ANNO TERTIO

GEORGII IV. REGIS.

Cap. xlii.

An Act for more effectually repairing several Roads leading from the Town of *Shrewsbury*, and from *Shelton*, in the County of *Salop*, to *Minsterley*, *Westbury*, and *Baschurch*, in the said County of *Salop*, and to or near to *Buttington Hall*, in the County of *Montgomery*; and for repealing Three Acts, severally passed in the Thirty-first Year of King *George* the Second, and the Twelfth and Forty-first Years of His late Majesty, relative thereto. [15th *May* 1822.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for widening and repairing several Roads leading from the* Welsh Gate *and* Cotton Hill, *in the Town of* Shrewsbury, *in the County of* Salop: And whereas another Act was passed in the Twelfth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Sixth Year of the Reign of His present Majesty, for repairing and widening the Stone Bridge in the Town of* Shrewsbury, *and for appropriating Part of the Tolls collected upon certain Roads leading to the said Bridge towards finishing the same, and for granting additional Terms to the several Acts for repairing the said Roads,* whereby

31 G. 2. c. 67.

12 G. 3. c. 77.

whereby the said Act of the Thirty-first Year of His late Majesty King *George* the Second, was continued for a further Term: And whereas another Act was passed in the Forty-first Year of the Reign of His said
41 G. 3. c. 88. 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 an Act, passed in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, for widening and repairing several Roads leading from the* Welsh Gate *and* Cotton Hill, *in the Town of* Shrewsbury, *in the County of* Salop; *and for making and maintaining a new Branch of Road from the present Road from* Shrewsbury *to* Welsh Pool, *at or near the Tenth Mile Stone, to or near to* Buttington Hall, *in the County of* Montgomery: And whereas the Term granted by the said Act, made in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, and continued by the said Acts of the Twelfth and Forty-first Years of the Reign of His late Majesty King *George* the Third, is near expiring, and considerable Sums of Money have been borrowed and are now due and owing on the Credit of the Tolls granted or continued by the said recited Acts, and the Money so borrowed cannot be repaid, nor can the said Roads be effectually amended and kept in repair, unless further Tolls, Powers, and Authorities are granted, and further Provisions made for those Purposes; and it would facilitate the Execution of the several Powers and Provisions necessary for effecting the Purposes aforesaid if they were comprized in One Act 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

Former Acts repealed. Authority of the same, That from and after the passing of this Act, the said recited Acts of the Thirty-first Year of the Reign of His late Majesty King *George* the Second, and the Twelfth and Forty-first Years of the Reign of His late Majesty King *George* the Third, and every Clause, Matter, and Thing therein respectively contained, so far as the same relate to or concern the several Districts of Road herein-after particularly mentioned and comprized in this Act, shall be and the same are hereby repealed and made void.

Debts contracted under former Acts secured by this Act. II. And be it further enacted, That all and every Sum and Sums of Money which on the Day of the Commencement of this Act shall be due and owing on the Credit of the Tolls granted by the said former Acts, or any of them, together with the Interest on such of the same Sums as shall carry Interest, shall stand and be charged and chargeable on the Tolls by this Act granted and made payable in the respective Districts out of or upon which the same Debts or Sums of Money are now respectively secured, and may be recovered in like Manner as if the same had been contracted and secured on the Credit of the Tolls within the same Districts respectively granted or made payable by this Act; and that

Persons owing Money to continue liable; all and every Person and Persons, Body Corporate or Bodies Corporate, owing or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said recited Acts hereby repealed, with respect to the several Districts, or any of them, shall be liable to the Payment thereof to the Trustees for executing this Act; and that all Contracts entered into, and all Bonds, Conveyances, Deeds, and other Instruments in Writing, duly made and executed by and between the Trustees ap-

and all Contracts, Deeds, &c. made under

pointed or acting under the Authority of the said recited Acts, or any of them, and any other Person or Persons whatsoever, shall stand, remain, continue, and be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever. former Acts declared valid.

III. Provided always, and be it enacted, That all and every Book and Books in which any Entry or Entries of any Proceeding or Proceedings of any of the Trustees, or other Person or Persons acting by and under the Authority of the said recited Acts, or any of them, or such Entry or Entries being made in such Book or Books, according to the Directions of the said Acts, and rendered Evidence by the same Acts, or any of them, shall continue to be admissible as Evidence of such Proceedings. Proceedings under former Acts good Evidence.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the several Counties of *Salop* and *Montgomery*, for the Time being, *Richard Atcherley*, the Honourable *Henry Grey Bennet* M.P., *Samuel Butler* D. D. Archdeacon of *Derby*, *Henry Burton* Clerk, *Edward Burton*, *John Bather*, *Peter Beck*, *John Beck*, *Charles Bage*, *William Brayne*, *Thomas Justice Bather*, *William Lloyd Bayley*, *Joseph Corbett* Clerk, Archdeacon of *Salop*, *Panton Corbett* M. P., *William Cooper*, *John Craig*, *Thomas Farmer Dukes*, *James Davies*, *John Edwards* of *Great Ness*, *John Edwards* of *Hampton*, *Thomas Evans*, *John Eaton*, *John Eaton* the younger, the Honourable *Henry Wentworth Feilding*, *James Freme*, *Thomas Freme*, *William Gouch*, *Thomas Lloyd Gittins*, Sir *Francis Bryan Hill* Knight, *Rowland Hill* M. P., *Rowland Hunt*, *Thomas Harries*, *Francis Harries*, *Thomas Harries* the younger, *William Hopkins* Clerk, *Hamlet Harrison* Clerk, *Edward Hodges*, *William Harley*, *William Wyberg How*, the Honourable *Thomas Kenyon*, *Edward Kynaston* Clerk, *Thomas Kynnersley*, *Richard Jaundrell*, *William Egerton Jeffreys*, *John Lloyd Jones*, *William Jellicoe*, *William Jackson*, *John Arthur Lloyd*, *Henry Lyster*, *Francis Knyvett Leighton*, *Thomas Lloyd*, *John Thomas Lloyd*, *Thomas Loxdale*, *Joseph Loxdale*, *Joseph Muckleston*, *John Maddock*, *Edward William Smythe Owen*, *Thomas Oswell* Clerk, Sir *John Kynaston Powell* Baronet, M. P., *John Cressett Pelham*, *Thomas Pemberton*, *James Parry*, *Charles Peters* Clerk, *John Rocke* Clerk, *John Ruscoe*, *William Smith*, *William Sparling*, *John Scott*, *Thomas Stedman* Clerk, *Joseph Sutton*, *John Spearman*, *Humphrey Sandford* Clerk, *Thomas Salt*, *Thomas Sutton*, *Robert A Slaney*, *Jonathan Cotton Symonds*, *William Thornes* Clerk, *Richard Topp*, *John Topp* Clerk, *Samuel Tudor*, *John Wingfield*, *John Wingfield* Clerk, *Edward Williams*, *Henry Diggory Warter*, *John Warter*, *John Wilde* Clerk, *Charles Gregory Wade* Clerk, *John Williams*, *John Clavering Wood*, *Rice Wynne*, and *Edward Yardley*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for executing this Act, and for amending, altering, turning, widening, improving, and keeping in repair the several Roads herein-after mentioned, which shall commence and terminate at the several Places, and be divided into the separate Districts herein-after mentioned; that is to say, the Road from the End of the present Pavement at or near to a Dwelling House now in Two Dwellings, occupied by *Mary Dorricot* and *Benjamin Jones*, in the Street in *Frankwell* called *New Street*, in or near to the Town of *Shrewsbury*, to *Minsterley*, in the said County of *Salop*, shall form One District of the said Roads, and shall be called the *Minsterley District*; and that the Road from the End of the present Pavement, opposite or nearly opposite *Millington's* Trustees Names. Roads described. Minsterley District. Westbury District.

