ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 145.

An Act for repairing and maintaining the Road from *Burton-upon-Trent* in the County of *Stafford* to *Abbott's Bromley*, and from *Bagot's Bromley* to the present Turnpike Road at or near *Shirley Wich* in the said County. [3d *June* 1809.]

WHEREAS the making and maintaining a Road leading from *Burton-upon-Trent*, over the late disaforested Forest, or Chase of *Needwood* to *Abbott's Bromley*, otherwise *Pagett's Bromley*, and a Road from *Bagot's Bromley* to join and enter the present Turnpike Road at or near *Shirley Wich*, in the said County of *Stafford*, would be of great Benefit and Advantage to the Proprietors and Occupiers of Estates in the Neighbourhood thereof, and of public Utility: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual, and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Ralph Adderley*, the Reverend *Frederick Anson*, *Samuel Allsopp*, *John Allen*, *William Ashby*, *Hugh Allcock*, *George Atkins*, *Adie*, the Reverend *Richard Bagot*, *Charles Bagot*, the Reverend *Hugh Bailye*, the Reverend *Hugh Bennett*, *Michael Bass*, *James Blair*, *Fletcher Bullivant*, *Thomas Bainbrigge*, *John Hawkesworth Baxter*, *John Bond*, *Walter Bond*, *Benjamin Bond*, *Charles Bennett*, *Samuel Botham*, the Bailiff of *Burton-upon-Trent* for the Time being, *Robert Cheney*, *Rupert Chawner*, M. D. *Edward Cheney*, *Thomas Cartwright*, *Robert Cheney* Junior, *Thomas Clarke*, *William Cox*, *Joseph Clay*, *Thomas Cooper*, *Francis Calvert*, *Thomas Clifford*, *James Clewley*, *Edward Cope*, *Joseph Dicken*, *Thomas Dennis*, Sir *Henry Every* Baronet, *John Evans*, *John Fitzgerald*, *John* Trustee

John Dickenſon Fowler, *James Nelthorpe Fowler*, the Reverend *Thomas Giſborne*, *John Giſborne*, *Robert Charles Greaves*, *Francis Greſley*, *John Greaves*, *Robert John Harpur*, *Euſebius Horton*, *James Harriſon*, *Abraham Hoſkins*, *Thomas Hinckley*, *Robert Harvey*, *Arthur Hinckley*, *John Henrickſon*, *Thomas Hart* Junior, *Thomas Hide* Junior, *Thomas Kirkpatrick Hale*, *Samuel Hide*, *Thomas Harvey*, *Thomas Hinckley* Junior, *Thomas Lee Higgott*, *Enoch Hand*, the Reverend *Hugh Jones*, *William Kinnerſley*, *John Lane*, *Theophilus Levett*, *Joſeph Lathbury*, *William Leedham*, *William Allport Leedam*, *Joſeph Leeſe*, *William Lycett*, *Ralph Lees*, Sir *Oſwald Moſley*, Baronet, the Reverend *John Peploe Moſley*, *Aſhton Nicholas Moſley*, *Richard Meek*, *Edward Mundy*, *Charles Moore*, *Charles Moore* Junior, *Moore*, *Hugo Mennel*, *Thomas Mouſley*, *Thomas Noon*, *Humphrey Trafford Nadin*, *William Oſborne*, *Joſeph Orgill*, *Thomas Orgill*, *Porter Orme*, *Sacheverel Chandos Pole*, *John Peel*, *Joſeph Perks*, *John Peel* Junior, *Joſeph Pycroft*, *Edward Phillips*, *Charles Perks*, *James Pycroft*, *Humphrey Pipe*, *John Browne Raven*, *James Robinſon*, *William Richards*, *William Ryley*, *Edward Riley*, *Charles Riddall*, *John Spencer*, *John Sherratt*, *William Sherratt*, *William Smith*, *Edward Smith*, *John Spender*, *John Spender* Junior, *Thomas Salt*, *Thomas Steer*, *John Staley*, *Peter Smith*, *William Smith*, *Edward Sneyd*, *Samuel Simpſon*, *Thomas Salt* of Bromley, *Slater* of Bromley, *Francis Spencer*, *John Shelley*, *John Saville*, *John Shipley*, *Francis Shipley*, *Robert Stone*, *John Thompſon*, *John Thornewill*, *William Thompſon*, *William Thompſon* Junior, *Charles Thompſon*, *Benjamin Wilſon*, *George Wood*, *Thomas Wayte*, *William Wilders*, *John Wayte*, *Frederic Wigan*, *Joſeph Walkedon*, *Sampſon Walkedon*, *John Woolley*, *William Webb*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be, and they are hereby appointed Truſtees for amending, widening, improving, and keeping in Repair the ſaid Roads, and for otherwiſe putting this Act in Execution.

Diſtricts.

II. And be it further enacted, That the ſaid Roads ſhall be divided into two Diſtricts, and that the ſaid Road from *Burton-upon-Trent* to *Abbott's Bromley*, otherwiſe *Pagett's Bromley*, ſhall be deemed and taken to be the firſt Diſtrict of the ſaid Roads, and that the ſaid Road from *Bagot's Bromley* to join and enter the preſent Turnpike Road at or near *Shirley Wich*, ſhall be deemed and taken to be the ſecond Diſtrict of the ſaid Roads.

Other Truſtees to be choſen on the Death or Refuſal to act.

III. And be it further enacted, That when any of the Truſtees hereinbefore named, or to be elected as hereinafter mentioned, ſhall die, or refuſe to act, or be diſqualified, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands, to elect and appoint one other Perſon in the Room of every Truſtee ſo dying, or refuſing to act, or becoming diſqualified; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing, upon all the Turnpike Gates, which, by virtue of this Act, ſhall be then erected and ſet up on the ſaid Roads, and by Advertiſement in the *Staffordſhire Adverti ſer*, or in ſome other Newſpaper or Newſpapers, printed or circulated in the ſaid County, at leaſt Ten Days before every ſuch Meeting; and every Perſon and Perſons who ſhall be ſo elected and appointed, ſhall immediately, upon ſuch Election and Appointment, be

be veſted with the ſame Powers and Authorities for putting this Act into Execution, as any Truſtee hereby appointed is or are veſted with.

Qualificati of Truſtee

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, while he holds any Place of Profit under the ſame, nor in any particular Caſe wherein he ſhall be perſonally intereſted, other than as a Creditor; nor ſhall any Perſon be qualified to act as a Truſtee, unleſs he ſhall, at the Time of his acting, be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes; or ſhall be Heir apparent of a Perſon ſeiſed of a real Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or be poſſeſſed of a perſonal Eſtate to the Amount of One thouſand Pounds, nor until he ſhall have taken and ſubſcribed the following Oath, before any Two or more of the ſaid Truſtees (who are hereby authorized to adminiſter the ſame,) in Words, or to the Effect following, that is to ſay:

Oath.

'I *A. B.* do ſwear, that I truly and *bonâ fide* am, in my own Right, or in the Right of my Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of Fifty Pounds above Reprizes; or am poſſeſſed of, or entitled to a Perſonal Eſtate of the Value of One thouſand Pounds after all my Debts are paid; (or am the Heir apparent of *A. B.* who to the beſt of my Knowledge and Belief, is ſeiſed of a real Eſtate of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, as the Caſe may happen).

