikes, the Tolls whereof are intended to be leased, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts of such Tolls, for any Term not exceeding Three Years at one Time, for the best Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees, or any Three or more of them, shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied; and at all such Lettings the Trustees shall have and be entitled to one or more Bidding or Biddings for the said Tolls, either by themselves or their respective Clerk or Clerks or Treasurer, or other Person by them authorized; any thing in any Law or Statute to the contrary notwithstanding.

Regulations as to Toll Collectors.

XXXIV. And be it further enacted, That every Toll Collector being a Lessee of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees for the Time being, to collect the Tolls payable at any Turnpike Gate, Toll Gate, Bar, or Chain already erected or hereafter to be erected on the said Roads, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House, Toll Gate, or Bar, immediately upon his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters upon a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the Whole of the Time he shall collect such Tolls or be upon such Duty; and if any Collector of the said Tolls shall not place such a Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on being paid the said Tolls, or any of them, or shall in answer to such Demand give a false

Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate or Toll Gates (if any) freed by such Payment, or upon the legal Toll paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, paid, and applied as other Penalties are by this Act to be recovered, paid, and applied; and if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector or Collectors of the said Tolls, or any Surveyor or Surveyors of the said Roads, who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Enabling Trustees to take Possession of Toll Houses, in case of Non-performance of the Terms of the Lease.

XXXV. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Contract, or Agreement for demising or letting thereof; or in case such Lease or Agreement shall in any other Manner become void; then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate, Toll Bar, Chain, or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or any Three or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Three or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and upon and take Possession of any or every Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees, or any Three or more of them, (if they shall think fit) to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part), as if such Lease, Contract, or Agreement

had never been made; and in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees, or any Three or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Contract, or Agreement had been made relative thereto.

Arrears and Property belonging to former Trustees vested in the Trustees named in this Act.

XXXVI. And be it further enacted, That all Arrears of Tolls or Rents arising from Tolls, or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said former Acts, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and are hereby enabled to recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, in the Name of their Clerk or Clerks for the Time being, in Manner and Form herein-before mentioned, and to act in respect thereof as effectually as if the same had become due to or had been vested in such Trustees under and by virtue of this Act.

Power to borrow Money.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, to borrow and take up at Interest such Sum or Sums of Money as they shall think necessary for the Purposes of this Act, so as the Monies already borrowed under any former Act for the repairing the said Roads, and the Monies which may be borrowed under and by virtue of this Act, do not exceed the Sum of Three thousand Pounds, and from Time to Time by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any Part of the Tolls to be collected and levied at the said Turnpikes already erected or to be erected by virtue of this Act, the Charges of assigning or mortgaging the same to be paid out of such Tolls, for any Term during the Continuance of this present Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Three or more of them, upon the Credit of such Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same, by the following Words of Assignment under their Hands and Seals, or by any Words to the following Effect;

Form of Mortgage.

‘ BY virtue of an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act* [*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, having been this Day paid by *C. D.* of
‘ we whose Hands and Seals are hereunto subscribed and set, being
‘ of the said Trustees, do grant and assign unto the said
‘ his Executors, Administrators, and Assigns, such Proportion of the Tolls arising or to arise upon the said Roads in the said Act mentioned, and of the Turnpikes and Toll Houses for collecting the said Tolls, as the said Sum of
‘ doth

' doth or shall bear to the whole Sum due and owing
'on the Credit of the said Tolls, or charged thereon for the Term of
' to have, hold, receive, and take such Proportion of
'the said Tolls, Toll Houses, and Premises, with the Appurtenances,
'unto the said his Executors, Administrators, and
'Assigns, for the Residue or Remainder now to come of the Term of
' Years for which the 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 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
'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 .'

Assignments to be entered.

Notice to be given of borrowing Money.

And Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls unless Notice be for that Purpose fixed in Writing upon all the Turnpikes in or upon the Road for which such Sum or Sums of Money shall be borrowed, at least Twenty-one Days before the borrowing thereof; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, endorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect; (that is to say),

Form of Transfer.

