ANNO TERTIO

GEORGII IV. REGIS.

Cap. xlix.

An Act for more effectually repairing and improving the Roads leading from *Bishops Castle*, and from *Montgomery*, to the Road at *Westbury*, and from *Brockton* to the Road at *Minsterley*, and other Roads therein mentioned, in the Counties of *Salop*, *Radnor*, and *Montgomery*; and for amending, widening, and improving several other Roads therein mentioned, in the said County of *Salop*. [15th *May* 1822.]

WHEREAS an Act was passed in the Eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and widening several Roads leading from the Town of* Bishops Castle, *and from* Montgomery, *to the Turnpike Road at* Westbury, *and from* Brockton *to the Turnpike Road at* Minsterley, *in the several Counties of* Salop, Radnor, *and* Montgomery: And whereas an Act was passed in the Twenty-fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of an Act, made in the Eighth Year of His present Majesty, for amending and widening several Roads leading from the Town of* Bishops Castle, *and from* Montgomery, *to the Turnpike Road at* Westbury, *and from* Brockton *to the Turnpike Road at* Minsterley, *in* 8 G. 3. c. 51. 25 G. 3. c. 11.

the several Counties of Salop, Radnor, *and* Montgomery, *and for amending, widening, and keeping in repair several other Roads in the Counties of* Salop *and* Montgomery: And whereas an Act was passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers of Two Acts passed in the Eighth and Twenty-fifth Years of the Reign of His present Majesty, for amending and widening several Roads leading from the Town of* Bishops Castle, *and from* Montgomery, *to the Turnpike Road at* Westbury, *and from* Brockton *to the Turnpike Road at* Minsterley, *in the several Counties of* Salop, Radnor, *and* Montgomery, *and several other Roads therein mentioned, in the Counties of* Salop *and* Montgomery, *and also for widening, repairing, altering, and diverting other Roads in the said Counties of* Salop *and* Montgomery; which said Roads were by the said Acts divided into Three Districts, as therein particularly described, and placed under the Care and Management of separate Trustees for each District, with Power for the Trustees of one District to act in any other District, and to divide and act for any separate District, or Part of any District, or other Part of the said Roads, in manner therein mentioned: And whereas the Trustees appointed in and by virtue of the said Acts have proceeded from Time to Time to carry the same into Execution within their respective Districts and Divisions, and have made considerable Progress therein, for which Purpose several Sums of Money have been borrowed, and are still due and owing on the Credit of the Tolls thereof: And whereas the Tolls and Duties granted and made payable in and by the said recited Acts, and the Powers and Authorities thereby given, are insufficient for the Purposes thereby intended, and the said Roads cannot be effectually amended, widened, diverted, improved, and kept in good Repair, nor the Money borrowed as aforesaid be paid off, unless the said recited Acts are repealed, and further and more ample and effectual Powers and Authorities given in lieu thereof, and granted, consolidated, and comprized in One Act: And whereas the Road from *Bishops Castle*, by *Lea*, *Totterton*, *Eyton Hill End*, and *Horderley*, and joining the present Turnpike Road from *Ludlow* to *Shrewsbury*, near *Strefford Bridge*, with the Branches thereout from *Lea* to *Lydham Heath*, and from *Eyton* to *Little Folley*, and the short Line of Road from *Watling-street* in *Long-lane* to the said last-mentioned Turnpike Road near the late *New Inn*; the Road by the *School House* to the *Castle Green*, in *Bishops Castle*; the Road from the *Stretton* Turnpike near *Marsh Brook*, by *Acton Scott* and *Ticklerton*, to *Wall Bank* on the *Wenlock* Turnpike; the Road from *Hopton Heath* to *Purslow Hundred House*, and the Road from *Churchstoke* to *The Blue Bell*, are very much out of repair, narrow, and incommodious for Travellers and Carriages, and cannot be effectually amended, widened, improved, and kept in repair by the ordinary Course of Law; and it would be of great public Convenience, Advantage, and Utility if all the said Roads were made Turnpike and included in the Powers and Provisions of this Act, and comprized respectively in the Two Districts of Roads herein-after mentioned, in such Manner as herein-after is expressed; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from

41 G. 3. c. 122.

from and after the passing of this Act, the said several recited Acts, passed in the Eighth, Twenty-fifth, and Forty-first Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby repealed, and that this Act shall from thenceforth commence, take effect, and be put in Execution for and during the Term herein-after mentioned, for the Purposes of making, amending, widening, altering, improving, diverting, and keeping in repair the several and respective Roads herein-after described. Recited Acts repealed.

II. And be it further enacted, That all Roads made, opened, widened, diverted, shut up, or discontinued, under or by virtue of the Powers and Provisions of the said Acts hereby repealed, or either of them, shall remain and continue open, widened, diverted, shut up, and discontinued, in such and the same Manner as if the said recited Acts had not been repealed; and that the Trustees under this Act shall be discharged from the Care and Management of all Roads, except those herein-after specified and described. Roads opened or shut up under former Acts so to remain.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies now due and owing on the Credit of the respective Tolls authorized to be taken by the said recited Acts or either of them, and all Interest thereof, as fully as if the same had been borrowed and become due on the Security of the Tolls hereby granted or any Part thereof (subject as herein-after is mentioned); and all Bonds, Covenants, Agreements, Contracts, and other Securities for Money now subsisting between the Trustees of the said recited Acts or either of them, and all Renters and Collectors of Tolls and other Persons whomsoever, shall remain and continue in full Force and Effect, according to the Terms and Stipulations thereof respectively, and shall be and continue available in all Courts of Law and Equity, until the same shall be fully satisfied and performed in all respects, such Repeal or any Law to the contrary notwithstanding. Subsisting Contracts binding.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the said respective Counties of *Salop* and *Montgomery*, together with the Right Honourable *Edward Herbert* commonly called Viscount *Clive*, the Honourable *Robert Henry Clive*, Sir *Thomas John Tyrwhitt Jones* Baronet, *Richard Ambler*, *James Fleming Baxter*, *Thomas Beale*, *Peter Beck*, *Thomas Beddoes*, *Thomas Beddoes* the younger, *George Beddoes*, *Ralph Benson*, *William Botfield*, *John Bright Bright* Clerk, *John Broome*, *John Brown*, *John Browning*, *Richard Clee*, *Thomas Coleman*, *Joseph Corbet* Clerk, *Panton Corbet*, *John Cotes*, *William Nathaniel Davies*, *John Davies*, *Edward Downes*, *Samuel Drew*, *Richard Duppa*, *Thomas Duppa*, *John Eaton*, *John Edwards*, *Isaac Frowd* Clerk, *Richard Griffithes*, *Lewis Griffithes*, *Francis Blithe Harries*, *John Harding* Clerk, *John Hawkins* Clerk, *William Holmes*, *William Jervis*, *William Jackson*, *Maurice Jones*, *Thomas Jones*, *Juckes Granville Clifton Juckes*, *Samuel Johnes Knight* Clerk, *John Charlton Kinchant*, *John Daniel Lewis* Clerk, *Henry Lyster*, *Francis Marston* Clerk, *Francis Marston*, *John Marston*, *Thomas Medlicott*, *Philip Morris*, *William Morris*, *Robert Bridgman More*, *Thomas Frederick More* Clerk, *Robert Nicholls*, *Thomas Nicholls*, *Daniel Nihill* Clerk, *Herbert Oakley* Clerk, *George Dansey* Trustees of the First District.

Dansey Pardoe Clerk, *Robert Norgrave Pemberton* Clerk, *William Pinches*, *Edmund Plowden*, *Richard Powell* Clerk, *Powis*, *Richard Price*, *Charles Humphreys Price*, *John Rocke* Clerk, *John Rocke* the younger, Clerk, *John Rogers* of *Bedston*, Clerk, *John Rogers* of *The Home*, Clerk, *Edward Rogers*, *Richard Sayce*, *Folliott Sandford*, *Humphrey Sandford* Clerk, *Moses Yatman Starkie* Clerk, *William Starr*, *George Starr*, *John Starr*, *Thomas Statham*, *Thomas Statham* the younger, *Thomas Pendarves Stackhouse*, *Joseph Sutton*, *Christopher Swainson* Clerk, *Robert Taylor* Clerk, *John Thomas*, *Edward Turner*, *John Vaughan*, *Charles Bayley Unett*, *Edward Urwick*, *Richard Watters*, *Thomas Watters*, *James Stephen Wickens*, *Robert Wilding*, *John Wollaston*, *John Wollaston* the younger, *Timothy Yate*, and their Successors, to be elected as hereinafter directed, shall be and are hereby appointed Trustees for amending, widening, altering, improving, and keeping in repair the several Roads following; (that is to say), the present Turnpike Road from the Town of *Bishops Castle* over *Hucklement*, by *Basford*, to *Watling-street* Road in *Long-lane*, with the additional Road or Line from thence to the late *New Inn*, and Branches of the said present Turnpike Road from *Crow-gate* or *Cross-gate* by *Brockton* and *Lydbury* North to *Red-house*; and thence by *Kempton* to *Little Brompton*, and from or near *Brunslow* by *Edgton* and *Horderley* to the Junction of the *Stretton* Turnpike near *Marsh Wood*, with the additional Road from the *Stretton* Turnpike near *Marsh Brook* by *Acton Scott* and *Ticklerton*, to *Wall Bank* on the *Wenlock* Turnpike Road; the present Turnpike Road from *Bishops Castle* by the Bridges to *Castle Pulverbatch* Turnpike Gate, and from thence to the Highway which leadeth out of the Turnpike to *Church Pulverbatch*, with the Branches from *Foul-lane-end* to *Little Field* Turnpike in *Bishops Castle*, and through *Lydham* and *Linley* to *Norbury*; the additional Roads by the *School House* to the *Castle Green* in *Bishops Castle*, and from *Bishops Castle* by *Lea*, *Totterton*, *Eyton Hill-end*, and *Horderley*, and joining the present Turnpike Road from *Ludlow* to *Shrewsbury* near *Strefford Bridge*, with the Branches thereout from *Lea* to *Lydham Heath*, and from *Eyton* to *Little Folley*; the present Turnpike Roads from *Bishops Castle* to *Knighton* in the County of *Radnor*, from the Market House in *Clun* to *Newton Green*, and from the *Watling-street* Road near *Clungunford* through the Parishes of *Bedstone* and *Bucknell* to *Lingen Bridge*, with the additional Road from *Purslow Hundred House* to *Hopton Heath*; the present Turnpike Roads from *Bishops Castle* by *Banks Head*, *Kerry-lane*, and *Bishops Moat*, and by *Broughton*, *Aston*, and *Pentre* to the Commencement of the Township of *Mellington*, on both Roads from *Bishops Castle* to *Montgomery*; the present Turnpike Roads from *Bishops Castle* to the Commencement of the Parish of *Churchstoke* on the Road to *Chirbury* and *Forden Heath*, and from *Snead* under *Roveries* through *Lydham* to *Lydham Heath*; all which several Roads from *Bishops Castle* shall be deemed and taken to commence at the Market House in the said Town; and for putting the Powers of this Act into Execution, so far as relates to all the said Roads last above described, and which shall and are and is hereby declared to be the First District of Roads comprized in this Act; and that all His Majesty's Justices of the Peace for the Time being acting for the said respective Counties, together with the Right Honourable *Edward Herbert* commonly called Viscount *Clive*, the Honourable *Robert Henry Clive*, Sir *Charles Thomas Jones*, *Francis Allen*, *Henry Clive*, *William Clive* Clerk, *Panton Corbett*, *John Davies*, *Richard John Davies* Clerk, *William Davies*, *William Nathaniel*