'So help me GOD.'

Penalty o acting if qualified.

V. And if any Perſon diſqualified by any of the Cauſes aforeſaid, or not being qualified as aforeſaid, ſhall nevertheleſs preſume to act contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than one Imparlance ſhall be allowed, and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, That ſuch Acts and Proceedings as ſhall have been done and performed by any ſuch Perſon touching the Execution of this Act previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Mortgag may act.

VI. Provided always, That no Mortgagee or Aſſignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall,

shall, on that account, be deemed unqualified to act as a Trustee in the Execution of this Act.

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

VII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk for the Time being, and that no Action or Suit to be brought or commenced by or against the said Trustees or any of them by virtue of this Act in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action or Suit, as the case may be; provided always, that every Clerk shall be reimbursed out of the Monies to be received by virtue of this Act all such Costs, Charges or Expences as he shall be put unto or become chargeable with by reason of his being so made a Plaintiff or Defendant.

Meetings of Trustees.

VIII. And be it further enacted, That the said Trustees for putting this Act in Execution, so far as relates to the First District of the said Roads, or any Five or more or them, shall meet together at the House known by the Name or Sign of the *Three Queens Inn*, in *Burton upon Trent*, in the County of *Stafford* aforesaid, on the Twenty-first Day of *June* One thousand eight hundred and nine, or as soon after as conveniently may be, and proceed to the Execution of this Act; and that the said Trustees for putting this Act in Execution, so far as relates to the second District of the said Roads, or any Five or more of them, shall meet together at the House known by the Name or Sign of the *Crown Inn* at *Abbott's Bromley* aforesaid, on the said Twenty-first Day of *June*, or as soon after as conveniently may be, and proceed to the Execution of this Act, and shall then, and from Time to Time after, adjourn themselves respectively to meet at such Time and at such Place or Places in or near the said Roads as they shall think proper; and that Two Trustees present at any Meeting shall be sufficient for the purpose of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time assembled shall not adjourn themselves, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held, or was held, as the Case may be, and to such Time as he shall think fit, not exceeding Twenty-one Days nor less then Ten Days from the Time of the last Default, and shall thereof give Notice by Writing affixed on all the Turnpikes then erected by virtue of this Act upon either District of the said Roads, at least Seven Days before the Day of such intended Meeting; and in case no Adjournment, Notice or Appointment shall be made or given, as aforesaid, then it shall be lawful for any Five or more of the said Trustees to cause Notice in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, upon either District of the said Roads, appointing the Trustees to meet at such Time and at such Place in or near the said Roads as they the said Trustees shall think proper, not exceeding Three Weeks, nor less than Ten Days from the Time of affixing such Notice; and the Trustees shall, at their several Meetings, pay their own Expences; and all Orders and Determinations of the Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance thereof, and not otherwise

Trustees to pay their own Expences.

Orders to be made at Meetings.

(except

(except in Cases hereby particularly provided for,) and that no Order or Determination shall be valid, unless the major Part of the Trustees present at such Meeting shall concur therein; and that all such Trustees as are in the Commission of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except in such Cases where they shall be personally interested; and in all Cases where the Trustees, or any Justice or Justices of the Peace are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees, or any Two or more of them, or for such Justice or Justices to administer such Oath; and that no Order made by Five or more Trustees shall be revoked or altered at any Meeting where less than Nine Trustees shall be present, nor without the actual Concurrence of a greater Number of Trustees than those who made such original Order, nor unless Fourteen Days' Notice at the least of such intended Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Books of Proceedings, and affixed on all the Turnpikes which by virtue of this Act shall be then erected, Ten Days at least before such Meeting.

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IX. Provided always, and be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed, than the Day to which such Meeting shall have been adjourned, the Clerk by an Order in Writing, signed by Five or more Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, in the Manner last hereinbefore directed, such Time not being less than Seven Days after such Notice, and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Meetings o
emergencie

X. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered, shall be signed by the Trustees making the same, or by their Clerk, which Book or Books and also the Book or Books hereinafter directed to be kept for registering Mortgages and Assignments, or Transcripts thereof, shall be admitted as Evidence in all Courts whatsoever.

Orders, &c
to be entere

XI. And be it further enacted, That the said Trustees or any Five or more of them, shall and may from Time to Time, by Writing under their Hands, appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Deaths, Removal or Removals of such Officer or Officers, may appoint others in their Stead, but Fourteen Days Notice shall be given in Manner last aforesaid of every Meeting where any such Appointment shall be made, after the First Meeting of the said Trustees; and the said Trustees or any Five or more of them, shall and may and are hereby authorised and empowered, by and out of the Monies arising by Virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed for their Services, in or about the amending, altering, improving, and keeping

Appointme
of Officers

in Repair the ſaid Roads or any Part thereof, or otherwiſe in putting this Act into Execution, as they the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable.

Treaſurer to give Security.

XII. And be it further enacted, That the ſaid Truſtees or any Five or more of them, ſhall, and they are hereby authorized and required to take ſuch Security from the Treaſurer or Treaſurers, and Collectors, and Receivers of the Tolls to be appointed for the Purpoſes of this Act, for the due Execution of his or their Office or Offices, as to the ſaid Truſtees or any Five or more of them ſhall ſeem meet; and that no Perſon ſhall be capable of being a Truſtee, or of holding any Place of Profit under this Act, who ſhall ſell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

No Victualler to hold a Place of Profit.

Officers to account on Oath.

XIII. And be it further enacted, That all ſuch Officers, and all other Perſons who ſhall be appointed under or by virtue of this Act, ſhall, from Time to Time, when thereunto required by the ſaid Truſtees, or any Five or more of them, deliver to ſuch Truſtees or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing under their Hands, of all Monies which ſhall have been by them reſpectively had, collected, or received, by virtue of this Act, and how, and to whom, and for what Purpoſes the ſame and every Part thereof hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and ſhall verify the Accounts upon Oath; and ſuch Officers and Perſons ſhall, and they are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in his or their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render and give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid, or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power, any ways relating to the Execution of this Act or to the ſaid Roads, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live and reſide, by any Five or more of the ſaid Truſtees, or by any Perſon or Perſons on their Behalf, ſuch Juſtice may, and is hereby authorized and required to ſummon ſuch Officer or Officers, Perſon or Perſons, to appear before him; and in caſe of his or their not appearing upon ſuch Summons, the ſame having been ſerved upon him or them perſonally, or left at his or their uſual Place or Places of Abode, (no reaſonable Cauſe or Cauſes being ſhewn for ſuch Non-appearance,) to iſſue his Warrant or Warrants for his or their Apprehenſion; and upon his or their appearing upon ſuch Summons, or being apprehended and brought before him by ſuch Warrant, or having abſconded, or not being to be found, it ſhall be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if, upon the Confeſſion

feſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been ſo collected or received, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and he is hereby authoriſed and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame, or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before ſuch Juſtice in the Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, or of the Articles thereof, upon Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, or to the ſaid Roads, then, and in either of the Caſes aforeſaid, the ſaid Juſtice may, and he is hereby authoriſed and required, by Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol of the County where he or they ſhall live or reſide, or to any Houſe of Correction within the ſame, there to remain, without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their Accounts, and have verified on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that Reſpect have been made, or until he or they ſhall have compounded with the ſaid Truſtees for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make,) or until he or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in Reſpect thereof to the ſaid Truſtees, or any Five or more of them; but no Officer or other Perſon, who ſhall be committed for Default of Diſtreſs only, ſhall be detained in Priſon for any longer ſpace of Time than Six Calendar Months.