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

Which said Transfer or Assignment shall be produced and notified to the said Clerk, who shall cause an Entry to be made of such Assignment, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for entering the said original Assignments, for which the said Clerk shall be paid such Sum as the said Trustees, or any Three or more of them, shall appoint, not exceeding the Sum of Five Shillings; and after such Entry made, but not till then, every such Assignment shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may

may in like Manner assign again, and so *toties quoties*; which said Money so borrowed shall, after paying the Expences of this present Act, be applied and disposed of for the Purposes of this Act, according to the true Intent and Meaning thereof, and to no other Use or Purpose whatsoever.

Trustees may lend Money on the Credit of the Tolls.

XXXVIII. And be it further enacted and declared, That all and every Trustee or Trustees appointed by this Act, or who shall be hereafter appointed by virtue of any Power or Authority hereby given, shall and lawfully may, notwithstanding his or their being such Trustee or Trustees, advance and lend any Sum or Sums of Money at Interest on the Security of the said Tolls, in such Manner as any other Person or Persons, not being a Trustee or Trustees, may, can, or shall do by means or by virtue of this Act; and such Trustee or Trustees so advancing or lending such Sum or Sums of Money, shall and lawfully may accept and take a Mortgage or Mortgages, Assignment or Assignments of the said Tolls, from Three other or more of the said Trustees, as a Security or Securities for the said Sum or Sums of Money so to be by him or them advanced and lent, which Mortgage or Mortgages, Assignment or Assignments, being so executed by Three or more of the said Trustees, shall be effectual and binding to all Intents and Purposes whatsoever; and the Trustee or Trustees so advancing and lending such Sum or Sums of Money, and accepting and taking such Security or Securities, shall, by means and virtue thereof, have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, and of transferring and assigning of his or their Security or Securities, as any other Mortgagee of the said Tolls can, may, or shall have and take by virtue of this Act.

An Action of Ejectment may be brought by One Mortgagee.

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

Power to cancel old Mortgages and give new ones.

XL. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out, that were made by virtue of the said recited Acts on the said Tolls, and give and execute another Mortgage or other Mortgages in stead and

in lieu thereof respectively, and transferrable as herein-before is mentioned.

Application of the Tolls and Money to be borrowed,

XLI. And be it further enacted, That all the Costs, Charges, and Expences relative to or attending the obtaining and passing of this Act, with Interest for the same, shall be paid and discharged, in Preference to all other Payments whatsoever, by the said Trustees, out of the Monies already received by virtue of the said former Acts, or out of the First Money which shall arise or be received by virtue of this Act, and the Remainder of all such Monies shall from Time to Time be applied in keeping down the Interest of the Principal Monies by them borrowed or raised under or by virtue of the said former Acts, and which may be by the said Trustees borrowed or raised under or by virtue of the Powers of this Act, or on the Credit thereof, all which Interest the said Trustees are hereby directed and required once in every Year to discharge; and lastly, in making, repairing, and improving the said Roads and Causeways on the Sides thereof, and in otherwise putting this Act into Execution, and afterwards in repaying the Principal Monies already borrowed or raised under or by virtue of the said former Acts, or to be by them the said Trustees borrowed or raised under or by virtue of this Act upon the Credit of the Tolls arising on the said Roads.

Trustees may make the Roads, enter Lands, &c.

XLII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered from Time to Time as they shall think proper, to widen or divert, turn, shorten, vary, alter, and amend the Course or Path of any Part or Parts of the said Roads, and that any new Road or Variation of Road may be made through any Common or Waste Land, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments except as herein-after is mentioned, making Satisfaction to the Owners thereof and Persons interested therein for the Damages they may thereby sustain; and it shall also be lawful for the said Trustees, or any Three or more of them, and for the Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands, Grounds, and Premises, for widening, varying, or altering the said Roads herein-before mentioned, and to stake out the same in such Manner as the said Trustees, or any Three or more of them, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, and Premises respectively for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands, Grounds, and Premises for the Damage that shall be done; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making or altering any such Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

XLIII. Pro-

Not to deviate more than 100 Yards.