Millington's Hospital, in *Frankwell* aforesaid, to *Westbury*, in the said County of *Salop*, shall form another District of the said Roads, and shall be called the *Westbury District*; and that the Road leading from the *Holyhead* Road, at or near to *Shelton*, in the said County of *Salop*, through *Cardeston* and *Rowton*, to the Tenth Mile Stone on the Road leading from *Shrewsbury* to *Welsh Pool*, shall form another District of the said Roads, and shall be called the *Shelton District*; and that the Road leading from the Turning near to the said Tenth Mile Stone along the Foot of the *Moel-y-Golfa* Hill, to the Junction of the same Road with the old *Pool* Road, at or near to *Buttington Hall*, in the said County of *Montgomery*, shall form another District of the said Roads, and shall be called the *Pool District*; and that the Road from the *Wem* Road on *Cotton Hill*, in *Shrewsbury* aforesaid, to *Baschurch*, in the said County of *Salop*, shall form another District of the said Roads, and shall be called the *Baschurch District*.

Shelton District.

Pool District.

Baschurch District.

Trustees empowered to make a New Road through Garden Ground near Severn Hill.

V. And whereas certain Parts of the said Roads from *Shrewsbury* to *Minsterley* and to *Baschurch* are extremely steep, narrow, and incommodious; and in order to widen and improve the same, it will be necessary on the *Minsterley* District to pass through a Part of a certain Garden or Nursery Ground near a Place called *Severn Hill*, and close to the said Town of *Shrewsbury*, now occupied by Messieurs *Grant* and *Hanley*, and through certain other Gardens severally occupied by *Richard Barrett*, *William Groves*, *Thomas Tisdale*, *Samuel Hanley*, *John Evans*, *John Chapman*, *William Clement*, and *Joseph Ramsbottom*; and also to take down and remove certain Dwelling Houses near to *Severn Hill* aforesaid, now severally occupied by the said *John Evans*, the said *John Chapman*, *Joseph Edwards*, *Mary Dorricott*, *Benjamin Jones*, *Margaret Hewlett*, and the said Messieurs *Grant* and *Hanley*; and also to take down the Whole or a Part of certain Cow Houses occupied by *John Barrett*, *Richard Tipton*, and the said *Thomas Tisdale*; and also to remove a Wheelwright's Shop occupied by *John Drayton*, a Hovel occupied by the said Messieurs *Grant* and *Hanley*, and the Common Pound for the Township of *Frankwell*; and on the *Baschurch* District, to remove the Malthouse herein-after mentioned, in the Occupation of *Lewis Jones*, situate in a Street called *Cotton Hill*, in the Suburbs of the said Town of *Shrewsbury*; be it therefore enacted, That it shall and may be lawful to and for the said Trustees, to make or cause to be made a Road through the same Garden Ground, and the several other Pieces or Parcels of Garden Ground, and the Scite of the several Messuages and other Buildings herein-before mentioned, and the Scite of the said Common Pound, of the Width of Thirty Feet, from the Street in *Frankwell* aforesaid, called *New Street*, towards and unto the said Hill called *Severn Hill*, and to take down a Part or the Whole of the said Malthouse herein-before mentioned, and to lay the Scite thereof, or such Part thereof as may be necessary, into the said Road leading to *Baschurch*, making full and adequate Compensation for the same to the Occupiers and Owners thereof respectively, to be ascertained and paid in such Manner as herein-after mentioned in respect of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes thereof: Provided, that it shall not be lawful for the said Trustees, by virtue of this Act, to take Possession of such Land, Malthouse, Hereditaments, and Premises, after the Expiration of Three Years from the passing of this Act, nor unless Six Calendar Months previous Notice shall be given to the said Owners and Occupiers respectively,

tively, of the Intention of taking Possession of the said Lands, and of taking down the said Malthouse, Hereditaments, and Premises, their respective Heirs or Assigns, or to the Person beneficially entitled to the same respectively for the Time being, under the Hands of Five or more of the said Justices.

Power to appoint additional Trustees.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five in the Whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified as herein-after mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

On Death or Refusal to act, other Trustees to be chosen.