Truſtees t appoint te porary Co lectors.

XIV. And be it further enacted, That when, and as often as any Collector or Receiver of the Tolls ſhall neglect or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, any Two or more of the ſaid Truſtees, though not aſſembled at a Meeting of the Truſtees appointed by virtue of this Act, ſhall and may lawfully diſcharge ſuch Collector or Receiver, and in ſuch Caſe, and alſo in caſe any Collector or Receiver ſhall die, ſuch Truſtees as aforeſaid ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Truſtees, 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 who ſhall ſo die or be diſcharged, would

have

have had or been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by virtue of this Act, 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, or any other Person shall refuse to deliver up the Possession of any Toll-house or Building to be erected or set up by virtue of this Act, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Two or more of the said Trustees, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the said County of *Stafford*, 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 such House or Building in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any Two of them, or their new appointed Officer into the Possession thereof.

Power to erect Gates.

XV. And be it further enacted, That the said Trustees or any Five or more of them, shall and may erect or set up, and build, or cause to be erected, set up, and built upon, in or across any Part or Parts of the said Roads, or across any Road or Lane that doth or shall lead into or out of any Part or Parts of the said Roads, one or more Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, and also one or more Toll-house or Toll-houses, with Outbuildings suitable thereto, and take in and inclose on the Sides of the said Roads, as many Garden Spots as there shall be Toll-houses thereupon, suitable and convenient for each respective Toll-house or Toll-houses, not exceeding One Rood each, and pull down and remove the same as they the said Trustees or any Five or more of them shall think proper, and direct or appoint; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint to receive the same, before any Horse, Mare, Gelding, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, be permitted to pass through any Turnpike or Toll Gate, Side Bar or Side Gate, to be erected by virtue of this Act, upon or across the said Roads, or upon or across any Lane or Way, leading into the same, (that it to say):

Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Barouche, Curricle, Pheaton, Hearse, Taxed Cart, or other such Carriage, the Sum of One Shilling.

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

For every Horse, Mare, Gelding, Mule, Ass, or Pair of Oxen, Bullocks, or other Neat Cattle, drawing every other Carriage of the like Nature, with Wheels of the Breadth of Six Inches or upwards, the Sum of Six-pence.

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

For

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

For every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Nine-pence per Score, and ſo in Proportion for any greater or leſs Number.

Toll on Sundays.

XVI. And that double the ſaid reſpective Tolls ſhall be demanded and taken on every *Sunday* during the Continuance of this Act; which ſaid reſpective Tolls or Duties ſhall be demanded and taken, in the Name of, or as Toll, and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied as hereinafter is directed; and if any Perſon or Perſons ſubject to the Payment of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe or they ſhall think neceſſary, and which Aſſiſtance all Perſons are hereby required to give if called upon, to ſeize and diſtrain any ſuch Horſe or Horſes or other Cattle or Beaſts, or the Bridles, Saddles, Gears, Harneſs, Accoutrements, or a ſufficient Part thereof, and if ſuch Tolls and the reaſonable Charges of ſuch Diſtreſs ſhall not be paid within the Space of four Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, or other Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus, (if any be), and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls and reaſonable Charges for making ſuch Diſtreſs, and keeping and ſelling the ſame ſhall be deducted and paid.

Penalty on refuſing to pay Toll.

No more than one Toll to be paid for paſſing and repaſſing the ſame Day between Burton on Trent and Trent and Abbott's Bromley.

XVII. Provided always, and it is hereby further enacted, That no more than One Toll ſhall be demanded or taken from any Perſon or Perſons for once paſſing and repaſſing the ſame Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the ſucceeding Night, with the ſame Horſes, Cattle, Beaſts, or Carriages through all the ſaid Gates or Turnpikes to be erected on the ſaid Roads hereby directed to be made and repaired between *Burton-upon-Trent* aforeſaid and *Abbott's Bromley* aforeſaid; and no more than One Toll ſhall be demanded and taken from any Perſon or Perſons for once paſſing and repaſſing the ſame, to be computed as aforeſaid, through the Gates to be erected between *Bagot's Bromley* aforeſaid and *Shirley Wich* aforeſaid; but that all and every Perſon or Perſons having paid ſuch reſpective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting Payment thereof (which the Collectors thereof are required to give gratis), ſhall once paſs and repaſs the ſame Day with the ſame Horſes, Cattle, Beaſts, and Carriages, Toll free through all the Turnpikes or Toll Gates to be erected on the ſaid Roads between the reſpective Places aforeſaid; but if any Perſon or Perſons ſhall paſs through any Gate or Turnpike between the reſpective Places aforeſaid a third Time with the ſame Horſes, Cattle, Beaſts, or Carriages, then and in that Caſe ſuch Perſon or Perſons ſhall again be liable to pay the ſaid Tolls, and ſo *toties quoties* for every third Time the ſaid Perſon ſhall paſs the ſame Day through the ſame Gate or Turnpike on the ſaid Roads between the reſpective Places aforeſaid with ſuch Horſes, Cattle, Beaſts, or Carriages as aforeſaid.

Persons not liable to any encreased Charge by passing through any Side Gates.

XVIII. Provided also, That no Person shall be made liable to any Double or encreased Charge by reason of his passing through any Side Gate or Side Bar to be erected by virtue of this Act upon or across any Lane or Road leading into or out of the said Roads to be repaired by virtue of this Act, through any other of the Turnpikes to be erected by virtue of this Act across such Roads, beyond what he would be liable to pay if he had passed through either of the said Gates only, any Thing herein contained to the contrary notwithstanding.

Disputes concerning Tolls to be settled by a Justice.

XIX. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising by the Sale thereof, as the Case may happen, until the Quantity of the Tolls due, and Charges of making such Distress, and of keeping and selling the same, shall be ascertained by some Justice of the Peace of the said County of *Stafford*, who, upon Application to him made for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witness or Witnesses, and determine the Quantity of the Tolls due, and also assess the Charges of such Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice, all which Sums so determined or assessed shall be paid to the said Collector or other Person before he shall be obliged to return the Distress or the Overplus, after the Sale thereof or of any Part thereof.

Collector of Tolls competent Witness.

XX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by Reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Punishing Collectors misbehaving.

XXI. And in order to prevent the Misconduct of the Persons employed as Collectors of the said Tolls, be it further enacted, That every Person employed to collect any of the Tolls hereby granted and made payable, shall affix his Christian and Surname on a Board on some conspicuous Part of the Toll House, at which he shall be appointed to collect the said Tolls, on each and every Day that he shall continue in such Collection, under the Penalty of any Sum not exceeding Twenty Shillings for every Neglect thereof; and if any such Collector shall wilfully misbehave himself, in the Collection of the said Tolls, to any Person or Persons passing or claiming to pass through any of the Turnpikes to be erected by virtue of this Act, and shall thereof be convicted on his own Confession, or on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the said County of *Stafford*, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, and in Default of Payment thereof, shall be committed to the Common Gaol, or House of Correction, for any Time not exceeding Fourteen Days.