XLIII. Provided always, and be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said Roads under the Powers of this Act, shall not deviate more than One hundred Yards, of Three Feet each, from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made; and that no such Deviation or Diversion for such One hundred Yards, or for a less Distance, shall be made, which shall separate any House or Houses, or Buildings from the Estate or Farm to which such House, Outhouse, or Building shall belong, without the Consent and Approbation in Writing of the Owner or Owners thereof.

Buildings, Gardens, &c. not to be injured.

XLIV. Provided always, and be it further enacted, That this Act shall not extend to the taking down any Dwelling House or other Building, or to take in any Land that is a Garden, Orchard, Yard, Park, Paddock, planted Walk, Plantation of Seven Years standing, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof.

Bodies Politic, &c. may treat for the Sale of Lands, &c.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments which may be requisite for the Purposes of this Act, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Guardians, Feoffees, Trustees, Committees, Executors and Administrators, and all other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory or Understanding, and to and for all Femes Covert who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Three or more of them, for the Satisfaction to be made for such Damages as aforesaid, and to sell and convey unto them, or any Three or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Guardians, Feoffees, Trustees, Committees, Executors, Administrators, and all other Persons, shall be and they are hereby indemnified for what they shall do by virtue of this Act; and if any such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, Executors, or Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, or

Where Persons shall refuse to treat;

or the Tenements, Dwelling Houses, and Premises herein particularly mentioned, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the Clerk or other Officer or Officers of any such Body Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads is intended to be made, diverted, turned, or altered, shall for the Space of Twenty-one Days next after such Notice left or given, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Three or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County in which such Lands and Hereditaments shall lie; and in order thereto, the said Trustees, or any Three or more of them, are hereby required and empowered, from Time to Time as Occasion shall be, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Three or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury have inquired of and assessed such Damages and Recompence they the said Trustees, or any Three or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict and Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon shall be binding, final, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, Tenants for Life and in Tail, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and for summoning and returning such Juries the said Trustees, or any Three or more of them, are hereby empowered to issue their Warrant to the Sheriff of the County in which the said Lands or Hereditaments so to be taken shall happen to be, requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve on Juries, to appear before the said Trustees, or any Three or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Three or more of them, shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men who shall be the Jury for the Purposes aforesaid; and in Default of a suf-

the Damage and Recompence to be settled by a Jury.

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

a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, or any Three or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Three or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who (without sufficient Excuse), shall not appear, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give their Verdict, or shall 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 after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, shall refuse or neglect to appear without sufficient Excuse, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no such Fine be more than Twenty Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for one Offence.

Expences of the Jury how to be borne.

XLVI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any such Loss or Damage than what shall have been agreed to and offered by the said Trustees, or any Three or more of them, by Notice in Writing under their Hands, or under the Hand or Hands of the Clerk or Clerks to the said Trustees for the Time being, delivered to or left at the last or usual Place of Residence of such Person or Persons, or the Clerk or other Officer or Officers of any such Body Politic, Corporate, or Collegiate, or his, her, or their Tenant or Occupier of the Premises, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, or any Three or more of them, out of the Tolls hereby granted, or out of any Money to be borrowed on the Credit thereof; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered in Manner aforesaid by the said Trustees, or any Three or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, with whom the Trustees shall have Controversy and Dispute: Provided always, that in 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 Trustees in Manner aforesaid.