VII. And be it further enacted, That when and as often as any of the Trustees, save and except the Justices of the Peace for the said several Counties of *Salop* and *Montgomery*, hereby named and appointed, or who shall be elected and appointed as aforesaid by virtue of this Act, shall die, or become disqualified by Bankruptcy, Insolvency, or otherwise, or by Writing under his or their Hand or Hands, delivered or transmitted to the Clerk to the Trustees of the said Roads, shall refuse to act in the Execution of this Act, it shall be lawful for the surviving or continuing Trustees, from Time to Time, at any Meeting to be holden in pursuance of this Act, by Writing under their respective Hands, to elect and appoint some fit Person to be a Trustee in the Room of every or any Trustee so dying or becoming disqualified, or refusing to act as aforesaid, Ten Days previous Notice of the Time and Place of Meeting of the said Trustees for every such Election being given by the Clerk to the said Trustees, in Manner by this Act directed; and every Person who shall be elected and appointed a Trustee pursuant to the Directions of this Act shall and may act with the surviving and continuing Trustees in the Execution of this Act (having first taken and subscribed the Oath or Affirmation of Qualification herein-after directed to be taken by Trustees), to all Intents and Purposes, as if he had been named and appointed a Trustee in and by this Act.

Qualification of Trustees.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act (except in administering the Oath of Qualification hereafter mentioned), unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment 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 some Person or Persons in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or shall have and be possessed of a personal Estate of the Value of Four thousand Pounds, above what shall be sufficient to pay all his Debts; nor unless every such Person shall take and subscribe the Oath (or being one of the People called *Quakers*, an Affirmation), in the Presence of Two or more of the Trustees for the Time being,

Trustees to be sworn.

being, who are hereby authorized to administer the same, in the Form following; (that is to say,)

Trustees Oath or Affirmation.

'I do swear [*or being a Quaker*, do solemnly affirm], 'that I am in my own Right [*or* in the Right of my Wife] truly and '*bonâ fide* entitled to, and 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; [*and in the Case of an Heir Apparent*], I *A. B.* do swear (*or* 'affirm), that I am Heir Apparent to *C. D.* who to the best of my Know-'ledge and Belief is truly and *bonâ fide* entitled to, and in the actual Pos-'session or Receipt of the Rents and Profits of Freehold or Copyhold 'Lands, Tenements, or Hereditaments of the clear yearly Value of One 'hundred and fifty Pounds above Reprizes; [*and in the Case of Personal 'Estate*], I *A. B.* do swear (*or* affirm), that I truly and *bonâ fide* have 'and am possessed of Personal Estate of the Amount or Value of Four 'thousand Pounds over and above what shall be sufficient to pay all my 'just Debts; and that I will truly and faithfully act in the Execution of 'the Trusts and Powers reposed in me by virtue of an Act passed in the 'Third Year of the Reign of His Majesty King *George* the Fourth, in-'tituled [*here set forth the Title of this Act.*]

'So help me GOD.'

No interested Persons nor any Victualler to act.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally interested other than as a Creditor, nor while he holds any Place of Profit under this Act, or who shall sell any Ale, Beer, or Wine, or Spirituous Liquors by retail, or who shall be personally interested or concerned in any Contract, or who shall be Lessee or Farmer of the Tolls hereby granted, or any Part or Parts thereof, or Surety for such Lessee or Farmer; and if any Person not being so qualified as aforesaid, 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 disqualified by any of the Causes aforesaid, shall presume to act as such Trustee, contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, 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; and the Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided also, that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided likewise, that such of the said Trustees hereby

Penalty on Trustees acting not being qualified.

Acts of unqualified Trustees before Conviction to be valid.

Mortgagees may be Trustees.

hereby nominated, or to be appointed by virtue of this Act, as are or shall be in the Commission of the Peace for either of the said respective Counties of *Salop* and *Montgomery*, or the Town and Liberties of *Shrewsbury* or *Welsh Pool*, shall not, by reason of being such Trustees, be deemed disqualified from acting as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, except only in such Cases where they shall be individually interested.

Trustees being Justices, may act as such.

IX. And be it further enacted, That the Trustees for executing this Act shall meet together at the Guildhall in the said Town of *Shrewsbury*, or at some other convenient Place in the same Town, on the First *Monday* in the Second Month next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Forenoon and One in the Afternoon, and shall then and there proceed to the Execution of this Act, and shall and may then and from Time to Time adjourn the said Meeting, and also any subsequent Meeting or Meetings, to such Days or Times, and at such Place or Places, as they shall think proper; and in case a sufficient Number of Trustees to act in the Execution of this Act, shall not appear at the Time and Place appointed for the said First Meeting, or any subsequent Meeting or Meetings, then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk shall and they and he are and is hereby respectively authorized to adjourn such Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Forty Days, nor sooner than Ten Days from the Day of such last intended Meeting; and in case at any Time no Adjournment of any Meeting or intended Meeting shall happen to have been made as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or any Five or more of such Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees by Notice to be given in the Manner by this Act directed, appointing the Trustees to meet at such Time and Place within the said Town of *Shrewsbury*, or such other Place as the said Trustees or their Clerk (respectively giving such Notice) shall think proper, not exceeding Forty Days, nor sooner than Ten Days from the Publication of such Notice; and the said Trustees at all their Meetings shall defray their own Expences; and all the Powers and Authorities by this Act given to, and all the Provisions, Matters and Things by this Act directed or authorized to be done by the said Trustees, shall and may be executed and done by the Majority assembled at some Meeting to be held in pursuance of this Act, the whole Number present not being less than Three, and the same shall be of as full Force and Effect as if executed or done by or before all the Trustees for executing this Act (except in such Cases when any such Power, Authority, Provision, Matter, or Thing is by this Act particularly directed or authorized to be executed or done by any other Number of Trustees, or in any other Manner); and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of this Act, made at any Meetings of the said Trustees, wherein the major Part of the Trustees present at such Meeting shall concur, shall be as valid and effectual as if all the Trustees present at such Meetings had concurred therein; and at all such Meetings a Chairman shall or may be appointed, and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman) such Chairman shall have the decisive

Meetings of Trustees.

Adjournments.

If no Adjournment be made, the Clerk or Five Trustees may call a Meeting by Notice.

Powers of the Act may be executed by Three or more Trustees at a Meeting, and their Proceedings shall be as valid as if all Trustees had acted.

Acts done by the major Part of them at Meetings to be valid.