Tolls to be divided, lessened, varied, or altered.

XXII. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and empowered, from Time to Time, as they shall think proper, to lessen, or reduce all or any Part or Parts of such Tolls, at all, any, or either of the said Turnpikes,

Turnpikes, and to raiſe the ſame again, ſo as they do not exceed the Tolls by this Act granted; but no ſuch Alteration, Variation, or Reduction ſhall be made, unleſs Notice in Writing to be given for that Purpoſe, by affixing the ſame upon all the Turnpikes erected by virtue of this Act within the Diſtrict where ſuch Alteration, Variation, or Reduction is intended to be made, at leaſt Ten Days before the Meeting for making ſuch Reduction, and ſuch Tolls ſo leſſened, varied, or altered ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected: Provided always, That when the whole Money charged and borrowed on the Credit of this Act, ſhall not have been paid off or diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced, without the Conſent of the Perſon or Perſons entitled to Five-ſixth Parts of the Money remaining due upon the Credit of this Act.

Exemption from Tolls

XXIII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Carriage, or any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying Gravel, Stone, or other Materials for repairing the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which ſuch Roads lie, or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid or placed in the Out-houſes, or on the Lands of the Owners thereof, nor for any Implements of Huſbandry, or going for or carrying any Manure, Fodder, Mould, Dung for Improvement of Land, Lime for Manure only, or other Manure, or returning empty from carrying the ſame; nor ſhall any Tolls hereby granted be demanded or taken from any Perſon or Perſons reſiding in any Townſhip or Pariſh in which the ſaid Roads lie, who ſhall paſs through any Toll Gate or Turnpike to or from their proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law, within the Pariſh where they ſhall reſpectively reſide, on a *Sunday* or any other Day on which Divine Worſhip 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 ſaid Pariſhes, or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his parochial or miniſterial Duty; or for any Horſes or Cattle going to or returning from Water or Paſture, or going to be, or returning from being ſhoed; or 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 Poſt-maſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſes belonging to or attending any Officers or Soldiers upon their March or on Duty; or for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſuch wounded or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Catttle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces or for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going

going to, or returning from, the Place appointed for and on the Days of Exercise; provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Horses or Carriages carrying or conveying any Person or Persons to or from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said County of *Stafford*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds.

Penalty on claiming Exemptions unlawfully.

Stores.

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

To prevent avoiding the Tolls,

or taking off any Carriage to avoid Payment of the Tolls.

XXV. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage pass through, or over, any Land, Ground, or Place, or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a Public Highway, shall knowingly permit or suffer any Person or Persons to pass with any Horse, Cattle, Beast, or Carriage through or over the same, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forge or counterfeit, or shall give or receive from any other Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, or take off, or cause to be taken off, any Horse or other Beast from any Carriage; or having passed through any Turnpike shall afterwards add, or put any other Horse or other Beast to any such Carriage with an Intent to evade the Payment of the said Tolls; or if any Person or Persons shall do any other Act in order, or with Intent, to avoid the Payment thereof, or any Part thereof, every such Person offending in any of the Cases aforesaid, shall for each Offence forfeit any Sum not exceeding Twenty Shillings, one Moiety thereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

Trustees may compound for Tolls.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them from Time to Time to compound and agree with any Person or Persons for the Passage of any Carriage, Horses,

Horſes, Beaſts, or other Cattle travelling on the ſaid Roads, for all or any of the Tolls to be paid in reſpect thereof, for any Term not exceeding One Year at any one Time, which Compoſition Money ſhall be paid in Advance quarterly, or otherwiſe, as the ſaid Truſtees or any Five or more of them ſhall appoint, and in Default of ſuch Payment, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default, ſhall from thenceforth be void, and all ſuch Compoſition Money ſhall be applied in ſuch Manner as the Tolls hereby directed to be applied.

Truſtees may leaſe the Tolls.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, upon Thirty-one Days Notice to be given thereof upon all the Turnpikes then erected by virtue of this Act, within either Diſtrict of the ſaid Roads, and advertiſing the ſame in ſome Newſpaper uſually circulated in the Neighbourhood of the ſaid Roads from Time to Time, by Writing under their Hands and Seals to let or farm the Tolls ariſing by this Act or any Part thereof, to any Perſon or Perſons who ſhall be willing to take or farm the ſame from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any one letting, upon Public Bidding to the higheſt Bidder, and for the beſt Price ſuch Truſtees can get for the ſame, payable quarterly in Advance and in ſuch Manner, and under ſuch Covenants, and with ſuch Securities for the Payment thereof, as the ſaid Truſtees, or any Five or more of them ſhall think fit, which Money ſo to be paid ſhall be applied and diſpoſed of, as the Tolls granted by this Act are directed to be applied and diſpoſed of.

Leſſees and Perſons appointed by them may collect the Tolls.

XXVIII. And be it further enacted, That during ſuch Times as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall by Writing or Writings under his or their Hand or Hands authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, that to all Intents and Purpoſes whatſoever, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame, and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Turnpikes to be veſted in Truſtees.

XXIX. And be it further enacted, That the Right and Property of all the Turnpike Gates, Bars, Rails, and Fences, Toll Houſes and Buildings, which ſhall be erected by virtue of this Act, with their Appurtenances, and of the Materials for building or repairing the ſame, and for completing and repairing the ſaid Roads, and all ſuch Materials made uſe of for the Purpoſe of this Act, or collected to be made uſe of, ſhall be, and are hereby veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby authorized and empowered to diſpoſe of the ſame as they ſhall think proper, and to bring, or cauſe to be brought, any Action or Actions in the Name of their Clerk or Clerks, for the Time being, or to prefer, or cauſe to be preferred, any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break, or damage the ſame,

or any Part or Parts thereof, or disturb them, or their Agents or Servants in the Possession thereof.

Application of Tolls.

XXX. And be it further enacted, That the Tolls to be collected upon each District of the said Roads, and the Money to be borrowed upon the Credit thereof respectively, shall be applied, laid out, and expended upon each District of Roads respectively.

For borrowing Money.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest upon the Credit of the Tolls, payable by virtue of this Act, such Sum or Sums of Money as they shall think proper, and to mortgage and assign the said Tolls within the respective Districts, or any Part or Parts thereof, and any of the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls) to any Person or Persons, his, her, or their Heirs, Executors, Administrators, or Assigns, who shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid, by the following Words under their Hands, or by any other Words to the like Effect, (*videlicet*):

Form of Assignment.