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

XLVII. And be it further enacted, That every Sum of Money or Recompence agreed for or assessed as aforesaid, shall be paid out of the Money in the Hands of the Trustees, or out of the Money to arise by virtue of this Act, to the Parties or Persons respectively entitled to the same, or to their Agents, after deducting such Proportion of Expences as aforesaid (if any be), or into the Bank of *England* in Manner by this Act directed (as the Case may be); and upon such Payment it shall be lawful for the said Trustees, or any Three or more of them, their Surveyors, Workmen, or Agents, to enter upon and take Possession of such Lands and Hereditaments, and to lay out and make, widen, divert, or turn such Road or Roads, in and upon, or through or over such Lands or Hereditaments, and to do all and every Act, Matter and Thing with relation to such Lands or Hereditaments as the said Trustees, or any Three or more of them, shall think fit; and the said Trustees, or any Three or more of them, shall cause such Parts of the said Road or Roads as shall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Lands; and all Lands or Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter a common Highway, and shall be repaired and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Roads shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead, shall be vested in and may be sold and conveyed by the said Trustees, or any Three or more of them, or may be exchanged for other Lands used for the Purposes of this Act; and the Money arising by such Sale shall be applied to the Repair of that Part of the Road so diverted and turned; and all Deeds of Conveyance executed by the said Trustees, or any Three or more of them, shall be good and effectual in the Law, to all Intents and Purposes.

Lands when purchased to be Part of the Road, and kept in Repair as such.

Old Roads to be sold.

Conveyances to be enrolled.

XLVIII. And be it further enacted, That a Bargain and Sale to be enrolled by the Clerk of the Peace, at the General Quarter Sessions for the said County of *Salop*, pursuant to the Statute made in the Twenty-seventh Year of the Reign of King *Henry* the Eighth, for Enrolment of Bargains and Sales, shall be sufficient and effectual for conveying all such Lands and Premises, and the Interest of all such Persons therein, to the said Trustees and their Successors, without any Fine or Recovery, notwithstanding any Coverture, Title of Dower, Settlement, or Limitation of such Lands and Premises in Jointure, Tail, Reversion, Remainder, or otherwise howsoever.

When Pieces of Land are to be sold,

XLIX. Provided always, and be it further enacted, That before the said Trustees, or any Three or more of them, shall sell and dis-

pose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid, they shall first offer the same for Sale or in Exchange, or both, as the Case might happen or require, to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall be a Piece or Pieces of old Road, to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof), to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City, or Place where such Ground is situate (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees 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; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

First Offer to be made to the original Proprietor.

L. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, 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 there,

Application of Compensation if amounting to 200*l*.

there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the 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 other Lands, Tenements, or Hereditaments 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 and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall by Order of the said High 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 to be purchased, in case such Purchase or Settlement was made.

Where less than 200*l.* and above 20*l.*

LI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in 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 Three or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified

signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application where the Money shall be less than 20*l*.

LII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as herein-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, as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

or if Persons cannot be found,

Purchase Money to be placed in the Bank.

LIII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or shall refuse to execute such Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case, it shall and may be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them,] subject to the Order, Controul or Disposition of the said Court; on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate and Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such Order 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 and 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 Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be

LIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance

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.

suance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof; or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Monies, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

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

Surveyors may dig Gravel, &c. from Waste Grounds.

LVI. And be it further enacted, That the Surveyor or Surveyors of the said Roads, and such Persons as shall be employed by him or them, or by the said Trustees, or any Three or more of them, are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the making or repairing of the said Roads, or any Bridge or Bridges, Culvert or Culverts thereon, out of or from any Common or Waste Ground, or common River or Brook, in any Parish or Place in which any Part of the said Roads do lie, or in any adjoining Parish or Place without paying any thing for the same; such Surveyor or Surveyors, or other Person or Persons, railing or fencing the Pit or Pits, Quarry or Quarries, during the Time of digging and taking away such Materials, and filling up or levelling or sloping the Sides or Banks of such Pit or Pits, Quarry or Quarries, when and as he or they shall have finished or done digging or taking away such Materials, so that the same may not be dangerous to Passengers or Cattle; and where there is not sufficient of any such Materials to be procured in any