No Order to be revoked, unless Five Trustees present, and major Part concur, nor unless Notice shall be given.

or casting Vote; and all Orders made under the Powers and Provisions of this Act may be revoked or altered if Occasion shall require; provided, that no such Order shall be revoked or altered except at some Meeting when not less than Five Trustees shall be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Ten Days Notice shall have been given, in the Manner herein-after directed, of an Intention of moving to rescind or alter the said Order.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for any Two or more of the said Trustees, or the Clerk to the said Trustees, upon an Order in Writing, signed by Two or more Trustees (although not assembled at a Meeting), to give Notice thereof in the Manner by this Act directed; and in such Notice shall be expressed the Time and Place and Purpose of such earlier Meeting, such Time not being less than Seven Days after the Publication of such Notice; and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees (the proper Number being present) at all such last mentioned Meetings, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of former Adjournments; and such last mentioned Meetings shall and may be adjourned or appointed to be held in such Manner as other Meetings under this Act are herein-before directed to be adjourned, notwithstanding any former Adjournment to the contrary.

Notices of Meetings to be inserted in Shrewsbury Paper, or affixed on the Gates.

XI. And be it further enacted, That in all Cases where Notice of any Meeting of the Trustees for carrying this Act into Execution shall be necessary and requisite, and not herein or hereby otherwise particularly directed, such Notice shall be given by the Clerk to the said Trustees, by affixing the same, printed or in Writing, upon the Toll Gates then erected and being upon the said Roads, or by inserting such Notice in One or more of the Newspapers printed or published in the Town of *Shrewsbury* Ten Days at least (except in Cases of Emergency as herein-before mentioned) before such Meeting shall take place, such Notice to state the Time and Place of such Meeting, and no further or other Notice shall be necessary.

Books to be kept of Proceedings of Trustees.

XII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered; and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or the major Part of them, or by the Chairman of any Meeting of the said Trustees at which any such Order or Proceeding shall be made.

Accounts to be kept of Receipts and Disburse-

XIII. 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 direct a Book or Books to be provided and kept

kept by their Clerk or Clerks for the Time being, in which Book or Books, such Clerk or Clerks shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the said Roads respectively, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or of any Creditor on the Tolls hereby granted, 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 or Clerks shall not permit the said Trustees or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned; and all and every such Book and Books shall be admitted in Evidence in all Courts, by all Judges, Justices, and others.

ments, which shall be open to the Inspection of Trustees and Creditors.

XIV. And be it further enacted, That the said Trustees at any of their Meetings, by Writing under the Hands of the major Part of the Trustees present at such Meetings, shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said several Roads, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint another or others in his or their Stead, and that Ten Days Notice of the Time and Place of every such Meeting of the said Trustees, for the Purpose of such Appointment, shall be given in the Manner by this Act directed; and the said Trustees shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the said Trustees shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Ale, Beer, Wine, or Spirituous Liquors by Retail.

Trustees may appoint Officers,

and remove them.

Persons selling Ale, &c. not to hold Places of Profit.

XV. Provided always, and be it further enacted, That the Treasurer appointed under the said former Acts shall continue only until the First Meeting of the Trustees under this Act, and that each and every Clerk, Receiver, Collector, Surveyor, and other Officers appointed under and employed in the Execution of the said former Acts, (save and except the Treasurer), any or either of them, shall respectively hold and enjoy such their several and respective Offices and Employments under this Act, until they shall respectively resign, or be removed or displaced by the Trustees for executing this Act, in manner by this Act directed; and each and every Clerk, Receiver, Collector, Surveyor, and other Officers, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he or they had been appointed by virtue of this Act.

Present Officers to continue until new ones elected.

Clerk and Treasurer not to be held by same Person.

XVI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk, in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to continue or appoint the Person who has been or may be appointed Treasurer, for the Purposes of this Act, or the Partner of any such Treasurer, the Clerk to the said Trustees, for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as a 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to account,

XVII. And be it further enacted, That each and every Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the said recited Acts, or One of them, or who shall be continued or appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, on Seven Days Notice, under the Hands of any Three or more of them, deliver to such Trustees, or to such Person or Persons as they for that Purpose shall 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, by virtue of the said recited Acts and this Act respectively, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and

and pay over Balances,

they are hereby respectively required forthwith to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their or his Hands, to such Person or Persons as the said Trustees shall

and upon Refusal, &c.

appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands, when thereunto required in manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, after being thereunto required by the said Trustees, or any Three or more of them, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, in anywise relating

to be proceeded against before One Justice.

to the Execution of this Act, or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the Counties of *Salop* or *Montgomery*, or the Town and Liberties of *Shrewsbury* or *Welsh Pool*, within their respective Jurisdictions, where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, by the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may, and he is hereby authorized and required to summon such Officer or Officers, Person or Persons, to appear before him, and some other such Justice; and in case of his or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places

of Abode, no reasonable Cause or Causes to the Satisfaction of the said Justices being shown for such Non-appearance, to issue a Warrant or Warrants for his or their Apprehension, and upon his or their appearing upon such Summons, or being apprehended and brought before such Justices, by virtue of such Warrant, or having absconded or not being to be found, it shall be lawful for such Justices to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justices that any of the Monies which shall have been so collected and received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may, and they are hereby authorized and required upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found, sufficient to answer and satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, Person or Persons appearing or being brought before the said Justices in manner aforesaid, shall refuse or neglect to give and deliver to such Justices an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said Roads hereby directed to be repaired and amended, then and in any of the Cases aforesaid, such Justices may and they are hereby authorized and required by Warrant under their Hands and Seals, to commit such Officer or Officers, Person or Persons to the Common Gaol of the County or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made (such Charge to be ascertained and taxed by such Justices), 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 and receive), and until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforeaid, or have given Satisfaction in respect thereof to the said Trustees; but no such Officer or other Person who shall be committed for Default of Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Treasurer, &c. to give Security.

XVIII. And be it further enacted, That the said Trustees may and shall take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, acting in Execution of this Act, for the due and faithful Execution of his or their respective Office or Offices, and shall also take sufficient

sufficient Security from any Collector or Receiver of the Tolls or other Officer acting in Execution of this Act.

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

XIX. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Treasurer or Clerk for the Time being, or in the Name of any one of the said Trustees, and no Action which shall be so brought shall abate or be discontinued by the Death or Removal of any such Treasurer, Clerk, or Trustee, or by the Act of any such Treasurer, Clerk, or Trustee, without the Consent of the said Trustees; but that the Treasurer, Clerk, or the Trustee in whose Name such Action shall have been brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit (as the Case may be): Provided always, that every such Treasurer, Clerk, or Trustee, in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of this Act, shall be fully indemnified, reimbursed, and paid out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with, or liable for, or be fairly entitled to by reason of being so made Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent as aforesaid.