Roads in First District.

Trustees of the Second District.

Nathaniel Davies, *Arthur Dicken*, *John Edwards* of *Mellington*, *John Edwards* of *Hampton Hall*, *Shadrach Edwards*, *Edmund Edye*, *Edward Farmer*, *Edward Farmer* the younger, *Thomas Farmer* Clerk, *Lewis Griffithes*, *Richard Habberley*, *Robert John Harrison*, *Robert John Harrison* the younger, *Charles Gardiner Humphreys*, *Edward Humphreys*, *Arthur Lloyd Humphreys*, *Edward Johnes*, *Thomas Johnes*, *Arthur David Jones*, *David Jones*, *Humphrey Rowlands Jones*, *John Jones* of *Whitehall*, *John Jones* Clerk, *Matthew Edward Jones*, *Maurice Jones*, *Thomas Jones*, *Thomas Jones* the younger, *Thomas Browne Jones*, *William Jones*, *John Lawrence*, *John Lloyd*, *Maurice Edward Lloyd* Clerk, *Richard Morris*, *William Morris*, *Devereux Mytton* Clerk, *John Nayler*, *Robert Oliver*, *Evan Owen* Clerk, *William Owen*, *David Parry*, *Richard Phillips*, *John Pryce* Clerk, *Richard Pryce*, *Richard Mostyn Pryce*, *David Pugh*, *William Pugh*, *William Pugh* the younger, *Thomas Roberts*, *John Rubbathan*, *John Michael Severne*, *Samuel Amy Severne*, *John Shuker*, *Philip Smith* Clerk, *John Blakeway Tipton*, *John Topp* Clerk, *John Buckley Williames*, *Pryce Buckley Williames*, *Stephen Williams*, and their Successors, to be elected as hereafter directed, shall be and are hereby appointed Trustees for amending, widening, altering, improving, and keeping in repair the several Roads following; (that is to say), the present Turnpike Roads from the *Bishops Castle* Roads at the Confines of the Township of *Mellington*, adjoining the Township of *Castlewright*, and from the Confines of *Mellington*, adjoining the Township of *Aston*, through the Town of *Montgomery*, to join the Turnpike Road from the Vicarage House in *Pool* to *Newtown* at or near *Sarny-bryn-caled*; also the present Turnpike Road from *Montgomery* at the said Road leading through *Montgomery* to the Turnpike Road at *Westbury*, and from *Brockton* to the Turnpike Road at *Minsterley*; also the present Turnpike Road from *Montgomery* at the *Town Ditch*, to join the Turnpike Road leading from *Newtown* to *Bishops Castle* within the Parish of *Kerry*; also the present Turnpike Road from *Montgomery* at the Junction of the Roads leading from *Montgomery* to *Kerry*, and from *Montgomery* to *Llandysil*, to join the Turnpike Road from *Pool* to *Newtown* at or near *Brynyderwen* in the Parish or *Llandysil*; also the present Turnpike Road from the Parish of *Snead*, by *Churchstoke* and *Chirbury*, to the Turnpike Road between *Montgomery* and *Pool*, in the Parish of *Forden*, near to the Eleventh Mile Stone from *Bishops Castle*; also the present Turnpike Road from the Turnpike Road between *Pool* and *Newtown* near *Brynyderwen* by *Caerhowell*, the *Gaer*, and *Gunley* to the Turnpike Road from *Montgomery* to *Westbury* near *Marton*; and also the Road from the Turnpike Road from *Bishops Castle* to *Montgomery* near *The Blue Bell*, to join the aforesaid Turnpike Road from the Parish of *Snead* to the Turnpike Road between *Montgomery* and *Pool*, at or near *Churchstoke* Village; and for putting the Powers of this Act in Execution so far as relates to all the said last above-mentioned Roads, and which shall and are hereby declared to be the Second District of Roads comprised in this Act, and for otherwise carrying the Powers and Purposes of this Act into Execution.

Roads in the Second District.

V. And be it further enacted, That it shall be lawful for the said Trustees of the respective Districts aforesaid, and they are hereby empowered at any Time or Times (after such Notice as herein-after mentioned), to nominate and appoint any Number of additional Trustees, not exceeding Five in the Whole for each District, as they shall think proper, who shall have

Power to elect an additional Number of Trustees.

have the same Powers and Authorities for executing this Act as if they had been hereby nominated and appointed.

For electing new Trustees.

VI. And be it further enacted, That when and as often as any Trustee hereby appointed, or to be appointed in Manner herein-after mentioned, (except His Majesty's Justices of the Peace for the Time being) shall become by Bankruptcy or Insolvency disqualified to act, or shall die, neglect, or refuse to act, it shall be lawful for the surviving or remaining Trustees of such District, by Writing under their Hands, to elect One other Person to be a Trustee for the same District in the Room of such Trustee so disqualified, neglecting or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by any Two or more of the said Trustees, or by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in and upon the said Roads in such District, and also by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days before every such Meeting shall be held; and all Persons so elected are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with.

Qualification of Trustees.

VII. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate of the Value of Four thousand Pounds, nor (except in administering the Oath following) before he shall have taken and subscribed the Oath herein-after mentioned, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same, in the Words or to the Effect following; (that is to say),

Oath of Qualification.

'I do swear, That I truly and *bonâ fide* am seised of, in my own Right [*or*, in the Right of my Wife, *as the Case may be*] in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, of the clear yearly Value of One hundred Pounds above Reprizes [*or*, am Heir Apparent of *A. B.* who, to the best of my Knowledge, is seised of a Real Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds] *or*, am possessed of a Personal Estate of the Value of Four thousand Pounds; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act.*] So help me GOD.'

Penalty on acting before having taken the Oath, or not being qualified, &c

And if any Person not being so qualified, or becoming disqualified by Bankruptcy, Insolvency, or otherwise, or not having taken and subscribed such Oath as aforesaid, or being a Quaker, not having made and subscribed such Affirmation as aforesaid, or being concerned or interested in any

Contract or Contracts under this Act, shall act as a Trustee in the Execution of this Act, every Person so offending in all or any of the Premises shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act (although not duly qualified as aforesaid) previously to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Persons holding any Place of Profit under this Act, not to act as Trustees.

VIII. And be it further enacted, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act into Execution, who shall have or accept any Place or Office of Profit arising out of or by reason of any Tolls by this Act granted, or who shall be interested or concerned in any Contract or Contracts, or a Lessee or Lessees, Farmer or Farmers of the Tolls granted by this Act, shall be a Trustee or Trustees in the Execution of this Act during the Time of his or their Enjoyment of such Place of Profit as aforesaid, or whilst he or they shall be so interested or concerned as such Lessee or Lessees, or Farmer or Farmers as aforesaid.

Victuallers, &c. incapable of acting.

IX. Provided always, and be it further enacted, That no Person who shall keep any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted or made payable, and to be collected on the said Roads, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other House of Entertainment, or shall sell any Wine, Cider, or Beer, Ale, Spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect such Tolls, who shall not be under any such Incapacity.

Trustees may act as Justices except where interested.

Mortgagees or Assignees may act as Trustees.

X. And be it further enacted, That such of the Trustees as are or shall be Justices of the Peace, shall and may, within their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees (except only in such Case where they shall be personally interested); and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest for the same, shall on that account be deemed disqualified to act as a Trustee.