'BY virtue of an Act made in the Forty-ninth Year of the Reign of His present Majesty King *George* the Third, intituled, [*here set forth the Title of this Act,*] we Five of the Trustees for the [*First or Second District of the*] said Roads in Consideration of the Sum of to the Treasurer of the said District of Road in Hand paid, do grant, bargain, sell, and demise, unto *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising from the said District of Road, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit thereof, or charged upon the Term of the said Act, so far as relates to the [*First or Second*] District of Road, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with the Interest, at the Rate of *per Centum per Annum*, shall be sooner paid and satisfied.'

XXXII. And that Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees, but no Money shall be borrowed upon the Credit of the said Tolls after the First Meeting of the said Trustees, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes then erected by virtue of this Act, within the District, at least Twenty-one Days before the borrowing thereof, and the Intention thereof be also advertised Twice at least in some Newspaper usually circulated in the Neighbourhood of the said Roads; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid or who shall be entitled to the same, is and are hereby empowered, from Time to Time, to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing an Instrument to be annexed

nexed to such Security, or by an Indorsement on the same, in the following Words, or Words to the like Effect, (*videlicet*):

Form of Transfer.

'I *A. B.* do hereby transfer the within Mortgage (if by Indorsement, or if by a special Instrument, a certain Mortgage), bearing Date the Day of of the Tolls arising on the [*First or Second*] District of the Roads to be amended and kept in Repair by virtue of an Act made in the Forty-ninth Year of the Reign of King *George* the Third, intituled, [*Here insert the Title of this Act*], and all my Right and Title to the Principal Money and Interest thereby secured unto *C. D.* his Executors, Administrators, and Assigns. Dated this Day of *A. B.*'

All which Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees, within Twenty-one Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before mentioned Book or Books, specifying the Dates and Names, Additions and Places of Abode of the several Parties, and the Sums of Money therein transferred, for which the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more, by the Person or Persons to whom such respective Transfers shall be made; which said Book or Books shall and may be inspected at all reasonable Times, by any Person or Persons whomsoever, and the Sum of Two Shillings and Sixpence and no more, shall be paid to such Clerk or Clerks, for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, and their Executors, Administrators and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made any such Transfer, to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

All Creditors to be deemed equal in Degree.

XXXIII. And be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money, but that all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, his, her, and their Assignee and Assignees shall be (in Proportion to the Sum or Sums therein mentioned) Creditors on this Act, and in equal Degree one with another.

For paying Creditors by Lot.

XXXIV. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies, due and owing upon the Credit of the said Roads, it shall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforesaid, Notice of such intended Meeting, and of the Purpose thereof, being first given, at least Ten Days preceding the same, by Advertisement in some Newspaper printed or usually circulated within the said County of *Stafford*, (if they shall think fit,) instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors, the whole, or any Proportion

portion thereof, ſhall be ſo paid, and to pay the ſame to ſuch Creditor or Creditors only, any Thing herein contained to the contrary notwithſtanding.

For Payment of the Expences of this Act.

Further Application of Money.

XXXV. And be it further enacted, That out of the firſt Monies that ſhall be raiſed by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall pay and diſcharge all the Coſts, Charges, and Expences relative to the procuring and paſſing this Act in preference to any other Payment whatſoever; and after Payment thereof all the Money, which ſhall come to the Hands of the ſaid Truſtees, by virtue of this Act, ſhall be from Time to Time applied in the Execution of this Act, in the Manner hereinbefore directed, and to no other Uſe or Purpoſe whatſoever.

For getting Materials to repair the Roads.

XXXVI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Roads, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get and take away any Stones, Gravel, Chalk, Furze, Heath, Sand, or other Materials, for amending, altering, improving or repairing the ſaid Roads, out of any Waſte or Common, or out of any River or Brook in any Pariſh, Hamlet, Townſhip or Place, in, adjoining to, or lying near the ſaid Roads, or in any neighbouring Pariſh, Hamlet, Townſhip, or Place, without paying any Thing for the ſame, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks, where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle, and if a ſufficient Quantity of ſuch Materials cannot be had or found in or upon any ſuch Waſte or Common, River or Brook, then and in ſuch Caſe, the Surveyor or Surveyors, or other Perſons as aforeſaid, may, by order of any Juſtice or Juſtices of the Peace for the County of *Stafford*, to be made upon the Application of the ſaid Truſtees, or any Five or more of them, ſearch for, dig, gather, get, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons where the ſame may be had or found, (ſuch Lands, Fields or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees,) making or tendering ſuch Satisfaction for the Damages done to the Owners and Occupiers of any ſuch Lands, Fields or Grounds, where, and from whence the ſame ſhall be dug, gathered and carrried away, or over which the ſame, or any other Materials for amending, altering, improving or repairing the ſaid Roads, ſhall be carried as ſhall be agreed upon between them and ſuch Owner or Occupier, or in caſe of their not agreeing, then, as any Two or more Juſtices of the Peace acting in and for the ſaid County of *Stafford* ſhall and may adjudge and determine to be reaſonable, which Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Private Grounds.

Notice to be given before Materials taken.

XXXVII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away, any Materials for repairing ſuch Roads out of or from any incloſed Land or Ground until Notice in Writing ſigned by the Surveyor, ſhall have been given

to

to the Occupier of the Premiſes, from which ſuch Materials are intended to be taken, or left at the Houſe or laſt or uſual Place of Abode of ſuch Occupier, to appear before the ſaid Truſtees or any Five or more of them, or any Two or more Juſtices of the Peace, acting in and for the County wherein ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands and Grounds, and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, the ſaid Truſtees or ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor or other Perſon, to dig, gather, get, take, and carry away ſuch Materials, at ſuch Time or Times, as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper, and if ſuch Occupier or his Agent ſhall neglect or refuſe to appear by himſelf or Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Penalties o taking awa Materials.

XXXVIII. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which have been dug, gathered or got in any Lands, Fields, Grounds, Waſtes or Commons, Rivers, or Brooks for the Purpoſes of this Act, or ſhall 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 ſaid Surveyors or their Workmen ſhall have diſcontinued working therein, for the Space of Six Weeks, (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get the Materials therein for his own private Uſe only and not for Sale,) every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Twenty Shillings.

For removin Annoyances

XXXIX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, by Direction and under the Hands of any Three or more of the ſaid Truſtees, from Time to Time to remove all Annoyances made on any Part of the ſaid Roads, by Timber, Stones, Carriages, Saw Pits, Hovels, Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and diſpoſe of the ſame for the Benefit of the ſaid Roads, and to turn any Watercourſes, Sinks, or Drains running along, into, or out of the ſaid Roads to the Prejudice thereof, and to open, ſcour, cleanſe, widen, and make deeper, any Watercourſes or Ditches adjoining or near thereto, and make the ſame as deep and large as he or they ſhall think neceſſary, and to cut down, lop, or top any Trees, Branches, Shrubs, or Buſhes growing in the ſaid Roads, or in Hedges or Banks adjacent thereto, at proper Seaſons of the Year, (except Trees planted for Ornament or Shelter to the Houſe, Building, Garden or Court Yard of the Owner thereof,) and to cut and reduce all ſuch Hedges, to the Height of Four Feet, in Caſe the Perſons occaſioning ſuch Annoyances, ſhall neglect to remove the ſame within the Space of Fourteen Days, or the Owners or Occupiers of the Lands, ſhall neglect to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or to lop or top and remove ſuch Boughs, Buſhes, or Lops, or reduce ſuch Hedges in ſuch Manner as the ſaid Surveyor or Surveyors ſhall require for the Space of Six Calendar Months next after Notice in Writing given for thoſe reſpective Purpoſes, under the Hand of ſuch Surveyor or Surveyors, or

so near thereto as the proper Season will allow for such reducing of Hedges, or cutting down, topping, or lopping of Trees, (the Charges whereof to be settled by any Justice or Justices of the Peace, for the said County of *Stafford*,) shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and shall be recovered in such Manner as Penalties and Forfeitures are hereinafter directed to be recovered; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every such Person shall for every such subsequent Offence, forfeit any Sum not exceeding Forty Shillings over and above the Penalty and Charges before mentioned.