Trustees to erect Turnpikes, Toll Gates, Side Gates, Weighing Machines, &c.

XX. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses and Side Gates and Side Bars, now standing and being in and upon or across the said respective Roads, or any or either of them, or to discontinue the same, or any or either of them, or to remove and alter the Situation of the same, or of any or either of them, and to erect and set up or build, or cause to be erected and set up or built, upon, in, or across the said several Roads, or any Part thereof respectively, or at the Entrance of any Road or Lane near thereto, or that doth, shall, or may lead into or out of the said Roads, or any or either of them, when and as they shall judge necessary, any Weighing Machine or Weighing Machines, Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains and also one or more Toll House or Toll Houses with Outbuildings and Conveniences suitable thereto, at or near each and every Turnpike or Toll Gate or Weighing Machine; and to take in and inclose on the Sides of the said Roads, suitable Garden Spots for such Toll House or Toll Houses not exceeding One-eighth of an Acre each, and to erect or set up such Lamp, Lanthorn, or Number of Lamps or Lanthorns, at or near the said Toll House or Toll Houses, as the said Trustees shall think necessary, and from Time to Time to take down and remove, or again to put up in a different Situation, or to alter and discontinue the same, or any or either of them, as they the said Trustees shall think proper, and direct or appoint, any Clause, Matter, or Thing contained in any Law or Statute relating to the Turnpike Roads of this Realm, to the contrary notwithstanding: Provided nevertheless, that no Toll House, Toll Gate, Side Gate, Side Bar, Chain, or Weighing Machine be erected, removed,

After giving Ten Days Notice.

removed, taken down, altered, or discontinued, unless Ten Days previous Notice of the Intention to erect, remove, take down, alter, or discontinue the same shall have been given by the Treasurer or Clerk to the said Trustees for the Time being, in manner by this Act herein-before directed.

Toll Houses, &c. vested in Trustees.

XXI. And be it further enacted, That the Right and Property of and in all the Turnpikes, Toll Houses, Toll Gates, Toll Bars, Chains, Weighing Machines and Buildings, already erected, or which shall be erected or provided, in pursuance of this Act, or which at any Time heretofore shall have been purchased, with the several Conveniencies and Appurtenances thereunto respectively belonging, and of the Materials belonging to the same, and also of all the Lamps, Lanthorns, Toll Boards, Direction Boards, Milestones, Rails, Posts, and Fences, which shall belong to the said Roads, or any or either of them, and also of all Tools, Implements, Stones, Gravel, Sand, and other Materials, purchased, gotten, or had, or hereafter to be purchased, gotten, or had, for amending, repairing, and improving the said several Roads, any or either of them, shall be and the same are hereby vested in the said Trustees, and they are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and to bring or cause to be brought any Action or Actions, and prefer and prosecute, or order and direct the preferring and prosecuting of any Information or Informations, Indictment or Indictments, against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the said Toll Gates or Turnpikes, Toll Houses, or any of the Buildings and other Conveniencies and Appurtenances thereunto belonging, or any of the Tools, Implements, or Materials, or Matters or Things aforesaid, or who shall do any Act to hinder or obstruct the said Trustees, or any Person or Persons authorized or employed by them in the Execution of this Act; and in any such Action, Indictment, or other Proceeding for the Purpose aforesaid, it shall be sufficient to state generally any such Toll Gates or Turnpikes and Toll Houses, or any of the Conveniencies and Appurtenances thereto belonging, or any of the Materials, Tools, Implements, or other Matters or Things, to be the Property of the Trustees for repairing the *Minsterley*, *Westbury*, *Shelton*, *Pool*, and *Baschurch* Roads, without particularly naming them.

Trustees to appoint temporary Collectors.

XXII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls hereby granted on either or any of the said Districts of Road, shall neglect or be incapable of performing his Duty, or shall misbehave, abscond, or absent himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the Trustees appointed or to be appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, which Person or Persons so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable and removable, in the same Manner, in all respects, as if he or they had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the said Tolls shall be discharged

For recovering Possession of Toll Houses from Collectors, &c.

from his said Office by the said Trustees as aforesaid, or in case of the Death of any Collector or Receiver, the Widow or any of the Children, Family, or other Representatives of any such Collector or Receiver who shall have been discharged, or shall die as aforesaid, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Toll Gate, Toll Bar, Chain, or Weighing Machine, Buildings, Hereditaments, and Premises, continued and belonging to the said several Roads, or erected by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing thereof signed by any Three or more of the said Trustees (although not assembled at a General Meeting), or by their Treasurer or Clerk, given to such Collector or Receiver, or other Person or Persons, or left at any such Toll House or other Building or Premises for that Purpose, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Liberty, Division, or Place in which such Toll House, Buildings, and Premises shall be situate, upon Application made to him or them, by any Two or more of the said Trustees, or by their Treasurer or Clerk, by Warrant under his and their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter and take Possession of such House, Buildings, and Premises, Toll Gate, Bar, Chain, and Weighing Machine, in the Daytime, and to remove the Person or Persons who shall be found therein, or in Possession thereof, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any one or more of them, or their Clerk, or other Person appointed by them to receive the same, into the Possession thereof.

Power to take Tolls.