XI. And

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

XI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue or in pursuance of this Act, either in the Name of any one of the said Trustees, or in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act in his or their Name or Names, or in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Trustee or Trustees, or Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees; but that any one of the said Trustees, or the Clerk or Treasurer for the Time being to the said Trustees, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every Action: Provided always, that every such Trustee, Clerk, or Treasurer, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he or they shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his or their being so made Plaintiff or Defendant, or Plaintiffs or Defendants as aforesaid.

Trustees first and other Meetings.

XII. And be it further enacted, That the said Trustees for the said First District of Roads shall meet together at the House of *Charles Minton*, known by the Name or Sign of *The Castle Inn*, in the Town of *Bishops Castle*, or at some other convenient House or Place in the said Town, on the Second Day of *July* next after the passing of this Act; and the said Trustees for the said Second District of Roads shall meet together at the same Place, or at the House known by the Name or Sign of the *Green Dragon* at *Montgomery* aforesaid, or at some other convenient Place in the said Town, on the said Second Day of *July* next after the passing hereof, or as soon afterwards as conveniently may be, and proceed in the Execution hereof for their respective Districts; and the said Trustees for each District shall then, and from Time to Time afterwards during the Continuance of this Act, adjourn themselves to meet at the same several Places, or at such other Place or Places upon or near the Side or Sides of their said respective Districts of Roads, and not exceeding the Distance of One Mile from some Part thereof respectively, and at such Time or Times not being longer apart than Three Calendar Months as the said Trustees for such Districts respectively, or the major Part of them present at such Meetings, shall appoint; and if there shall not appear at any Meeting a sufficient Number of Trustees to act or to adjourn to another Day (for the Purpose of which Adjournments, Two Trustees shall be deemed sufficient), or in case the Trustees at any Time assembled shall omit to adjourn, or in case it shall at any Time be thought necessary to hold a Meeting of the said Trustees on an earlier Day than the Day to which any Meeting shall have been adjourned, then and as often as it shall so happen the Clerk or Clerks to the Trustees for such District, being authorized by an Order in Writing, signed by Three or more of the said Trustees for that District, or any Three or more of such Trustees themselves, shall and may call a Meeting of the said Trustees, by Notice in Writing to be affixed on all the Turnpike Gates then erected upon or across the Roads comprised in such District, Ten Days previous

previous to the Time of such Meeting, at such Time and Place as such Three Trustees shall think proper, and order, direct, or appoint; and at all the several Meetings the Trustees shall pay and defray their own Expences, except any Sum not exceeding Ten Shillings *per Diem* for the Use of the Room wherein they shall meet; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not elsewhere (except in the Cases hereby otherwise particularly provided for); and no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised, by or before the Majority of the Trustees present at their respective Meetings, the whole Number present not being less than Three, (except in such Cases where any other Number is herein named); and that all Acts, Orders, or Proceedings, had, made, or done by or before such Majority of Trustees, shall have the same Force and Effect, and be binding and conclusive on all Persons and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed, by or before all the said Trustees; and a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who, in case of an equal Number of Votes upon any Occasion (including such Chairman's Vote), shall have the casting or decisive Vote; and that no Order or Determination at any Meeting of the said Trustees once made, agreed upon, or entered int, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting holden for the same District or Division, and entered in the Book of Proceedings of such Meeting, and also by affixing such Notice on all the Turnpike Gates then erected upon the Roads within the District or Division, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by a Majority of the Trustees being present, the whole Number present not being less than Five, of the same District or Division.

Orders and Proceedings to be entered in Books.

XIII. And be it further enacted, That the Trustees for the several Districts aforesaid shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to provide and keep, or cause to be provided and kept, by their respective Clerk or Clerks for the Time being, a Book or Books, wherein all Orders and Proceedings of the said Trustees respectively, at their several Meetings, shall be regularly entered, and such Orders and Proceedings so entered and signed by a competent Number of the said Trustees (as the Case shall require) or by their Clerk, shall be deemed Originals; and such Book or Books, and also the Book or Books herein-after directed to be kept for registering or entering Mortgages of the Tolls, and Assignments or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever, and by all Judges, Justices, and others, touching any thing done, or by the Trustees ordered to be done, in pursuance of this Act.

Books used under former Acts to be Evidence.

XIV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, and made

made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Trustees to appoint Officers.

XV. And be it further enacted, That the said Trustees for the said respective Districts may from Time to Time appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act, and from Time to Time remove such Officers and other Persons and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, may pay such Salaries, and make such Allowances to the said Officers and Persons as to them shall seem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, 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 respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how and to whom, and for what Purpose, the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and all such Officers and Persons shall and are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if the said Officers or Persons, or any of them, shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, 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 such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in their Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees, or by any Person or Persons on their Behalf, 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 or reside, such Justice may and is authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and is hereby authorized and empowered, upon Nonpayment 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 and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress and of selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place appointed for that Purpose, unless

unless prevented by some reasonable Cause or Excuse, to be allowed as sufficient for such Justice, or if appearing, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, and Writings as aforesaid; then and in any of the Cases aforesaid, the said Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County or Place where he or they shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his and 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 to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees are hereby empowered to make,) or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for want of sufficient Distress only, shall be detained in Prison for any longer Time than Six Calendar Months.

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

XVI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be kept by their Clerk for the Time being, in which Book or Books shall be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Districts of Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid for or on account of the said Districts; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or any of them, or any Creditor or Creditors of the said Tolls, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds.

Officers to give Security.

XVII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take Security from their respective Surveyors, Contractors, Collectors, Clerks, Treasurers, and other Officers, for the due and faithful Performance and Execution of their respective Duties and Offices, in such Manner and to such Amount as the said Trustees shall in their Judgment deem expedient and satisfactory.

Office of Clerk and Treasurer not to be held

XVIII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner

by one and the same Person.

Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

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

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

Trustees, &c. may be Witnesses.

XX. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity whatsoever, or before any Justice of the Peace under or by virtue of this Act, by reason of being a Trustee of the said Roads or any of them, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk, or Surveyor, or other Officer under this Act, or any of the Inhabitants of any Township, Parish, Tything, or Place, through which the said Roads do or shall pass.

Trustees to appoint temporary Collectors.

XXI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls under this Act, shall die, become insolvent, misbehave, abscond or absent himself, neglect his Duty, or be incapable of performing it, it shall be lawful for any Two or more of the Trustees for that District (although not assembled at a Meeting to be held pursuant to this Act), by Writing under their Hands to displace such Collector or Receiver, and to nominate and appoint a proper Person to be a Collector or Receiver of the Tolls in the Room or Stead of the Collector or Receiver who shall so die or be discharged, to continue until the Trustees for such District shall at a Meeting holden in pursuance of this Act appoint a Collector or Receiver of such Tolls in his or her Room or Stead; which Person so nominated and appointed shall have the like Powers and Authority, and shall be answerable, accountable, and removeable, in the same Manner in all respects as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the Tolls who shall be discharged

from

from his 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 Stranger, Intruder, or other Person being in Possession thereof, shall refuse to deliver up the Possession of any Toll Gate, Toll House, or Building, or the Appurtenances thereto belonging, to be continued or set up by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose, under the Hand or Hands of any one or more of the said Trustees of the District (although not assembled at a Meeting), or by their Clerk, Treasurer, or Surveyor for the Time being; or if any Lessee or Farmer of any of the Tolls arising by virtue of this Act, shall retain and keep Possession of any such Toll Gate, Toll House, Buildings, or Premises, after the End of his, her, or their Lease or Term therein; then and in any of the said Cases it shall and may be lawful for any Justice of the Peace for the County or Place wherein such Toll Gate, Toll House, Building, or Premises shall be situate, upon Demand made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House, Building or Premises 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 of them, or any Person they shall appoint for that Purpose, into the Possession thereof.

Toll Gates, Toll Houses, &c. vested in the Trustees.

XXII. And be it further enacted, That the Right and Property in all the Turnpikes, Toll Gates, Toll Houses and Buildings, and the Bars, Chains, Posts, Rails, Fences and other Conveniencies, with the Appurtenances thereunto belonging, already erected or made upon or by the Sides of the said Roads, or which shall be erected or made by virtue of this Act, and to or in all Materials for building and repairing the same, and for repairing or making the said Roads, or any Bridges, Docks, or Drains therein, and Parapets or Walls on the Sides thereof, and all Mile Stones and Direction Posts already or hereafter to be erected or set up on or by the Sides of the said Roads; and also to and in all the Lamps, Lamp Posts, Lamp Irons, Cotton, Oil, and Furniture for lighting the said Turnpikes and Roads, or any Part thereof, and of and in all Working Tools, Implements, Utensils, Instruments, Materials, the Scrapings of the said Roads, and other Things whatsoever, which shall be got, collected, or provided for any the Purposes, or under the Authority of this Act, shall be, and every of them, and every Part and Parcel thereof respectively, is and are hereby vested in the said Trustees within their respective Districts; and they the said Trustees of the same Districts respectively are hereby authorized and empowered to sell and dispose of the same or any of them, when and as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or its Appurtenances, or shall dig up, break, pull down, damage, steal, take away, spoil, injure, or destroy any of such Turnpikes, Toll Gates, or Toll Houses, Conveniencies, Appurtenances, Materials, Articles, or Things aforesaid, or any of them or any Part or Parts thereof respectively, or disturb the said Trustees, or any of their Agents or

Servants in the Possession thereof; in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll Gates, Toll Houses, Conveniencies, Appurtenances, Materials, Articles, or Things, to be the Property of the Clerk or Treasurer for the Time being to the said respective Trustees.

Power to erect or continue Turnpikes and Toll Houses.