For drawing Timber on Wheel Carriages.

XL. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Dung, &c. not to be laid on the Sides of the Roads.

XLI. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing shall be unloaded or laid down from any Carriage upon any Open or Common Land, lying within One Hundred Yards of any of the Turnpike Gates or Bars erected by virtue of this Act, or upon the Sides of the said Roads, within Thirty Feet of the Centre of such Roads, upon Pain that the Owner or Owners of every such Carriage so employed, or the Driver or Drivers thereof, shall forfeit for each and every Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

To make Causeways, &c. and build and repair Bridges.

XLII. And be it further enacted, That it shall be lawful for the said Surveyor, or such Person or Persons as he or they shall appoint or employ, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them,) to make or cause to be made Causeways, and also covered or open Drains and Ditches, in and upon, or on the Sides of the said Roads, and also through any Grounds or Fields lying contiguous thereto, and to scour such Ditches and Drains so as effectually to carry off the Water from any Part of the said Roads, and also to make or cause to be made a Road through the Grounds or Fields adjoining, or lying near to any hollow Way, narrow or ruinous Part of the said Roads, (not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Paddock, or Planted Walk, or Avenue to any House or any Inclosed Ground, planted and set apart as a Nursery for Trees,) to be made use of as a Public Highway whilst the old Road is repairing or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of the Private Grounds respectively for the Damages they shall or may thereby sustain, as the Parties shall agree upon, or if they shall not agree, then as shall be adjudged reasonable by any Two or more Justices of the Peace for the said County of *Stafford*; but that no Satisfaction shall be made for doing

doing or performing any of the Works aforesaid, upon or through any Common or Waste Ground; and the said Surveyor may also, by Order of any Five or more of the said Trustees, build and erect 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, and also repair and keep in Repair any Bridge or Bridges, Arch or Arches, now erected and built, or to be hereafter erected and built, upon any Part or Parts of the said Roads, and across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, Notice of such Intention to build, erect, or repair any Bridge being first given, by affixing the same on all the Turnpike Gates that shall then be erected by virtue of this Act, at least Twenty-one Days before any Meeting, at which such Order to build, erect, or repair any Bridge shall be made: Provided that nothing in this Act contained shall extend to authorize the said Trustees to lay out any of the Monies to be raised by virtue of this Act in the paving or repairing of any Causeways or Pavements in any Town or Street through which any Part of the said Roads, by this Act directed to be improved and repaired, shall pass, but that the same shall be wholly paved and repaired by such Persons, and in such Manner as they were before the passing of this Act.

For puni
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XLIII. And be it further enacted, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any Turnpike Surveyor, or any other Person or Persons by him or by the said Trustees, or any Five or more of them, employed in the cutting, digging, gathering, getting, or carrying away of any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving, or repairing the said Roads, or topping, lopping, or cutting any Tree, Top, Lop, or Overhangings, or in digging, cleansing, or scouring any new or other Ditch, Drain, or Watercourse as aforesaid, or in doing any other Act in or for the Execution of this Act by virtue of the Powers by this Act given, or any of them, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Trustees
contract
Purchase
Lands to
taken in
the Road

XLIV. And be it further enacted, That the said Trustees or any Five or more of them, shall and may, and they are hereby empowered from Time to Time as they shall think proper, to widen or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Roads within the Distance hereinafter mentioned, and that any Variation of Road may be made through any Common or Waste Ground without making any Satisfaction for the same, and through any private Grounds or other Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and that it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to contract and agree with the King's most excellent Majesty, and the Owners of and Persons interested in any Lands, Grounds, or Hereditaments for the Purchase thereof, or 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, Grounds, or Hereditaments; or for any Injury or Damage arising at any Time or Times hereafter, to any Lands or Grounds as hereinafter more particularly mentioned, by reason

of

of diverting, altering, or changing of an antient Water-course or Water-road, in the Parish of *Burton-upon-Trent* aforesaid; and that it shall be lawful for the King's most excellent Majesty, His Heirs and Successors, and for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, Executors or Administrators, not only for and on behalf of their Infants, Wards, Cestuique Trusts, Lunatics, or Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Grounds or Hereditaments, to contract with the said Trustees or any Five or more of them for the Satisfaction to be made for such respective Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands, Grounds, 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, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act.

Incapacitated Persons may treat.

Where Persons neglect or refuse to treat.

XLV. And be it further enacted, That if any such Bodies or other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, 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 principal Officer or Officers of any such Bodies Politic, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments through which any Part of such Roads is to be widened, diverted, turned, or altered, shall, for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, or in case any Injury or Damage shall at any Time or Times hereafter arise to the Lands or Grounds of the Right Honourable *Henry* Earl of *Uxbridge*, in the Parish of *Burton-upon-Trent* aforesaid, or to the Owners of the same for the Time being by reason of the same being overflowed with Water, on Account of any Deviation of the present Water-course or Water-road, in the Parish of *Burton-upon-Trent* aforesaid, then and in every or any such Case the said Trustees, or any Five or more of them, shall cause such respective Damage and Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County wherein the Premises lie, and in order thereto the said Trustees, or any Five or more of them shall and may issue their Warrant or Warrants to the Sheriff of the County of *Stafford* requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed and specified, and also in and by such Warrant to direct such View of the Premises to be had and taken by the Persons so to be impannelled, as they, the said Trustees shall judge necessary for their better Information concerning the same; and also by a like Warrant to require the Attendance

Damage and Recompence to be settled by a Jury.

of

of any Witneſs before the ſaid Jury; 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 Five or more of them ſhall, and 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 ſufficient Number of Jurymen ſo returned, the ſaid Sheriff or his Deputy or Deputies ſhall return ſuch other honeſt and indifferent Men of the Standers by, or that ſpeedily can be produced to attend that Service, to make up the Number of Twelve, which Jury ſo impannelled and ſworn, ſhall forthwith proceed to inquire and aſſeſs ſuch Damage and Recompence as aforeſaid; and all Perſons concerned ſhall have their lawful Challenge againſt any of the ſaid Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter* is or ſhall be by Law entitled to, and the ſaid Truſtees or any Five or more of them acting in the Premiſes, ſhall have Power to examine upon Oath all ſuch Witneſſes as may be produced before them and ſuch Jury, and alſo 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 who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, (except for ſome reaſonable Excuſe) or appearing, ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe to give or not give a 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, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, ſo as no ſuch Fine exceed the Sum of Ten Pounds on any one Perſon for one Offence, and after ſuch Jury ſhall have enquired of and aſſeſſed ſuch Damages or Recompence as aforeſaid, then the ſaid Truſtees or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners or other Perſons intereſted in the ſaid Lands, Grounds or Hereditaments, according to ſuch Verdict or Inquiſition, which Verdict or Inquiſition, and the Judgment, Order, or Determination thereon ſhall be 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, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as other Perſons whomſoever: Provided always, That it ſhall not be lawful for the ſaid Truſtees to enter upon the Poſſeſſion of any Land belonging to the King's moſt Excellent Majeſty in Right of His Duchy of *Lancaſter*, without the Conſent of the Chancellor of the ſaid Duchy for the Time being, firſt had and obtained.