Common or Waste Ground, or common River or Brook, the said Surveyor or Surveyors may, by Order of the said Trustees, or any Three or more of them, search for, cut, dig, gather, take, and carry away all such Materials as aforesaid, in, upon, or out of and from and over the Lands of any Person or Persons in any Parish or Place in which any Part of the said Roads is situate, not being a Yard, Garden, Park, Paddock, Orchard, Plantation of Seven Years standing, planted Walk or Avenue adjoining to or usually used and occupied with any House or Mansion, or any inclosed Ground planted and set apart as a Nursery for Trees, paying or tendering Payment for the Materials had, and for the Damage done to the Owners and Occupiers respectively of the Grounds where or from whence the same shall be cut, digged, gathered, taken, or carried away, or upon, over, or through which the same or any other Materials so cut, dug, and gathered as aforesaid, shall be conveyed, such Equivalent in Money as the said Trustees or any Three or more of them shall adjudge reasonable; and in case of any Difference between the Trustees, Surveyor or Surveyors, or other Persons appointed and employed as aforesaid, and the Owners or Occupiers of private Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County where the Cause of Complaint shall arise, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages.

Making Satisfaction to the Owners.

LVII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons under the Authority of this Act, to search for, dig, gather, take, or carry away Materials for making or repairing the said Roads, out of or from any inclosed Lands or Grounds, until reasonable Notice in Writing shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County or Place wherein such Premises shall be, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier shall attend pursuant to such Notice, and shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to search for, dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear, by himself or herself, or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended; and thereupon the Surveyor or Surveyors, or other Person or Persons searching for, digging, gathering, taking, and carrying away such Materials, shall rail or fence the Pit or Pits, Quarry or Quarries, during the Time of such searching for, digging, gathering, taking, and carrying away such Materials, and shall, if required, fill up, or level, or slope the Sides or Banks of such Pit

Notice to be given to Occupiers of Lands, before Materials are taken for repairing Roads.

Pit or Pits, Quarry or Quarries, when and so often as he or they shall have finished searching for, digging, and taking away the said Materials.

Penalty on taking away Materials, &c. got by Order of the Surveyor.

LVIII. And be it further enacted, That if any Person shall take away any Materials which have been digged or gathered in any Lands, Fields, Waste Grounds, River or Brook, for the Purpose of making or amending the said Roads, or shall dig, get, or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the Surveyors or their Workmen shall have discontinued working therein for the Space of Three Calendar Months, (except the Owner or Occupier of any private Ground and Persons authorized by such Owner or Occupier to get the like or other Materials therein for his, or their own private Use only, and not for Sale,) every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For removing Obstructions.

LIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, or their Surveyor or Surveyors, and such Persons as they shall appoint, from Time to Time to remove all Annoyances and Obstructions made on any Part of the said Roads, or by the Sides thereof, within Thirty Feet from the Centre thereof, by Timber, Stone, Carriages, Sawpits, Hovels, Filth, Dung, Ashes, Rubbish, Straw or otherwise, and to take away and dispose of the same as they shall think fit; and also to take down and remove, or cause to be taken down and removed, any Porch, Bulk, Projection, or Penthouse on any Part of the said Roads, or on the Sides thereof, which shall in the Opinion of the said Trustees, or any Three or more of them, be an Obstruction to Passengers, or otherwise prejudicial to the said Roads or to the Public, in case the Owners thereof shall neglect to remove the same after Four Days Notice in Writing, signed by the said Trustees or their Surveyor, and given to such Owners for that Purpose; or in case the Owners are not known, after a like Notice affixed for Seven Days on the nearest Turnpike Gate, making a Compensation to the Owner thereof, in case the same shall have existed for Twelve Calendar Months before the passing of this Act; and that it shall be lawful for the said Trustees, or any Three or more of them, to cause all such Posts as are now, or which at any Time hereafter shall be put or placed upon any Part of the said Roads, or on the Side or Sides thereof, as as they shall think useless or inconvenient, to be taken up and removed; and all Steps, Posts, Show Glasses, and Show Boards encroaching upon the Footways, and all Steps and Doors opening in or leading from any of the said Footways into Vaults or Cellars, to be removed or altered; and shall and may cause all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, and all Sign Posts, Sign Irons, Show Boards, Spouts, and Gutters projecting into or over any of the said Roads, and all other Encroachments, Projections, and Annoyances whatsoever on the Sides of the said Roads, to be taken down and removed, and shall cause all Signs or other Emblems as aforesaid, Show Boards, Spouts, or Gutters to be fixed or placed on the Ground, or against the