XXIII. And be it further enacted, That from and after the passing of this Act, or from and after the Expiration or other Determination of the then existing Leases or Agreements, granted and made by the said Trustees for executing the said former Acts (where any such shall be), it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed by virtue of this Act, Collector or Collectors, Receiver or Receivers as aforesaid, to demand and take the several Tolls and Duties following, at the Turnpikes or Toll Gates, or Side Bars or Side Gates, or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, upon each of the said Districts of Road, or in, upon, across, or on the Side or Sides thereof respectively, before any Horse or other Beast, in respect whereof any Toll is hereby made chargeable, shall be permitted to pass through the same, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse or Mule, drawing any Coach, Chariot, Chaise, Chair, or such like Carriage, Sixpence:

For every Horse or Mule, drawing any Waggon, Cart, or such like Carriage, having the Fellies of the Wheels of the Breadth of Nine Inches, with the entire Sole or Bottom of such Fellies of a flat Surface, and not deviating more than One Inch from a flat Surface, during the Months of *May*, *June*, *July*, *August*, and *September*, in every Year, Two-pence Halfpenny:

For

For every Horse or Mule, drawing any Waggon, Cart, or such like Carriage, having the Fellies of the Wheels of the Breadth of Nine Inches as aforesaid, and formed as aforesaid, during the Months of *October*, *November*, *December*, *January*, *February*, *March*, and *April*, in every Year, Three-pence Halfpenny:

For every Horse or Mule, drawing any Waggon, Cart, or such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches and upwards, with the Sole or Bottom as aforesaid, and not so broad as Nine Inches, during the Months of *May*, *June*, *July*, *August*, and *September* in every Year, Three-pence Halfpenny.

For every Horse or Mule drawing any Waggon, Cart, or such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches and upwards as aforesaid, and formed as aforesaid, during the Months of *October*, *November*, *December*, *January*, *February*, *March*, and *April*, in every Year, Four-pence Halfpenny:

For every Horse or Mule, drawing any Waggon, Cart, or such like Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, or having the entire Sole or Bottom of the Wheels or Fellies other than a flat Surface, or deviating more than One Quarter of an Inch from a flat Surface, during the Months of *May*, *June*, *July*, *August* and *September*, in every Year, Five-pence:

For every Horse or Mule, drawing any Waggon, Cart, or such like Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, or other than a flat Surface, or deviating more than One Quarter of an Inch therefrom, during the Months of *October*, *November*, *December*, *January*, *February*, *March* and *April*, in every Year, Seven-pence:

For every Ass, Ox, or other Neat Cattle, drawing any Carriage, during the Months of *May*, *June*, *July*, *August* and *September*, in every Year, Three-pence Halfpenny:

For every Ass, Ox, or other Neat Cattle, drawing any Carriage during the Months of *October*, *November*, *December*, *January*, *February*, *March* and *April*, in every Year, Four-pence Halfpenny:

For every Horse, Mule or Ass, laden or unladen, not drawing, One Penny Halfpenny:

For every Sheep, Calf or Pig, One Farthing:

For every Ox, Bull, Cow or Heifer, One Halfpenny.

Table of Tolls to be put up.

XXIV. 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 printed.

XXV. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment; and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free.

No Tolls to be paid for repassing.

XXVI. Provided always, and be it further enacted, That no Person or Persons having paid the Tolls by this Act directed, or which may hereafter be directed by virtue of this Act, at any One or more of the said Gates or Turnpikes, or having produced a Ticket as by this Act directed, at any

any One or more of the said Gates, upon any or either of the said Districts of Road, shall afterwards be liable to pay Toll again for passing or repassing through the same or any other Gate or Gates in the same District of Roads at any Time or Times the same Day, to be computed as aforesaid, with the same Carriage, Horse, Ass, Mule, Beast or other Cattle.

Limiting Tolls to be taken.

XXVII. Provided also, and be it further enacted, That nothing herein contained shall extend to empower the said Trustees, or any of them, to cause more than One full Toll to be demanded or taken on any One District of the said Roads for the Passage on the same Day, to be computed as aforesaid, through all the Toll Gates or Bars erected or to be erected on either or any of the said Districts of Road.

Stage Coaches and Post Chaises not to be exempted.

XXVIII. Provided always, and be it further enacted, 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 of the like Nature, every Time they shall pass upon the said Roads respectively, in case or in the Event 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: Provided always,

Horses returning with a Carriage.

that if any Person or Persons passing through any of the said Gates or Turnpikes with any Horse or Horses not drawing, with the Intent to return through the same or any other Gate on the same District of Roads with the same Horse or Horses drawing any Post Chaise or other Carriage, shall pay the Toll hereby imposed on Horses not drawing on such first passing, the Person leading or riding such Horse or Horses shall receive a Ticket, denoting such Payment, and the Amount of Toll so paid shall be deducted from the Amount chargeable upon the same Horse or Horses when the same shall return as aforesaid, drawing any Post Chaise or other Carriage through any Gate or Turnpike on the same District of Roads.

Tolls may be distrained for.

XXIX. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls by this Act granted or made payable, shall, after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins, (except the Bridle or Reins apart from the Horse or Horses), Saddles, Gears, or Accoutrements, or their Loading, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay as aforesaid; and if such Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient

Part thereof, returning the Overplus of the Money to arise by such Sale (if any); and what shall remain unsold, upon Demand, to the Owner or Owners thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; to be ascertained or determined, in case of Dispute concerning the same, by some Justice of the Peace of the County or Place where such Dispute shall happen.

Disputes concerning Tolls to be settled by a Justice.

XXX. And be it further enacted, That in case any Dispute or Disputes shall happen, respecting the demanding or taking or the Payment of Toll, or about 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, Liberty, District, or Place in which the Cause of Dispute shall arise, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every 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 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 on Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Tolls may be varied, &c.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, at any Meeting or Meetings to be holden for that Purpose, whereof at least Twenty-one Days Notice shall be given by Advertisement in some public Newspaper, printed or published in the Town of *Shrewsbury* aforesaid, from Time to Time, when and as often as they shall think proper, to lessen or reduce, and again to raise and advance, all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken: And provided that no such Reduction be made without the Consent of the Person or Persons who shall then be entitled to Five-sixth Parts of the Money which shall then be due upon the Credit of the Tolls, and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, and applied, as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be leased.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, upon Twenty-one Days Notice to be given thereof in some public Newspaper printed or published in the Town of *Shrewsbury*, from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls or Duties arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniencies and Appurtenances thereto belonging, for any Term not exceeding Three Years at One Time, upon public Bidding, to the best Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable Monthly in advance,

vance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions, Provisoes, and Agreements, and with such Sureties for the Payment thereof, as the said Trustees 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 at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves, or their Clerk or Treasurer, or other Person by them authorized; 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 not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in Manner directed by this Act.

Present Leases to continue in force.