Jurors may be challenged

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

How Expences of Jury ſhall be paid.

or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of any Money ariſing, or to ariſe, by virtue of this Act; but if 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 by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County not intereſted in the Matter in Queſtion, (who is hereby required to ſettle and examine the ſame,) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, That in all Caſes where any Perſon or Perſons ſhall, by Reaſon of Abſence, have been prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, in Manner aforeſaid.

Upon the Payment of the Purchaſe Money, the Lands to be laid into the Roads.

XLVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls, or other Money ariſing by virtue of this Act, according to the Directions hereinafter contained, either into the Bank of England, or as the Caſe may be, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agents, and upon Payment thereof, or (in caſe of Refuſal to accept the ſame, or the Parties not being to be met with,) upon leaving the ſame in the Hands of the Treaſurer or Treaſurers of the ſaid Roads, or for the Uſe of ſuch Parties or Perſons; and after fourteen Days Notice thereof given to ſuch Parties or Perſons, at his, her, or their uſual Place or Places of Abode, or with the Tenant in Poſſeſſion of the Lands or Hereditaments, ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Roads, in ſuch Manner as the ſaid Truſtees, or any Five or more of them ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall, to all Intents and Purpoſes, become and be deemed a common Highway, and ſhall, from thenceforth, for ever be deemed as Part of the Roads, by this

this Act directed to be amended and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, but no more Land shall be taken for the Purposes of the said Roads without the Consent of the Owner or Proprietor thereof, than shall be sufficient to make such Roads in such Part thereof where the same shall be taken of the Width of Sixty Feet between the Fences thereof; and after such new Road shall be completed, the Land comprised in, or constituting the old former Road, shall be vested in the said Trustees, and shall or may be stopped up or left unrepaired, unless the same may be wanted for any public Use, or for the particular Convenience of the Occupancy of any Land or Tenement to which the same may lead, and shall be by them, the said Trustees, or any Five or more of them, sold for the best Price or Prices that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and the Conveyance to be made of such Lands being executed, by any Five or more of the said Trustees, and inrolled with the Clerk of the Peace for the said County of *Stafford*, shall be good and effectual, to all Intents and Purposes; but this Act shall not extend or give Power to the Trustees acting in the Execution hereof, to the taking down of any Dwelling-house or other Building, or taking in any Land that is a Garden adjoining to any Dwelling-house, or any Orchard, Yard, Park, planted Walk or Avenue to a House, or any Part thereof, without the Consent of the Owner thereof, by Writing under his Hand and Seal.

Former Road may sold.

XLVIII. Provided always, and be it enacted, That wherever the Course of any Part of the said Roads shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owners of such adjoining Land, which shall be cut and used for the Purpose of making such Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case, the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land, to be taken in pursuance of this Act, is directed to be settled and ascertained in and by this Act; and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by the Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money, upon Demand made thereof by the Treasurer, or Clerk to the Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County, Town, or Place where such old Road shall lie, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such old Road, (as the Case may be,) and such Affidavit shall,

Owner of Lands used making new Road, to have the Offer of old Road.

in

in all Events whatsoever, be sufficient Evidence and Proof that such Offer was made, and not agreed to or refused by such Owner

Expences of the Jury and Witnesses how to be paid.

XLIX. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions or Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to or offered by the said Trustees, before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the said County, not interested in the Matter in Question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees by the Ways and Means hereinafter mentioned or provided for the Recovery of Penalties or Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by Reason of Absence, have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Application of Compensation when amounting to 200*l.*

L. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes aforesaid, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to 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-Genera[l]

countant-General of the High Court of Chancery, to be placed to his Account, *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 ſaid Lands or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, and Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands 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 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 and capable of taking Effect, and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted, by the ſaid Accountant-General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities, ſhall, from Time to Time, be paid, by Order of the ſaid Court, to the Perſon or Perſons who would, for the Time being, have been entitled to the Rents and Profits of the Lands and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not amount to 200l. and not leſs than 20

LI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid, for any Lands or Hereditaments purchaſed, taken, or uſed, for the Purpoſes aforeſaid and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall 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 or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties,) in order that ſuch principal Money and the Dividends ariſing thereon, may be applied in any Manner hereinbefore directed,

so far as the Caſe be applicable without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

LII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next beforementioned, 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 or Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of this Act, in ſuch manner as the ſaid Truſtees or any Five or more of them ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

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

Or if any Perſon cannot be found Purchaſe Money to be paid into the Bank.

ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England* in the Name, and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments, (deſcribing them) ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable, and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what, and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

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

Where any Queſtion ſhall ariſe touching the Title to Money to be paid the Perſon who ſhall

LIV. Provided always and be it enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands or Hereditaments, to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or

the

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

be in Poſſeſſion at the Time of ſuch Purchaſe ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

LV. Provided alſo, and be it enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporations entitled to any Lands or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands or Hereditaments to be ſettled to the like Uſes, in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery, to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees 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.

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

LVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and for their Surveyor or Surveyors, or Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Lands and Grounds, through which or whereupon any Road ſhall be thought proper to be made, widened, altered, or turned, and to view, mark, and ſtake out ſuch intended Turning and Alteration, and to enter upon the adjoining Lands, and to put and place any Materials thereon, as the ſaid Truſtees ſhall think neceſſary or proper for the making and completing ſuch Alteration, without being liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty, or Puniſhment, for ſo entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, making Satisfaction to the Occupiers of ſuch Lands or Grounds, for the Damage that ſhall be done by any ſuch Acts to ſuch Lands or Grounds whilſt the ſame Road ſhall be ſo making, widening, altering, or turning, in caſe ſuch Damage ſhall exceed the Sum of One Shilling ſuch Damage to be aſcertained by any Two or more Juſtices of the Peace as aforeſaid, and if any Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes, or other Marks uſed in the laying out, making, altering, or turning any ſuch Roads, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Forty Shillings.

Truſtees may enter Lands to make the Roads.

LVII. And be it further enacted, That in all Caſes where the Courſe of any Part of the preſent Roads ſhall be diverted from the old Line of Road, or a new Road ſhall be made (except over and through any Open

Truſtees fence off New Roads

Open Common Field, Land, or Common, or Waſte Ground) or where the old Road ſhall be widened, in all ſuch Caſes (except as aforeſaid) the ſaid Truſtees or any Five or more of them ſhall, and they are hereby required to cauſe good and ſufficient Mounds, Rails and Fences to be made and provided, and Quickſets to be planted in an huſbandlike Manner, or ſufficient Stone Walls to be built on both Sides of ſuch new Road where the ſame is neceſſary, and ſhall ſupport ſuch Mounds, Walls, Rails, and Fences, for and during the Term of Seven Years from the firſt making thereof.