Sign Boards placed on the Fronts of the Houses, to be taken down and removed.

the Fronts of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong, or were before affixed, and shall return or cause to be returned to the respective Owners thereof, so much of such Signs or other Emblems, Sign Posts or other Posts, Sign Irons, Show Boards, Spouts, and Gutters as shall not be found necessary for the fixing or placing thereof as aforesaid; and if any Person or Persons shall at any Time hereafter, or after such Removal as aforesaid, hang, place, erect, or build any Sign, Sign Post or other Post, Sign Iron, Show Board, Spout, Gutter or other Projection, Obstruction or Annoyance, in or over any Part of the said Roads, or cause the same to be done, he or she shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Limiting the Distance at which Turnpikes may be placed from each other.

LX. And be it further enacted, That if any Turnpikes are erected on the said Roads within a less Distance of each other than Six Statute Miles, any Person or Persons producing a Ticket to show that Toll has been paid for or in respect of any Horse, Cattle, or Carriage, no further Toll shall be demanded or taken on the same Day, for or in respect of the same Horse, Cattle, or Carriage at any Gate within the Distance of Six Statute Miles of the Gate at which such Toll shall have been paid.

Cattle straying on the Roads to be impounded.

LXI. Provided always, and be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors to the said Trustees for the Time being, or any other Person or Persons whomsoever, to impound in the Common Pound, or such other Place as the said Trustees, or any Two or more of them shall appoint for that Purpose, any Horse or Horses, Swine, or other Beasts or Cattle found wandering or straying about any or either of the said Roads, or that shall be feeding or grazing on the Banks on the Sides of the said Roads, or any of them, whether attended by any Person or Persons to take Care of the same or not, and to detain the same Horse or Horses, Swine, Beasts, or other Cattle in the said Pound or other Place, until the Penalty and Expences of impounding and keeping the same shall be fully paid and satisfied; and if in any such Case such Penalty and Expences shall not be paid within Four Days after such Horse or Horses, Swine, or other Beasts or Cattle shall be impounded, it shall be lawful for such Person or Persons as shall be appointed by the said Trustees, or any Three or more of them, to sell or cause the same to be sold, and the Costs and Charges of impounding and keeping the same in Pound, and selling the same, and the said Penalty, shall be deducted thereout, and the Overplus (if any) on Demand thereof being made, shall be paid to the Owner or Owners thereof.

For preventing Nuisances, &c.

LXII. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Roads, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze or be and remain loose on the said Roads, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path formed upon or on the Side of or belonging to the said Roads, or shall drive any Horse, Beast, Cattle or Swine, or any Carriage upon, or cause any Damage to be

done to any Footway, Causeway, or Path; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Timber, Stone, or other Thing, (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage upon the said Roads, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage, shall not keep his Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games on the said Roads, or on any Part or Parts thereof, or on any Footway or Path belonging thereto, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident), upon or on the Sides of the said Roads, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same, during the Time of loading or unloading thereof, as near to the Side of the said Roads as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Matter or Thing used in such blocking; or shall scrape off any Soil or other Thing from the said Roads, or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof, without Leave of the said Trustees, or any Three or more of them, or their Surveyor or Surveyors; or if any Person shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; every Person so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in like Manner as any other Penalty is directed to be levied and recovered by the said recited Acts.

Surveyors to make Causeways.

LXIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint, by Order of the said Trustees or any Three

Three or more of them, to make or cause to be made Ditches or Drains in or through any Lands lying contiguous to the said Roads and Causeways and Footways, in and upon or on the Sides of the said Roads; and also to make a Road and Causeways through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, (such Ground respectively not being the Ground whereon any House stands, nor a Yard, Garden, Orchard, Park, Paddock, Plantation of Seven Years standing, planted Walk, or Avenue to any House, or inclosed Ground, planted and set apart as a Nursery for Trees), to be made use of as a public Highway, whilst the old Road is repairing and widening; and also by order of any Three or more of the said Trustees to build, erect, repair, and keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees or any Three or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, it shall be lawful for any Two Justices of the Peace for the County where the Cause of Complaint shall arise, to hear, settle, or determine the Recompence to be made to such Owners or Occupiers for the Damages they shall have sustained as aforesaid; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Common, Moor, or Waste Grounds.

Roads to be measured, and Mile Stones erected.

LXIV. And be it further enacted, That the said Trustees, or any Three or more of them, may, if they think fit, cause the said Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles, and Distance of Places, as they shall think proper, and shall also cause to be set up such and so many Direction Posts as they may think necessary; and if any Person or Persons shall wilfully break, damage, or pull up any of the Stones or Posts so to be erected as aforesaid, or shall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Justice of the Peace for the County or Place wherein the Offence may be committed, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence; one Moiety whereof shall be paid to the Informer, and the other Moiety shall be paid to the said Trustees, or to their Treasurer or Clerk, to be applied for the Purposes of this Act.

Gates to open inwards.

LXV. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Parts of the said Roads or Footpaths belonging thereto, or be suffered to continue so to open; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall, within Ten Days after Notice to him, her, or them given, either personally or in Writing,

Writing, from the Surveyor of the said Roads, cause such Gate to be hung so that the same shall not open outward, or swing towards the said Roads (whenever the same shall be practicable), but in every Case in such a Manner as that no Part of the Gate, when open, shall project over any Part of the said Roads, or any Footpaths belonging thereto; and in default thereof the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention of this Act, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where such Neglect shall happen, and upon Conviction, upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Statute Labour.

Justices to determine Differences touching Statute Work.

LXVI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the County or Place in which the said Roads or any Part thereof lie, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by them paid to the said Trustees, or to their Treasurer; and in order thereunto, it shall and may be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think

reasonable, and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors, by their Order, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish, Township, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as other Penalties and Forfeitures are by this Act herein-after directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by the Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse and neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Duty.

LXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered to compound or agree by the Year or, otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships,

Townships, Tythings, Hamlets, or Places in which the said Roads shall lie and be situate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any such Parishes, Townships, Tythings, Hamlets, or Places for the Whole or any Part of the Statute Work liable to be performed within the same respectively, all which Composition Monies shall be from Time to Time applied in Repair of the said Roads.

For enforcing the Payment of Composition Monies.

LXVIII. And be it further enacted, That in case the Composition Money agreed to be paid for or in lieu of any such Repairs for Statute Work as aforesaid, or for passing through any Turnpike or Toll Gate, or any Part or Parts of such Composition Money respectively, shall not be paid within Ten Days after the same shall become payable, it shall be lawful for any Justice or Justices of the Peace for the said County of *Salop*, or County of *Hereford*, within their respective Jurisdictions, by Writing under his or their Hand and Seal, or Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Justice or Justices that the same hath been demanded and remains due, which Oath such Justice or Justices is or are hereby empowered to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways so agreeing to make such Composition in lieu of any such Repairs for Statute Work, or of the Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid (as the Case may be), returning the Overplus (if any), upon Demand, after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

Surveyors, &c. may recover the same.

LXIX. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner, as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for repairing the Roads.

LXX. And be it further enacted, That the said Trustees, or any Three or more of them, may and they are hereby empowered, from Time to Time, to contract and agree with any Person or Persons for the making, repairing, widening, altering, turning, or amending the said Roads, or any Part or Parts thereof, or for the erecting of any Building under the Power of this Act, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Three or more of them, shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order made at any Meeting by the said Trustees, or any Three or more of them,

shall be binding to all Parties who shall sign the same, his, her, or their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Surveyor may remove Nuisances.