XXXIII. Provided always, and be it further enacted, That all and every Lease and Leases, Agreement or Agreements, for the Letting of the Tolls granted and made by the Trustees for executing the said former Acts, and the several Covenants therein contained, shall, during the Continuance of such Leases or Agreements, notwithstanding the Repeal of the said Acts, remain and continue in full Force and Effect until the Expiration of the Term thereby respectively granted; and the same and the respective Grantees shall be subject to the Powers and Provisions of this Act, in the same Manner as if such Leases or Lease, Agreements or Agreement, had been granted or made by the Trustees for executing this Act, and as if the Trustees therein named had been Trustees for executing this Act, except that the Toll or Tolls made payable in and by the said several Acts hereby repealed, shall remain and be payable until the Expiration or other sooner Determination of such Leases and Agreements; and that the several Exemptions from such Toll or Tolls, granted by such repealed Acts, shall and may be claimed and enjoyed until the Expiration or other sooner Determination of such Leases or Agreements; any thing herein contained notwithstanding.

Lessees or Persons appointed by them may collect Tolls.

XXXIV. And be it further enacted, That during such Time as the said Tolls or Duties, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whatsoever, 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 authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls or Duties so let are to be collected and to arise, and also any Machine House or Machine Houses upon any of the said Roads, with the respective Appurtenances and Conveniencies to the same Toll House or Toll Houses, or Machine House or Machine Houses belonging, for the Purpose of collecting such Tolls or Duties, during so long Time only as such Lessee or Lessees, Farmer or Farmers, shall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise; and that such Lessee or Lessees, Farmer or Farmers, and the

Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls and Duties so leased, demised, farmed, or let, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls, appointed or continued by virtue of this Act, is by virtue of 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, as any Collector of the said Tolls or Duties, appointed or continued by virtue of this Act, is subject or liable to.

Trustees may take Possession of Toll Houses, &c. on Non-performance of the Terms of the Lease.

XXXV. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act, shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Contract, or Agreement for demising or letting thereof, or in case such Lease, Contract, or Agreement shall in any other Manner become void, then and in either of such Cases, it shall and may be lawful for any Justice of the Peace for the said County of *Salop*, or County of *Montgomery*, or for the said Town and Liberties of *Shrewsbury*, or *Welshpool*, within their respective Jurisdictions, where the Toll Gate, Toll Bar, Chain or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Three or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and upon and take Possession of any or every Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine so let, and the Buildings, Gates, and Appurtenances thereto belonging, in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof, and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls and Duties to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part, (as if such Lease, Contract, or Agreement had never been made), and in that case, or in case the Lease, Contract, or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected

collected in such and in the same Manner, as if no former Lease, Contract, or Agreement had been made relative thereto.

Regulations as to Collectors.

XXXVI. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees for the Time being, to collect the Tolls payable at any Turnpike Gate, Toll Gate, Bar, or Chain, already erected or hereafter to be erected on the said Roads, shall and he or she is and are hereby required to place his or her Christian and Surname, painted in legible Characters, in the Front or some other conspicuous Part on the Outside of the Toll House, or on the Toll Gate or Bar, immediately on his or her beginning to collect such Tolls, or coming on Duty, each of the Letters of such Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters upon a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole Time he or she shall collect such Tolls, or be upon such Duty; and if any Collector of the same Tolls shall not place his or her Name painted as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer any Person or Persons to read, or shall in any way hinder any Person or Persons from reading, such Christian and Surname, or shall refuse to tell his or her Christian and Surname to any Person or Persons who shall demand the same, on being paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate at which such Payment shall have been made, and also the Toll Gate or Toll Gates freed by such Payments (if any), or upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers, Horse, Beast, Cattle or Carriage, from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, paid, and applied as other Penalties are by this Act directed to be recovered, paid, and applied; and where a greater Toll than was due shall have been taken, or any Toll taken where, by virtue of the Exemptions herein-before specified, no Toll ought to have been paid or demanded, the Collector who shall have taken the same shall refund the Amount thereof to the Person from whom the same shall have been so unlawfully demanded and received.

Penalty on obstructing Collectors.

XXXVII. Provided always, and be it enacted, That if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector or Collectors of the said Tolls, or any Surveyor or Surveyors of the said Roads, who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his or her Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding

ceeding Five Pounds, nor less than Forty Shillings, to be recovered, paid, and applied in the same Manner as such last-mentioned Penalty.

Penalty on evading Tolls.

XXXVIII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Mule, Ass, Beast, Cattle, Cart or Carriage, on which a Toll is by this Act imposed, through or over any Gate, private Passage, Lane, Road, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants, who may have Occasion *bonâ fide* to pass into or from the same Land or Premises, for the necessary Occupation thereof, or for necessary Access to or Egress from any Premises in their Occupation, but not with the Intent of evading or avoiding the Payment of the said Tolls, or any of them); or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway) near to the said Roads, or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Mule, Ass, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Lane, Road, Lands, or Grounds, in order to or with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forge, counterfeit or alter, or shall give or deliver to or receive from any Person or Persons, except the Person or Persons appointed to receive the Tolls hereby made payable, any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of Toll shall be thereby evaded; or if any Person not having paid the said Tolls, shall offer or produce and use any such Ticket, with Intent to evade or avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off, or suffer to be taken off, any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Roads, or unload wholly or in part any Carriage, with Intent to evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly or wilfully pass through any Turnpike or Toll Gate, or through or over any Fence adjoining the same, with any Horse or other Cattle or Beast, without Payment of the Toll, or of any Part thereof, all and every such Person or Persons shall for each and every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, to be recovered, levied, apportioned and applied, in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Penalty on permitting private Passages.

Toll Collectors, &c. not incompetent Witnesses.

XXXIX. And be it further enacted, That in all Cases of Dispute, Suit, or Litigation, touching or in anywise relating to the said Tolls or Duties, or to the Execution of this Act, no Person being a Trustee or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer, or Servant of, or other Person employed by the said Trustees, or any of their Officers, nor any Inhabitant of any Township, Parish, or Place, through or into which the said Roads or any Part thereof do or shall pass, shall be incompetent to give Testimony or Evidence therein, by reason of his or her being such Trustee, Collector, Clerk, Treasurer, Surveyor, Officer, or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid.