Truſtees may contract for repairing Roads.

LVIII. And be it further enacted, That the ſaid Truſtees or any Five or more of them, ſhall and may, and they are hereby empowered from Time to Time to contract and agree with any Perſon or Perſons for the amending, widening, improving and keeping in Repair the ſaid Roads, or any Part or Parts thereof, or for all or any other of the Works to be done and performed in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Five or more of them ſhall think proper, and that all Contracts and Agreements in Writing, entered into purſuant to an Order made at any Meeting by ſuch Truſtees, or any Five or more of them, ſhall be binding to the ſaid Truſtees and other Parties who ſhall ſign the ſame, his, her, or their Succeſſors, Executors, and Adminiſtrators reſpectively, 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.

For reſtraining the Truſtees from deviating beyond certain Diſtances of the Line deſcribed in the Plan, &c.

LIX. And whereas a Map or Plan deſcribing the Line of the ſaid new Road, from *Bagot's Bromley* to *Shirley Wich*, and the Lands through which the ſame leads, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Stafford*, be it therefore enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of the Clerk of the Peace, for the ſaid County, to the end that all Perſons may, at all ſeaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and that the ſaid Truſtees in making the ſaid new Road ſhall not deviate more than One hundred Yards, of Three Feet each, from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees may make Roads through Grounds, although the Owners' Names are not in the Book of Reference.

LX. Provided alſo, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to make the ſaid new Road into, through, acroſs, or over the ſeveral Lands or Grounds of any Perſon or Perſons who is or are or may be Owner or Owners of Land over which the ſame is ſet out and deſcribed as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of

of the Peace for the ſaid County, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Perſons l to repair Roads, t continue

LXI. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money, which have been given or are liable to the amending or maintaining of any Part or Parts thereof ſhall ſtill remain liable and chargeable to the Repair thereof in ſuch Manner, and to the ſame Extent, but not in any other Manner, nor to any greater Extent than as they were liable and chargeable before the paſſing of this Act.

Perſons e gible to S tute Work continue and Juſtic to determ Differenc touching Statute Work.

LXII. Provided always, and be it further enacted, That all Perſons, who by Law are liable to Statute Work, or chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, 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 ſaid County of *Stafford*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in Lieu of, or as a Compoſition for ſuch Statute Work, as aforeſaid, ſhall be by him or them paid to the ſaid Truſtees or to any Five or more of them, or to their Treaſurer or Treaſurers, and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices reſpectively 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 every ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the payment of any Money in lieu of, or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams, Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be ſo paid, which Liſts of Names ſhall be made in Manner and under ſuch Regulations and Reſtrictions as is or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways, and out of ſuch Liſts the ſaid Juſtices reſpectively ſhall and may allot, appoint and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to the 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 in ſuch Parts of the ſaid Roads as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint, and the ſaid Juſtices reſpectively 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

thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees, or any Five or more of them, or to their Treaſurer or Treaſurers, at ſuch Time or Times as they the ſaid Juſtices reſpectively ſhall direct, and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof in like Manner as any Penalty is by this Act authoriſed or directed to be recovered, and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor of 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, or Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be ſo 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 Penalties and Forfeitures ſhall be paid to the Treaſurer or Treaſurers 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 or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Truſtees may compound for Statute Work.

LXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the ſaid Roads or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of, and in all or any of the Pariſhes or Places in which the ſaid Roads ſhall lie and be ſituated, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole or any Part of the Statute or other Work, to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Roads, which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding for the ſame to the Treaſurer or Treaſurers of the ſaid Truſtees in Advance, on or before the Twenty-Ninth Day of *September* in each and every Year, or otherwiſe the Inhabitants or Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Mile Stones and Direction Poſts.

LXIV. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall cauſe the ſaid Roads to be meaſured, and Stones or Poſts

Posts to be placed in or near the same with Inscriptions thereon, denoting the Number of Miles and Distances of Places, and also such and so many Direction Posts as they shall think proper; and if any Person or Persons shall wilfully break, damage, or pull up any of the Mile Stones or Posts erected upon or near any Part of the said Roads, 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 said County of *Stafford*, 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 Five Pounds, together with all reasonable Costs and Charges of such Information for every such Offence, One Moiety of which Penalty shall be paid to the Informer, and the other Moiety applied for the Purposes of this Act.

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LXV. And be it further enacted, That the Person or Persons who have subscribed any Money for or towards defraying the Expences of executing this Act, shall, and they are hereby required to pay such Money within such Time, and to such Persons as the said Trustees or any Five or more of them shall order and direct, and in Default of such Payment such Money shall be recovered by Action of Debt, or on the Case, to be brought in the Name of the Clerk to the Trustees, in any of His Majesty's Courts of Record at *Westminster*.

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sons.

LXVI. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace for the County, City, or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

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LXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted, or authorized to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed) shall upon Proof of the Offences respectively, before any Justice of the Peace for the said County of *Stafford*, or wherein the Offender shall be, or reside, either by the Confession of the Party offending, or by the Oath of one or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Monies arising by such 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 to the said Trustees, and applied for the Purposes of the said Road; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines, shall not be forthwith paid, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or

Warrants

Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol of the reſpective County, or to any Houſe of Correction within the ſame, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, nor leſs than Twenty-one Days, unleſs ſuch Penalties and Fines and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

Form of Conviction.

LXVIII. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen *videlicet*:

'BE it remembered, that on the Day of in the
'Year of our Lord *A. B.* is convicted before me *C. D.*
'one of His Majeſty's Juſtices of the Peace for the County of
'(ſpecifying the Offence, Time, and Place when and where the ſame
'was committed, as the Caſe ſhall be). Given under my Hand and
'Seal, the Day and Year firſt above mentioned.'

Allowing Perſons aggrieved to appeal.

LXIX. 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 Perſons may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the County of *Stafford*, within Four Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given, Ten Days Notice at leaſt in writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof to the Clerk or Treaſurer of the ſaid Truſtees, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal and abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions, and the ſaid Juſtices at ſuch Quarter Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing, or appealed, according as they the ſaid Juſtices ſhall think proper; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Fine, Penalty, or Forfeiture, and may alſo order ſuch further Satisfaction to be made to the Party injured, as they ſhall judge reaſonable, and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices may alſo at ſuch Seſſions, by their Order or Warrant, levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for Want of ſufficient Diſtreſs may commit ſuch Perſon or Perſons to the Common Gaol of or for the reſpective County, or to any Houſe of Correction within the ſame, for any Time not

not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Proceedin not to be quashed f Want of Form.

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

Limitati of Actio

LXXI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Twenty-one Days' Notice thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County of *Stafford*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his and 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 after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, 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 Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any other Cases by Law.

Public

LXXII. 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.

Term of the Act.

LXXIII. And be it further enacted, That this Act ſhall commence upon, and have Continuance from the paſſing thereof, 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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