XXIII. And be it further enacted, That the said Trustees shall and may, as they shall think proper, continue or remove all or any of the Turnpikes, Toll Gates, Bars, Chains, and Toll Houses, with their respective Appurtenances, already erected on the said Roads, and also may erect and set up, or cause to be erected and set up, any other Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the Roads by this Act continued Turnpike, or authorized and intended to be repaired or made Turnpike, and upon the Side or Sides thereof, and also in, upon, or across any Lane or Way leading into or out of the same respectively, at any Distance from the said Roads respectively not exceeding One hundred Yards; and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniencies, at or near each or any such Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates or Toll Houses or any of them, as they the said Trustees within their respective Districts shall think expedient; and also may take in and inclose from any Common or Waste Land on the Side or Sides of the said Roads, near or whereon any Turnpike House hath been by virtue of the said former Acts, or in virtue of this Act shall be erected or built, a Garden Spot to each such Turnpike House, not exceeding in Quantity One-eighth Part of an Acre; and the said Trustees may also provide and maintain a Lamp or Lamps, with proper Furniture and Utensils for lighting the same, at each Turnpike or Toll House so as aforesaid to be erected or continued; and if any Person shall wilfully break, throw down, or damage any of such Lamps, or the Posts or Irons thereof, or extinguish the Light within any such Lamp, such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Costs of repairing or replacing all or any such Lamps, Posts, Iron or other Works so broken, thrown down, or damaged.

Power to take Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts, their respective Farmers, Lessees, Tenants, or Renters, or any other Person or Persons continued or to be appointed by virtue of this Act Collector or Collectors thereof, to demand and take, at each and every Turnpike or Toll Gate continued or to be erected by virtue of this Act, from the Owner or Owners of, or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage of whatsoever Description herein-after enumerated, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same (subject to the Provisions and Restrictions herein-after contained), the following Sums or Tolls, or such Sum or Sums of Money not exceeding the following Sums or Tolls respectively, as the said Trustees within their respective Districts shall appoint and order; (that is to say),

Tolls.

For every Horse, Mule, Ass, or other Beast of Draught, drawing any Timber Carriage, any Sum not exceeding One Shilling:

For

For every Horse, Mule, Ass, or other Beast of Draught, drawing any other Carriage whatsoever, any Sum not exceeding Eight-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Drove of Oxen, Cows, or other Neat Cattle, any Sum not exceeding One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number: And,

For every Drove of Calves, Sheep, Lambs, or Pigs, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number:

Which said respective Sums of Money shall be demanded and taken as and for or in the Name of a Toll.

Tolls to be levied by Distress and Sale.

XXV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors to levy the same by Distress of any Horse or Horses, or other Cattle, or of any Carriage upon which any Toll is by this Act imposed, or by Distress of any of the Goods or Chattels of such Person or Persons; and if such Tolls and the reasonable Charges of such Distress shall not be paid within the Space of Five Days after such Distress made, such Collector or Collectors may sell the Horses, Cattle, and Goods so distrained, returning the Overplus (if any) on Demand, to the Owner thereof, after such Toll and all reasonable Charges shall be deducted; and that all Monies so to be collected or levied shall be and are hereby vested in the said Trustees, and shall be applied to the Purposes of this Act.

Tolls vested in the Trustees.

Table of Tolls to be put up.

XXVI. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Tickets to be provided denoting Payment of Toll.

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

Tolls may be lessened or altered.

XXVIII. And be it further enacted, That the said Trustees of each District may and they are hereby authorized and empowered from Time to Time, when and as often as they shall think proper, to lessen or reduce all or any of the Tolls hereby granted at all or any of the Toll Gates or Turnpikes, and to raise the same again so as they do not exceed the Tolls by this Act granted, and so as every Reduction thereof be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due on Security of the said Tolls; but no such Reduction shall be made unless Twenty-one Days Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said Roads, and by inserting such

such Notice in One or more of the Newspapers published in the Town of *Shrewsbury*.

Waggons, &c. may be allowed Privileges and Exemptions granted by 55 G.3. c.119.

XXIX. Provided also, and be it further enacted, That for and in respect of every Waggon, Wain, Cart, or other such Carriage having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for and in respect of the several Horses or other Beasts drawing the same, there shall be allowed the several Privileges and Exemptions granted by such Act.

Tolls payable every Third Time of passing through Turnpikes.

XXX. Provided always, and be it further enacted, That the Tolls hereby granted shall, from and after the Second Day of *July* One thousand eight hundred and twenty-two, be paid and payable every Third Time which any Horse or other Beast, laden or unladen, or drawing any Carriage whatsoever, shall pass through any Turnpike, Toll Gate, or Bar, erected or continued by virtue of this Act, in any one Day (to be computed from Twelve of the Clock at Night to the same Hour the next Night).

Limiting the Number of Tolls to be taken on each Road.

XXXI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees of the said respective Districts, or their Lessee or Lessees, Collector or Collectors, to demand or take more than the respective Number of full Tolls herein-after mentioned, for or in respect of the same Horses, Cattle, or Carriages, for passing on any one Day (to be computed as aforesaid) along the whole Line or Lines of the said several Roads, as after mentioned; (that is to say), on the Road from *Bishops Castle*, over *Hucklement*, by *Basford*, to late *New Inn*, at the End of the *Long Lane*, and Branches from *Crowgate* or *Crossgate*, by *Brockton* and *Lydbury North* to *Red House*, and thence by *Kempton* to *Little Brompton*, Two Tolls; the Road from or near *Brunslow* by *Edgton* and *Horderley* to the Junction of the *Stretton* Turnpike, near *Marsh Wood*, Two Tolls; the Road from *Marsh Brook* by *Acton Scott*, and *Ticklerton* to *Wall Bank*, on the *Wenlock* Turnpike Road, Two Tolls; on the Road from the Town of *Bishops Castle* by *Bridges* to the Highway beyond *Castle Pulverbatch*, leading out of the Turnpike to *Church Pulverbatch*, with the Branches from *Foul-lane End* to *Little Field* Turnpike, in *Bishops Castle*, and through *Lydham* and *Linley* to *Norbury*, Two Tolls; the Roads by *The School House* to the *Castle Green*, in *Bishops Castle*, and from *Bishops Castle*, by *Lea*, *Totterton*, and *Horderley* to *Strefford* Bridge, with the Branches from *Lea* to *Lydham Heath*, and from *Eyton* to *Little Folley*, Two Tolls; from *Bishops Castle* to *Knighton*, Two Tolls; from the Market House in *Clun* to *Newton Green*, Two Tolls; from the *Watling-street Road*, near *Clungunford*, through the Parishes of *Bedstone* and *Bucknell*, to *Lingen Bridge*, and the Road from *Purslow Hundred House* to *Hopton Heath*, Two Tolls; the present Turnpike Roads from *Bishops Castle*, by *Banks Head*, *Kerry Lane*, and *Bishops Moat*, and by *Broughton*, *Aston*, and *Pentre* to the Commencement of the Township of *Mellington*, on both Roads, from *Bishops Castle* to *Montgomery*, Two Tolls; from *Bishops Castle* to the Commencement of the Parish of *Churchstoke*, on

First District.

the Road to *Chirbury* and *Forden Heath*, and from *Snead under Roveries*, through *Lydham* to *Lydham Heath*, Two Tolls; on the present Turnpike Roads, from the Township of *Castlewright*, and from the Township of *Aston* to *Montgomery*, One Toll; the present Turnpike Road from *Montgomery* to *Newtown Road*, at *Sarnybryncaled*, One Toll; the present Turnpike Road from *Montgomery* to *Westbury*, Two Tolls; the present Turnpike Road from *Brockton* to *Minsterley*, One Toll; the present Turnpike Road from *Montgomery* to the Road from *Newtown* to *Bishops Castle*, One Toll; the present Turnpike Road from *Montgomery* to the *Newtown Road* at *Brynyderwen*, One Toll; the present Turnpike Road from the Parish of *Snead* to the *Montgomery Road*, in the Parish of *Forden*, Two Tolls; the present Turnpike Road from *Brynyderwen* to the *Montgomery Road*, near *Marton*, Three Tolls. Second District.

XXXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to order and direct that the Tolls hereby granted shall be paid for and in respect of all Horses or Mules, drawing any Stage Coach, every Time they shall pass upon the said respective Roads, and for and in respect of all Post Horses or Mules, drawing any Post Chaise or other Carriage, every Time they shall pass upon the said Roads respectively, in case of a fresh Hiring of such Post Chaise or other Carriage, and the Driver thereof shall deliver a Ticket, denoting a fresh Hiring; any thing in this Act contained to the contrary notwithstanding. Stage Coaches and Post Chaises not to be exempted.

XXXIII. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Districts of Roads, shall, on returning without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day. Post Chaises exempt on returning empty.

XXXIV. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties, or their respective Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold. Disputes concerning Tolls to be settled by a Justice.

Penalty on evading Tolls.