LXXI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads, or on the Sides thereof, by Timber, Stone, Carriages, Sawpits, or other Pits, Tunnels, Culverts, Arches, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains, running into the same to the Prejudice thereof, and to open, scour, cleanse, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads, or any Part or Parts thereof; and all and every Person and Persons occasioning any such Nuisances and Annoyances on any Part or Parts of the said Roads, or by Neglect or otherwise causing any Watercourse, Gutter, Conduit or Drain, to run into the same, shall be subject and liable to repay all the Charges and Expences of removing such Nuisances and Annoyances; and in case he or they shall refuse or neglect, after Seven Days Notice from the Surveyor to remove the same, in such Manner as the Surveyor shall direct, such Charges and Expences to be levied, together with such Penalty or Forfeiture (if any) as is by this Act imposed on such Offence, by Warrant of any Justice of the Peace acting in and for the County where the said Offence shall be committed, or where the Person or Persons so offending shall reside, in the same Manner as is authorized for Forfeitures incurred by virtue of this Act.

Power to stop up Roads to prevent Tolls being evaded.

LXXII. And be it further enacted, That it shall and may be lawful to and for any Two or more Justices of the Peace of the said County of *Salop*, or County of *Hereford*, or the Town of *Ludlow*, at any Special Session or Meeting, by an Order under their Hands and Seals, to stop up and discontinue any Bye-lane or Roads opening into or communicating with any of the said Roads, by Means whereof the Tolls hereby made payable, or any of them, can or may be evaded, if they shall think it proper so to do; but subject to such Private or Occupation Roads (if any) as they shall think necessary, in the same Manner as by an Act passed in the Fifty-fifth Year of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*, is directed with respect to the stopping up of unnecessary Roads; which Order shall be subject to Appeal in like Manner as in the said last mentioned Act is provided or mentioned with respect to Orders for stopping up unnecessary Roads.

Penalties and Forfeitures how to be recovered and applied.

LXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed

directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County of *Salop* or *Hereford* (as the Case may be), either by the Confession of the Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby required and empowered to grant for such Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers of the said Trustees, and applied to the Repairs of such Roads; and in case such Penalties, Forfeitures, and Fines shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the same Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice, for his or their Appearance before them, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security; and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, there to remain without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

LXXIV. And whereas Offences may be committed against the said recited Acts and this Act, some or one of them, by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same Acts into Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any 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, City, or Place, or near to the Place where the Offence or Offences shall be committed, to be dealt with according to Law; and such Justice is hereby empowered and directed to proceed to the hearing and determining of the Complaint.

LXXV. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall

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 (as the Case shall happen), or in any Form of Words to the same Effect:

Form of Conviction.

'BE it remembered, That on the Day of of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the County of [*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be*]. Given under our Hands and Seals the Day and Year aforesaid.'

Proceedings not to be quashed for Want of Form, nor removable by Certiorari.

LXXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for Want of Form, or removable by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be 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 shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends had been made by or on Behalf of the Party distraining before such Action brought.

Persons aggrieved may appeal to Quarter Sessions.

Notice of Appeal to be given.

LXXVII. 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 appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and not elsewhere, and within Four Calendar Months after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees or other the Respondent or Respondents, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal at, and abide by the Order of, and pay such Costs as shall be awarded by such Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed

pealed against, as the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Limitation of Actions.

LXXVIII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every Action or Suit shall be laid, brought, and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may at his or their Election plead 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 be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought after the Time limited for bringing the same as aforesaid, or in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for Recovery of the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

General Issue.

Treble Costs.

Public Act.

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

Continuance of Act.

LXXX. And be it further enacted, That this Act shall commence on the passing thereof, and shall continue and be in force and be executed thenceforth 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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