XXXV. And be it further enacted, That if any Person or Persons shall go or pass with any Horse, Beast, Cattle, or Carriage, through or over any Passage, Land, or Ground near to any Turnpike which is or shall be continued or erected by virtue of this Act (the same not being a Public Highway), and such Person or Persons not being an Owner or Occupier thereof, or the Servant or a Person belonging to the Family of such Owner or Occupier, or if the Owner or Occupier of any such Land, Ground, or Place situate as aforesaid (the same not being a Public Highway); shall knowingly or wilfully permit or suffer any Person or Persons not being of the Description aforesaid, to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such private Passage, Land, or Ground, with Intent to evade Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except a Collector of the Tolls), any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, for the Purpose of evading the said Tolls, or any of them, or shall forcibly or fraudulently pass through any Turnpike or Toll Gate with any Horse, Carriage, Cattle, or Beast, without Payment of Toll, or shall take off, or cause to be taken off, any Horse, Beast, or Cattle, from any Carriage, either before or after having passed through any Turnpike or Toll Gate, or after having so passed, shall afterwards put any Horse or other Beast to any such Carriage, so as to increase the Number of Animals drawing the said Carriage on the Turnpike Road, or shall unload or cause to be unladen, any Goods, Merchandize, or other Things from or out of any Carriage, with Intent fraudulently to evade Payment of the said Tolls; or if any Person, claiming any Exemption from the Payment of any of the Tolls hereby granted, shall refuse or decline on Demand to give his or her Name or Place of Residence to the Collector or Collectors of the Tolls at any Gate or Gates at which such Exemption shall be claimed, or shall give a false Name and Place of Residence, all and every such Person or Persons so offending in any of the Cases aforesaid, shall for each and every Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

Exemptions from Tolls.

XXXVI. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any Part thereof, or for the Repairs of any Bridge or Bridges thereon, or with Seed for seeding the Ground, or Hay, Potatoes, Turnips, Tithes, Straw, or Corn, and Grain in the Straw only, not sold or disposed of, but passing to be laid upon or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry; provided that none of the Exemptions herein-before granted shall be allowed

between the First Day of *November* and the First Day of *May* in any Year or Years, except in respect of Carriages having the Sole or Bottom of the Fellies of the Breadth of Six Inches or upwards; or any Mould, Compost, Dung, or Manure (Lime excepted) employed in Husbandry for improving or manuring Lands, and not for the Purposes of Trade, carried between the Thirtieth Day of *April* and the Twentieth Day of *October* both inclusive in each Year, and not at any other Time; or for any Horses or other Beasts going to or returning from Pasture or Watering Places and not passing more than Two Miles along any of the said Roads; or for any Horse or other Beast belonging to any Inhabitant of any of the Parishes through which the said Roads pass, which shall be only passing in order to be shoed or farried, or returning from being shoed or farried; or for any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes through which the said Roads or either of them pass; or for any Horses or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or returning back from conveying the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family, or returning after having so attended; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any such wounded or disabled Officers or Soldiers, or for any Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, or Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming such Exemptions; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or Prisoners sent to any Gaol or House of Correction in Custody under any legal Warrant or Warrants, or returning after having been so employed; or for any Horses, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the several Counties of *Salop*, *Montgomery*, or *Radnor*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding

ing Forty Shillings, one Half whereof shall be paid to the Informer, and the other Half shall be applied to the Purposes of this Act; and in all Cases the Proof of the Exemption shall lie on the Person or Persons claiming the same.

Carriages conveying Military Stores not to be subject to Penalties for Overweight, &c.

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

Trustees may compound for Tolls.

XXXVIII. And be it further enacted, That the said Trustees, within their said respective Districts, may and are hereby empowered from Time to Time, when and as they shall think fit, to compound and agree for any Term, not exceeding Three Years at any one Time, with any Person or Persons for any Carriages, Horses, Beasts, or Cattle travelling on the said Roads, or any Part thereof, in their respective Districts, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Beasts, or Cattle, to be applied as the Tolls in respect whereof such Composition shall be made are directed to be applied; but all such Composition Money shall be paid in advance, and in Default thereof the Agreement for making such Composition shall be void.

Trustees may let the Tolls.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, within their respective Districts (upon Ten Days Notice thereof to be given in Writing, by affixing the same upon all the principal Gates or Turnpikes then erected upon or across the said Roads within the same Districts respectively), from Time to Time to let, or lease and demise, or agree to let and demise, the Tolls by this Act granted and arising within the said Districts respectively, or any of them, or any Part or Parts of such Tolls, and all or any of the Toll Houses, and the Conveniencies and Appurtenances thereunto belonging, for any Term not exceeding Three Years at a Time, for the best Price that, upon Public Bidding or otherwise, can be had or gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Surety or Sureties for the Payment thereof, and in such Manner as the said Trustees for such Districts respectively shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any

Sum

Sum or Sums of Money not less than the Sum or Sums at or for which the same shall have been last let, and the Money arising thereby shall be applied in such Manner as the Tolls so let or leased are under this Act directed to be applied; any thing in any other Law or Statute to the contrary hereof notwithstanding.

Trustees to have a Bidding when Tolls are put up to Auction.

XL. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate or Gates on the said District of Roads shall be put up to be let to farm, the said Trustees may, if they think fit, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

Lessees or Persons appointed by them may collect the Tolls.

XLI. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof by this Act granted, shall be leased, demised, or let 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 for that Purpose authorize or appoint, to demand and take the said Tolls so leased, demised, let, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, or any of them, is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions for Misconduct as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, or any of them, is subject or liable to.

Penalty on Toll Collectors not putting up their Names, or misbehaving.

XLII. And be it further enacted, That all and every Toll Collector or Toll Collectors, appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected under or by virtue of the said several Acts hereby repealed, or to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming upon Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized by this Act, or shall compound for such Tolls without the Consent of the Trustees; or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse or neglect to give a Note or Ticket denoting such Payment, and having named and specified thereon the Name of the Gate at which such Toll shall have been paid and the several Gates freed by such Payment, to the Person paying such Tolls; or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian Name and Surname, or shall refuse to tell his

Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand; or shall make use of any scurrilous or abusive Language to any Person or Persons travelling upon the said Roads; or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon; then and in every such Case every such Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to stop up private Roads.

XLIII. And in order to prevent the Payment of Tolls being evaded; be it further enacted, That it shall be lawful for the said Trustees of the said First District, and they are hereby required to stop up, or cause to be stopped up, the Lanes and Ways following; the Road leading out of *Portway Lane* by *Totterton*, adjoining the new Turnpike Road near *Totterton Bridge*; the Lane leading out of the Road from *Aston* Village to *Hopesay* near *Aston* School House, and passing through *Burrow* and *Oaker* Woods to the Turnpike Road near *Kempton* Village; the Road from *Aston* Village aforesaid, over *Aston Hill*, and joining the Highway from *Hopesay* to *Sibdon*, near to a House now or lately in the Possession of *John Shelton*; the Lane or Byeway leading out of *Owls Lane* Turnpike by *Roveries House* to or near *Bagbrook*; and it shall not be lawful for any Person or Persons whomsoever, with any Horse, Cattle, or Carriage whatsoever, to use or claim the Use of any of the Lanes or Ways aforesaid, or either of them, as a Public Highway during the Continuance of this Act; but nothing herein contained shall extend to prejudice, interrupt, or hinder the Owners or Occupiers of any Lands, Grounds, or Hereditaments adjoining or lying contiguous to any Lane or Way which shall be stopped up or discontinued as aforesaid, or of any Waste or Common Right thereto belonging, or their Servants, Horses, Cattle, or Carriages, from passing or repassing to or from such Lands, Grounds, Commons, or Hereditaments: Provided always, that none of the said Lanes or Ways shall be stopped up unless the Concurrence and Approbation in Writing of any Two or more of His Majesty's Justices of the Peace for the County or Place in which the same shall be situate, shall be first had and obtained; and their Determination in the Premises shall be subject to Appeal in the Manner and Form directed and prescribed in and by an Act, passed in the Fifty-fifth Year of the Reign of His said late Majesty King *George* the Third, intituled 55 G. 3. c. 68. *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

For borrowing Money on the Credit of the Tolls, &c.

XLIV. And be it further enacted, That it shall be lawful for the Trustees of the said First District, or any Five or more of them, to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act at all or any of the Gates within the said First District, such Sum or Sums of Money as they shall think fit and necessary for the Purpose of carrying the Powers and Authorities in them by this Act granted into complete Execution and Effect; and they may and are hereby empowered, by Writing under their Hands, to demise or mortgage the said Tolls or any Part or Parts thereof, and the Turnpikes and Toll Houses, with their Appurtenances, for collecting the same (the Costs and Charges of which

Mortgages shall be paid out of such Tolls), as a Security or Securities to any Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend any Sum or Sums of Money thereon; and also that it shall be lawful for the Trustees appointed for the said Second District of Roads, or any Five or more of them, in like Manner to demise or mortgage the Tolls arising on the said last-mentioned District, as a Security or Securities for the Monies already borrowed on the Credit of the Tolls to arise on the same District respectively or any Part thereof, and for all Monies laid out and expended, or Debts otherwise incurred in or towards the forming, making, or improving of the said last-mentioned District of Road, and which said Mortgages may be in the following Form of Words, or Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*] we, of the Trustees, acting in and for the District of Roads comprised in the said Act, in consideration of the Sum of to the Treasurer of the said Roads in hand paid by *A. B.* of do grant, bargain, sell, and demise unto the said Executors, Administrators, and Assigns, such Proportion of the Tolls arising at the several Turnpikes or Toll Gates mentioned in the Schedule hereunder written, and of the Turnpikes and Toll Houses, with their Appurtenances, for collecting the same, as the said Sum of doth or shall bear to the whole Sum which is or shall be due and owing on the Credit thereof, or charged upon the Term of the said Act, to be had and holden from the Day of for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be sooner paid and satisfied. In witness whereof, we have hereunto subscribed our Hands, this Day of in the Year of our Lord

'The Schedule above referred to.'

Mortgages may be assigned.

Copies of all which Mortgages shall be entered in a Book or Books to be kept for that Purpose by and in the Custody of the Clerk or Treasurer to the Trustees for the said Districts respectively, and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit in or to such Mortgage, and the Principal and Interest Money thereby secured to any Person or Persons whomsoever, either by a separate Instrument or by Indorsement on such Security, in the Form or to the Effect following; (that is to say),

Form of Transfer in certain Cases.

'I *A. B.* do hereby transfer the within Mortgage, [*if by Indorsement,*] or [*by a separate Instrument*] a certain Mortgage bearing Date the Day of of the Tolls arising at the several Turnpikes or Toll Gates therein described, within the District of Roads, comprised in an Act of Parliament, passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act,*] by the Trustees of the said District, to made, with the Turnpike, Tolls, Houses, and Appurtenances thereto

‘ thereto belonging, and all my Right and Title in and to the Principal
‘ Money thereby secured, and all Interest now due and henceforth to grow
‘ due upon the same, unto of
‘ his Executors, Administrators, and Assigns. As witness my Hand this
‘ Day of

Which Transfer shall be produced and notified to the Clerk or Treasurer to the Trustees of that District within Thirty Days after the Date thereof, who shall cause an Entry or Memorial thereof, containing the Numbers of the Securities, and the Dates, Names, and Additions of the Parties, and the Sums of Money therein mentioned to be assigned or transferred, to be made in the Book or Books kept for entering the said original Mortgages, for which such Clerk or Treasurer shall be paid such Sum as the said Trustees shall appoint, not exceeding Five Shillings, by the Person or Persons to whom such respective Transfer shall be made; and such Entry made (but not till then), every such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof and Payment thereon; and such Assignee may, in like Manner, transfer the same again, and so *toties quoties*.

No Priority in Mortgages.

XLV. Provided always, 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, or who shall have already advanced any Sum or Sums of Money on the Credit of the said former Acts, in respect to the Priority of advancing or having advanced any Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall have been or shall be made as aforesaid, shall be in proportion to the Sum or Sums of Money, and on the Terms therein mentioned, Creditors on this Act in equal Degree one with another.

Power to cancel old Mortgages and give new ones.

XLVI. And be it further enacted, That the said Trustees shall and may, if thereunto required, but not otherwise, receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said recited Acts, and give and execute another Mortgage or other Mortgages instead or in lieu thereof respectively, in manner and transferable as herein-before is mentioned.

An Action or Ejectment may be supported by One Mortgagee.

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

XLVIII. Pro-

XLVIII. Provided always, and be it further enacted, That none of the Tolls collected or to be collected at any Turnpike, Toll Gate, or Bar, erected or to be erected on any of the Roads included in the said recited Acts, or any Money borrowed or to be borrowed on the Credit thereof, within the said several Districts or either of them, shall in anywise be applicable or applied to the Repair of any of the additional Roads herein-before mentioned, without the Consent of the Creditors of the respective Districts or Divisions, or Two Thirds of them at least in Value, being first had and obtained; nor shall any of the Tolls collected or to be collected on any of the additional Roads herein-before mentioned, or any Money to be borrowed on the Credit thereof, in anywise be applicable or applied to the Repair of any of the Roads included in the said recited Acts only, unless it shall at any Time hereafter be deemed expedient by the Trustees of either of the said Districts to consolidate and join any of the Roads within their respective Districts; in which Case it shall be lawful for the Trustees of the District wherein the Roads to be joined are situate (with the Consent of Two Thirds in Value of the Creditors of such Roads intended to be consolidated, testified in Writing, and also first paying off all Principal Monies and Interest which shall be due to all such Creditors who shall not so consent), and they are hereby empowered to order and direct, that all such Roads, or any Parts thereof, shall be consolidated, and that the Tolls arising thereon shall be applied towards the Repair of such Roads in such Manner as the said Trustees shall appoint, and shall also become One joint Security for the Money borrowed or to be borrowed on the Credit of such Roads or any Part thereof, in the same Manner as if such Roads, and the Tolls arising thereon, had been comprised in the original Mortgages or Securities: Provided nevertheless, that all Mortgages and other Securities granted by the Trustees under the Authority of the said recited Acts, or any or either of them, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, during the Continuance of this Act, or until such Consolidations shall be made in Manner aforesaid, as if the said recited Acts had not been repealed; any thing herein contained to the contrary notwithstanding.

Tolls arising on the Roads comprised in the said recited Acts not to be applied on the additional Roads, without such Order of the Trustees as herein mentioned.

XLIX. And be it further enacted, That in case any Person or Persons hath or have agreed to subscribe or hereafter shall subscribe or agree to subscribe any Money towards the making, amending, widening, altering, or improving the said Roads hereby made or continued, or intended to be made Turnpike, or any or either of them, or for carrying this Act into Execution, all and every such Persons and Person, their or his or her Executors or Administrators, shall, after Thirty Days previous Notice in Writing under the Hand or Hands of the Clerk or Clerks to the said Trustees of the said Districts of Roads respectively, whereupon the same shall be so agreed to be advanced for that Purpose, to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode; and he, she, or they is and are hereby required to pay the Sum or Sums of Money so subscribed, or agreed to be subscribed, within such Time or Times, at such Place or Places, and in such Parts and Proportions as the said Trustees of such District or Districts respectively, shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees shall, by any Writing under their

For enforcing Payment of Subscriptions.

their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the Money so by him, her, or them agreed to be subscribed, or such Part thereof as shall be required by such Notice as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, or Suit, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and after Proof of such Persons or Person having so subscribed, or agreed to subscribe, and that such Notice was given as aforesaid, such Persons or Person, their, his, or her Executors or Administrators, shall pay or be compelled to pay such Sum or Sums of Money as aforesaid, together with full Costs of Suit.

Charges of obtaining this Act.

L. And be it further enacted, That the Costs, Charges, and Expences of procuring and passing this Act, and all Costs, Charges, and Expences incident thereto, as far as the same relate to the Roads mentioned and described in the said recited Acts or either of them, shall in the first Place, and in preference to all other Payments whatsoever, be paid and satisfied out of the Tolls and Duties arisen or to arise in the said Districts respectively by virtue of the said recited Acts and of this Act, or out of the Money borrowed or to be borrowed on the Credit of the said Acts, in such Parts, Shares, and Proportions as the Tolls received or the Rents accrued due from the respective Collectors, Lessees, or Renters thereof, in the said respective Districts, during the Three Years previous to the Twenty-fifth Day of *March* One thousand eight hundred and twenty-one, shall upon an Average bear to the whole Expence of procuring and passing the same; and that in like Manner the Costs, Charges and Expences of procuring and passing this Act, and all Costs, Charges, and Expences incident thereto, so far as relate to the additional Roads mentioned herein, shall be paid and satisfied out of the Tolls and Duties to arise or be received from the said additional Roads by virtue of this Act, or out of the Money borrowed or to be borrowed on the Credit of the said last-mentioned Tolls.

Restraining the Trustees from deviating from the Plans deposited with the Clerk of the Peace for Salop, further than 100 Yards.

LI. And whereas Maps or Plans, describing the Lines of the several Roads by this Act intended to be made or altered, and of the Lands, Hereditaments, and Premises through or over which the same are to be carried or made, together with a Reference thereon in Writing, containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the County of *Salop*, in which the same do all lie; be it therefore further enacted, That the said Maps or Plans and References shall remain in the Custody of the said Clerk of the Peace, to the End that all Persons may at any reasonable Time or Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of any such Map or Plan and Reference; and that the said Trustees of the several Districts to which the same relate, in making the Roads or Alterations of Roads described in such Maps or Plans, or any of them, shall not deviate more than One hundred Yards from the Lines described in such Map or Plan,

without the Consent in Writing first had and obtained of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such new Roads or Branches of Roads, and Deviation or Deviations, shall be made.

Not to deviate more than 100 Yards without Consent, &c.

LII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part or Parts of the Roads included in the said recited Acts, to deviate more than One hundrd Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

Not to take down Houses, &c. without Consent of the Owners, &c.

LIII. Provided also, and be it further enacted, That this Act shall not extend to or authorize the taking down of or making use of any Dwelling House or other Building, or to the taking in or making use of any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, or Plantation or Nursery of Trees, without the Consent in Writing of the Owners or Proprietors thereof respectively first had and obtained, other than and except a certain Messuage and Tenement now divided into Two Dwellings, with the Outbuildings and Appurtenances adjoining and belonging thereto, situate at *Aston*, in the Parish of *Hopesay* and County of *Salop* aforesaid, the Estate of *Thomas Morris* and *Ann* his Wife or one of them, and now in the Occupation of them or their Undertenants.

Roads to be widened, altered, and improved,

LIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees of the said several Districts of Roads herein-before comprised and described, from Time to Time (within the Limits herein-before mentioned) to widen, divert, turn, shorten, vary, alter, and improve the Line, Course, or Path of any Part or Parts of the aforesaid several Roads herein-before mentioned, or of any of them, in such Manner as they the said Trustees within their respective Districts shall think fit, upon, through, or over any private Lands, Grounds, or Hereditaments, and to take down the Dwelling House and Buildings, with the Appurtenances herein-before mentioned, subject to such Provisions or Directions, and making such Satisfaction as are herein-after mentioned; and likewise (within the Limits aforesaid) widen, divert, turn, vary, alter, and make, and also to hedge and fence the same several Roads, or any of them, or any Part or Parts thereof respectively, upon, through, or over any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds, or the Parts taken therefrom; and it shall and may be lawful to and for the said Trustees, within their respective Districts, and for their respective Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any such private Lands, Grounds, and Hereditaments as aforesaid, through which or whereupon the said Roads, Deviations, Alterations, Widenings, and Improvements pass or are intended to pass, and to stake out or otherwise mark and make the same, or any of them, in such Manner as the Trustees of the said respective Districts shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing

tinuing upon any Part or Parts of such Lands, Grounds, and Hereditaments respectively, for any of the Purposes of this Act, making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and if any Person or Persons shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out, or making, widening, diverting, turning, shortening, varying, altering, or repairing such Roads, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding the Sum of Forty Shillings, provided that the said Trustees shall not be empowered to make the said Roads of a greater Width than Thirty Feet through any inclosed Lands, or Forty Feet over any Common or Waste Ground.

Lands marked in the Plan may be used notwithstanding any Error in the References.

LV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads and Alterations of Roads, or any of them, into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners, or Occupier or Occupiers of Land or Premises over which the same are set out and described in the Maps or Plans herein mentioned, and to take down the aforesaid House, Buildings, and Erections, with their Appurtenances, and to take and use the Site thereof, although the Name or Names of the Owner or Owners, or Occupier or Occupiers thereof may happen to be omitted or mis-stated in the said Lists of Reference, or any or either of them, in case it shall appear to any Two or more Justices of the Peace for the County or Place where the Land or Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake only.

Trustees may purchase Lands, &c. for making or improving the Roads.

LVI. And be it further enacted, That it shall and may be lawful for the said Trustees of the said respective Districts to treat, contract, and agree with the Owners of and Persons interested in any Houses, Buildings, Lands, Tenements, Hereditaments, and Premises, with their Appurtenances, which they shall deem necessary to purchase for the Purpose of making, widening, diverting, altering, and improving the said Roads, or any of them, within their said respective Districts, and also for making all necessary Fences on the Sides of the said Roads, and for the Erection of Toll Houses, with Garden Plots thereto, not exceeding One-eighth Part of an Acre to each Toll House, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Coverts, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises,

Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid; and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees of the said Districts respectively, all or any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever; any Law, Statute, Usage, Custom, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

When Persons interested neglect or refuse to treat.

LVII. And be it further enacted, That if any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenants in Possession of any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees of such District or Districts respectively, shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises lie; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees, or any one of them, are and is hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all lawful Way and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, or Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in

Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever.

Trustees to issue Warrants to the Sheriff to impannel Juries.

LVIII. And be it further enacted, That for summoning and returning such Juries, the said Trustees within their respective Districts are hereby empowered to issue their Warrant or Warrants in Writing to the Sheriff of the County wherein such Houses, Buildings, Lands, Tenements, Hereditaments or Premises do lie, commanding him to impannel, summon, and return any indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall, and they are hereby empowered and required, to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury shall, without sufficient Excuse, refuse or neglect to appear, or appearing, shall refuse to be sworn and examined or to give Evidence; so that no one Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for one Offence.

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

LIX. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and 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 Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, 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 or returning 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 al lother Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees,

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, within or for the same District where such Difference shall happen; but if any such Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Houses, Buildings, Lands, Tenements, Hereditaments or Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed such Damages, and shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in manner aforesaid.

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

LX. 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 any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, for the respective District or Districts wherein such Houses, Buildings, Lands, Tenements, or Hereditaments, or Premises, so as aforesaid to be purchased or taken for the Purposes of this Act, shall lie, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in manner by this Act directed (as the Case may be); and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, and after Thirty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises, then such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises respectively, shall and may be taken and used for the Purposes of this Act; and such Lands, and the Site of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Roads, in such Manner as the Trustees of the same Districts respectively shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway,

Highway, and be from thenceforth Part of the said Roads for ever thereafter, and the said Roads shall be repaired and kept in repair by the said Trustees of the same District or Districts, by the same Ways and Means as any other Highway is or ought by Law to be kept in repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road shall be completed, the Lands or Grounds constituting any former Roads or Road, or so much and such Part or Parts thereof as in the Judgment of the Trustees of the District may thereby become useless or unnecessary, shall or may be stopped up and discontinued as Public Highways (unless leading over some Moor, Heath, Common, uncultivated Land, or waste Ground, or to some Church, Mill, Village, Town or Place, Lands or Tenements, to which the new Road or Roads doth not or do not immediately lead, and which may therefore be deemed proper to be kept open either as a public or private Way or Ways, for the Use of any Inhabitants at large, or any Individual or Individuals), and shall be vested in, and shall and may be sold and converted by the said Trustees of the same District or Districts respectively, in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances, being executed by the said Trustees, and inrolled in the Office of the Clerk of the Peace for the County wherein such Road shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever; or it shall be lawful for the said Trustees, instead of making such Sale as aforesaid, to give up to the Owners or Proprietors of any adjoining Lands, Tenements, or Hereditaments whose Building, Land, or Ground shall be had or taken for the Purposes of this Act, any Part or Parts of the present or old Roads in lieu and in exchange for the same, in such Way and Manner as such Trustees and Owners or Proprietors shall agree upon and think fit.

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

LXI. And whereas by reason of the Purchases which the said Trustees are hereby empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seised of some Piece or Pieces of Ground or old Roads, over and above what shall be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of Ground, or Piece or Pieces of the said old Roads, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of the said old Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and the said Trustees, before they shall sell and dispose of the said Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Piece or Pieces, or Parcels of old Roads or Grounds shall be, by some Person or Persons no ways interested in the

said Piece or Pieces of old Road or Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case or Cases the Price or Prices thereof shall be assessed by a Jury, in Manner herein-before directed, with respect to disputed Value of Premises to be purchased by the said Trustees, in pursuance of this Act; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of old Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Compensation when exceeding 200*l.*

LXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity as herein 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 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, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so employed, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the meantime, and until the

the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* but not less than 20*l.*

LXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by 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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

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

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

In case of not making out Titles.

LXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, 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 Persons interested in the said Lands, Tenements, or Hereditaments, (describing them) subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum and 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 the 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 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money.

LXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

LXVII. 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, Tenements, Hereditaments, and Premises 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, Tenements, 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 such last mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the Trustees of the District or Division for the Use of which such Lands, Tenements, Hereditaments, and Premises respectively shall be so purchased

purchased as aforesaid, 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.

Power to get Materials to make, amend, and repair the Roads, &c.

LXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, within their respective Districts, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Roads, or building, rebuilding, or repairing any present or future Toll House or Toll Houses on or by the Sides thereof, or any Bridge or Bridges thereon, out of any Common, Common River, or Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Roads lies, or in any adjoining Parish, Hamlet, or Place, and to haul and carry away any such Materials, when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds, for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also, that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person or Persons where the same may be had or found, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees within their respective Districts shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), or on, through, or over any Open Land or Common, any Stone or other Materials for making or repairing the said Roads, or for building or repairing any present or future Toll House or Toll Houses on or by the Sides thereof, from any River, Stream, or Canal, in any Parish, Hamlet, or Place in which any Part of the said Roads lies, or in any adjoining Parish Hamlet, or Place, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums of Money as the said Trustees of the said respective Districts where such Materials shall be so landed or carried, shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County or Place wherein such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party

Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

Notice to be given before Materials taken from private Lands.

LXIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing any of the said Roads, out of or from any inclosed Lands or Ground, until Notice in Writing, signed by the Surveyor of the District, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agents, or 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 Owner or Occupier, to appear before any Two Justices of the Peace acting in and for the County where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they the said Justices are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent had attended.

Power to contract for Land to get Materials.

LXX. Provided also, and be it further enacted, That it shall and may be lawful for the said Trustees, within their respective Districts, to contract and agree with any Person or Persons whomsoever, for the Purchase or Demise from him, her, or them, of and to hold any Lands or Grounds for the Purpose of digging Stone and Materials therefrom, for the Repairs or Use of the said Roads, or either of them, or any Part thereof respectively, and at any Time afterwards to sell the Lands or Ground so purchased by public Auction or Tender: Provided always nevertheless, that the entering into any such Contract or Agreement as last aforesaid, shall not be compulsory against any Person or Persons unwilling to enter into the same; provided also, that the said Trustees shall not hold at any one Time or Period, a greater Quantity of such Land or Ground in the whole than Three Acres for each of the Divisions or Districts aforesaid.

Penalty on taking away Materials raised by Surveyors.

LXXI. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making or repairing the said Roads, or any other the Purposes of this Act, before the said Surveyor or their Workmen shall have discontinued working therein, for the Space of Forty Days (except the Owner or Occupier of the Lands in which such Pit or Quarry shall be made, as to Materials for his own private Use only, and not for

or on Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for erecting Encroachments on the Side of the Roads.

LXXII. And be it further enacted, That if any Person shall from and after the passing of this Act encroach upon the said Roads by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence (except Turnpike Houses or other Buildings erected by Order of the said Trustees), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, to such Person as shall give Information of the same; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the County or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath (which Oath any such Justice is hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up of the Ditches aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Gates not to open into the Roads.

LXXIII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed that no Part of the Gate, when open, shall project over any Part of the said Road, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing inward towards the said Road, contrary to the true Meaning of this Act, shall not, within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Road, cause such Gate to be hung so that no Part of such Gate shall, when open, project over any Part of the said Road, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, shall, upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration and hanging such Gate in a proper Manner, and shall also forfeit and pay a further Sum not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and such Penalty shall be levied, recovered, paid, and applied in manner herein-after mentioned.

Penalty for defacing Mile Stones, &c. and committing Nuisances on the Roads.

LXXIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think necessary, to cause the said Roads or any Part thereof to be measured, and Stones and Posts or other Erections to be placed in or near the Sides of the said Roads, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Stone, or Post or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Roads by this Act vested in the said Trustees,

Trustees, or shall obliterate or deface any of the Letters, Figures, or Marks inserted thereon; or if any Person shall ride on any Footpath formed or maintained by the Surveyor of the said Trustees upon or on the Side of or adjoining to the said Line of Road, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any such Footpath; or if any Person, after having blocked any Carriage whatsoever in getting up any Hill or rising Ground, shall leave on the said Road the Stone or other Thing used in such Blocking; or if any Person shall cause to be hauled or drawn any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the same Line of Road, or any Part thereof, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Line of Road, or any Part thereof, shall suffer the said Pigs or Swine to damage or root up the same, or the Fences on either Side thereof, or shall turn, permit, or suffer his, her, or their Horse or Horses, or other Beast or Beasts, Cattle, Pigs, or Swine to feed, graze, or run loose upon any Part of the said Roads, or on the Side or Sides thereof; or if any Person driving any Carriage on the said Line of Road, and meeting another Carriage, shall not keep his or her Carriage on his or her Left or Near Side of the Road; or if any Person shall wilfully prevent another from passing him or her, or any Carriage under his or her Care; or if any Person shall make, or assist in making, any Fire or Fires, or shall set fire or let off or throw any Squib, Rocket, or Fire Works whatsoever on the said Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games, on any Part of the said Line of Road, to the Annoyance of any Passenger or Passengers travelling thereon; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of any Part of the said Line of Road, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon any Part of the said Line of Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Persons travelling thereon; or if any Person or Persons shall (without the Consent of the said Trustees) scrape off any Mud, Soil, or other Matter or Thing which shall lie or be upon the said Line of Road, or any Part thereof, and shall not within the Space of Seven Days after Notice in Writing from the Surveyor, take and carry away the same; or if any Person or Persons shall, in or upon any Part of the said Roads, or by or on the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person riding, attending, or driving any Horse or other Beast on the said Roads, and carrying any Iron Bar, or Rod, Pannier or Basket, or any other Matter or Thing, shall place such Bar or Rod, Pannier or Basket, Matter or Thing, across such Horse or other Beast, in such Manner as that the same or any of them shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person, or any Horse, Beast, Cattle, or Carriage travelling on the said Roads; or if any Hawker, Pedlar, Gipsey, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall

shall encamp upon or by the Side or Sides of the said Roads, or any Part thereof, or in any exposed Situation near thereto; or if any Blacksmith, or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop reflecting or shining into the Roads; or if any Person or Persons shall do any other wilful Act, Damage, or Injury to the said Roads, or any Part thereof, or shall in any Manner whatsoever obstruct or impede the Passage of any Person or Persons upon the said Roads, or turn out or suffer his Cattle to be at large and loose upon the said Roads, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For impounding Cattle or Swine straying on the Roads.

LXXV. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other live Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying, or lying upon, about, or on the Sides of the said Roads, or any Part thereof respectively (except on such Parts of the said Roads where the same is not fenced, or are open on either Side to any Commons or Waste Grounds), it shall be lawful for the Surveyor of the said Roads for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine, or other live Stock or Cattle in the Common Pound (if any) of the Hamlet, Township, Parish, or Place in which the same shall be found tied or fastened, or wandering, straying, or lying about or on the Sides of the said Roads or any Part thereof, or in such other Place or Places as the said Trustees shall provide for that Purpose, and the same there to detain, until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other live Stock or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other live Stock or Cattle to be sold, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same so sold shall appear to have been.

Punishment of Persons guilty of Pound Breach.

LXXVI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other live Stock or Cattle seized or so impounded, or such

Distress

Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said Counties wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Persons, &c. liable to Statute Labour to continue so.

LXXVII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending of any Highway in the several Parishes, Townships, Hamlets, Tithings, or Places through which the said Roads by this Act continued Turnpike, or directed to be made, amended, widened, diverted, turned, shortened, varied, altered, improved, and kept in repair, do or shall pass, shall be and remain liable to the Repair of the said Roads so continued Turnpike, or to be made, amended, widened, diverted, turned, shortened, varied, altered, improved, and kept in repair, by or under the Authority of this Act, and to perform their repective Work thereon, and to pay their respective Portions of Composition Money towards the same, in such and the like Manner in every respect as they now are or have been heretofore liable to the Repair of the same, or any other common Highway within such Parish, Township, Hamlet, Tithing, or Place respectively.

Justices yearly to apportion the Statute Labour, and Payment of Composition Money, &c.

LXXVIII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace acting in and for the County or Place wherein the said Roads respectively lie, and they are hereby required and empowered, upon Application made to them by the said Trustees, within their respective Districts, or by their Treasurer, Clerk, or Surveyor, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said respective Districts of Roads, by the Inhabitants of the respective Parishes, Townships, Hamlets, Tithings, and Places in or through which the said Roads respectively, or any of them, do or shall lie, lead, or pass; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers of such Districts respectively; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring Lists before such Justices, at some Place to be expressed in such Summons, within Six Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force or effect for the Repairs of the

Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work 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 Time (not being Hay-time or Harvest), and on such Parts of the said Roads as the said Trustees, within their respective Districts, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for the Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such Parishes, Townships, and Places respectively, to be by him or them paid over to the said Trustees, or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for 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 any Part of the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be 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 as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer of the said Trustees for the respective District or Districts of Road wherein such Neglect or Default shall happen, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect and pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

LXXIX. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by him, her, or them done on the said Roads or any Part thereof, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Townships, Tithings, or Places in which the

the said Roads do or shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the Trustees within their respective Districts shall think reasonable, in lieu of the whole or any Part of the Statute Work 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 Place, or by the Person or Persons so compounding, to the Treasurer of the Trustees within or for such District or Districts respectively in advance, on or before the Twenty-fourth Day of *December* in each and every Year, or otherwise such Person or Persons, Bodies Politic or Corporate, or Inhabitants and Occupiers within such Parish or Place, shall not be permitted to compound for that Year; and all such Composition Money shall be applied for the Purposes of this Act; and that every such Surveyor of the Highways who shall pay any such Composition Money, shall be reimbursed the same in like Manner as Surveyors of the Highways are by the Laws now in being to be reimbursed the Money by them laid out and expended in buying Materials for the repairing of any other Highway or Highways.

Trustees may contract for Repairs.

LXXX. And be it further enacted, That the said Trustees or such Person or Persons as they shall for that Purpose authorize and appoint, are hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing the said Roads, or any Part or Parts thereof respectively, and for erecting, building, and making Arches and Bridges upon and over the same, and for erecting Mile and Direction Stones or Posts, and for making any Hedges or Fences, or turning, altering, widening, or making any Part or Parts of the said Roads, or for doing any other Work to be performed in Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper.

Contract to be binding.

LXXXI. And be it further enacted, That all Contracts in Writing entered into pursuant to an Order made at any Meetings of the said Trustees or any Five or more of them, and signed by any Five or more of them, shall be binding on the said Trustees, and also on the other Parties who shall sign the same, and the Executors and Administrators of such other Parties, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in Execution thereof.

For securing transient Offenders.

LXXXII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of their Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County, near to the Place where the Offence or Offences shall have been committed; and such Justice is hereby empowered to proceed to the hearing and determining of the Complaint.

LXXXIII. Pro-

In case of Nonpayment of Compensation for Materials, Damages or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

LXXXIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Recovery of Penalties and Forfeitures.

LXXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall have been committed (as the Case may require), either by Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby required to grant); and the Overplus (if any), 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 in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being

more than Fourteen Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, 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 of the said Districts of Road respectively wherein the same shall be incurred, and applied and disposed of for the Purposes of the said Roads and of this Act.

For convicting Offenders.

LXXXV. And for the more easy 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; (that is to say),

Form of Conviction.

' to wit. } BE it remembered, That on the Day of in the Year of His Majesty's
' Reign, and in the Year of our Lord *A. B.* is convicted
' before of His Majesty's Justices of the Peace for
' the County of [*here specify the Offence, and when and*
' *where committed*], contrary to the Form of the Statute made in the Third
' Year of the Reign of His Majesty King *George* the Fourth, intituled
' *An Act* [*here set forth the Title of this Act*]; and I [*or*, we] do therefore
' declare and adjudge, that the said *A. B.* has forfeited for his said Offence
' the Sum of (or shall be committed to [*the Place*
' *of Imprisonment*] for the Space of .) Given under
' my Hand and Seal, [*or*, our Hands and Seals] the Day and Year first
' above written.'

Proceedings not to be quashed for Want of Form.

LXXXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on

account of any Irregularity which shall be afterwards 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 Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made, for or on the Behalf of the Party distraining, before such Action brought.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Six Calendar Months next after such Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County or Place in which the Cause of Complaint shall arise (as the Case may be) unless such Complaint shall arise within Thirty Days preceding such Sessions, in which Case such Appeal may be brought at the following Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Respondent or Respondents, or to the Clerk or Clerks of the said Trustees for the District or Districts respectively wherein such Complaint shall have arisen, and within Ten Days after such Notice, entering into a sufficient Recognizance before some Justice of the County or Place (as the Case may be), 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 Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem 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 pay the same, and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County or Place (as the Case may be) wherein the Offence shall be committed, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Limitation of Actions.

LXXXVIII. 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 or Clerks to the said Trustees within their respective Districts, nor after 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 where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or 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 if such Action shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law. General Issue. Treble Costs.

LXXXIX. 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. Public Act.

XC. And be it further enacted, That this Act shall commence upon the said Second Day of *July* next after the passing of this Act, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

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