Exemptions by 55 G. 3. c. 119. not to be affected.

XL. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages, having the Wheels and Axletrees formed as directed 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 their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Exemptions from Toll.

XLI. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Carriage attending His Majesty or any of the Royal Family; nor 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 several Districts of Road authorized to be repaired by virtue of this Act, or any Bridges thereon, or any of the Turnpike Roads or Bridges within any Parish, Township, or Place in which any Part of the said Roads lie; or with Seed for seeding the Ground, or Hay, Clover, Grass, Rushes, Straw, Corn in the Straw, Fodder, Turnips, Vegetables, or other farming Produce, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or in or upon the Lands or Grounds of the Owner or respective 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 other Implements of Husbandry, or (during the Months of *May*, *June*, *July*, *August* and *September*, and the Time of hard Frost) any Mould, Dung, Soil, Marl, Compost, or other Manure (Lime only excepted), employed in Husbandry for manuring or improving Land; or for any Horses or other Beasts or Cattle going to or returning from ploughing or harrowing, or to or from Pasture or Watering Place (except such Horses, Beasts, or other Cattle as shall be going to be slaughtered, or going to or returning from any Fair or Market for Sale, and whether sold or not), or going to be or returning from being shoed or farried, nor for any Sheep, Lambs, or Pigs going to be washed, or returning therefrom; or from any Person or Persons going to or returning from his, her, or their parochial Church or Chapel, or from any Person or Persons going to or from his or their usual Place of Religous Worship tolerated by Law, on *Sundays*, or other Days 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 said Parishes or Places; or for any Clergyman going to visit or returning from visiting any sick Person, or on other his parochial or ministerial Duty; or for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; 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 Waggon, Cart,

Cart, or other Carriage whatever, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying any sick, wounded, or disabled Officers, Soldiers, Sailors, or Mariners; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in carrying or conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review; provided 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 the Exemptions; or for any Horses, Carts, or other Carriages travelling with Vagrants sent by legal Passes, or with any Prisoner in Custody under any legal Warrant, or returning empty after having been so employed; or for any Horse or 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 said Counties of *Salop* or *Montgomery*, on the Day or Days of such Election, upon the several Districts of Road respectively lying in the County where such Election shall be, or on the Day before or Day after such Election shall begin or be concluded; nor for any Horse, Beast, Cattle, or Carriage, going no more than One hundred Yards on any or either of the said Roads; and if any Person or Persons 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 Five Pounds, nor less than Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety, after deducting the Expences, shall be applied to the Purposes of this Act; and in all Cases the Proof of the Exemption shall be upon the Person claiming the same.

Penalty on fraudulently claiming Exemptions.

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

Carriages in His Majesty's Service not to be weighed.

XLIII. And

Allowing additional Weights.

XLIII. And be it further enacted; That it shall and may be lawful for any Person or Persons, from and after the passing of this Act, and the Expiration or other sooner Determination of any Lease or Agreement in existence and unexpired at the passing thereof, to cause to be carried upon any Waggon or other Four-wheeled Carriage, and upon any Cart or Two-wheeled Carriage (of whatsoever Breadth the Fellies of the Wheels of such Waggons or Carts or other Carriages may be), an increased Weight (over and above the Weights allowed to be carried under the Provisions of an Act made in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, for regulating the Turnpike Roads in this Kingdom), of Ten hundred Weight for each such Waggon, and Five hundred Weight for each such Cart, paying for each Horse so drawing, such Toll only as is by this Act imposed upon any Horse or Beast drawing in any such Carriage, and absolutely freed and discharged from any further and additional Toll, in respect of such additional Weight or Excess of Weight; any thing in the said last-mentioned Act contained to the contrary notwithstanding.

Power to borrow Money.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees on each of the said Districts of Road respectively, at any of their Meetings to be held in pursuance of this Act, to borrow and take up at Interest, upon the Credit of the Tolls to arise by virtue of this Act upon the said respective Districts, in such Manner as they shall think proper, any Sum or Sums of Money they shall think fit to borrow upon each or either of the said Districts, for all or any of the Purposes of this Act, giving Twenty-one Days previous Notice thereof in Writing, to be affixed on all the Toll Gates or Turnpikes then erected across the District in which such Money is intended to be borrowed, or to be published in some Newspaper printed or published in the said Town of *Shrewsbury*; and they the said Trustees are hereby empowered, from Time to Time, at any of their Meetings, by any Writing or Writings under their Hands, to assign over or mortgage the respective Tolls or Duties hereby granted on the said respective Districts of Road, or any Part or Proportion, Parts or Proportions thereof respectively, during the Continuance of this Act (the Charges of such Assignments and Mortgages to be paid out of the Tolls arising on the respective District in which such Money shall be borrowed), as a Security or Securities to any Person or Persons who shall advance such Sum or Sums of Money respectively, his, her, or their respective Trustee or Trustees, Executors, Administrators, and Assigns, for the Money so to be advanced, with such Interest for the same as shall be agreed upon in that Behalf, which Mortgage may be in the Form or to the Effect following; (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, [*here set forth the Title of this Act*] we of the Trustees for executing the said Act, in consideration of the Sum of paid to the Treasurer of District of the said Road by do assign unto the said such Proportion of the Tolls arising or to arise upon the District of the said Road, as the said Sum of shall bear to the whole of the Principal Money for the Time being due on Security of the said Tolls; to hold the same unto the said

‘ his Executors, Administrators, and Assigns, until the said Sum of
‘ with Interest at the Rate of *per Centum per*
‘ *Annum*, shall be fully paid. Dated this Day of
‘ in the Year of our Lord 18 .’

Copies to be entered.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and which said Book or Books shall and may at all reasonable Times be perused and inspected by such Mortgagees, without Fee or Reward; and it shall be lawful for all Persons respectively to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest in or to such Mortgage, and the Principal Money and Interest thereby secured, or any Part thereof, to any other Person or Persons whomsoever, by signing, before One credible Witness, an Instrument, endorsed on such Mortgage, or to be underwritten or thereto annexed, in the following Words, or in Words to the like Effect (that is to say),

Form of Transfer.

‘ I the within named *A. B.* [*or*] I *C. D.* Assignee, Executor, *or* Administrator of the within named *A. B.* [*as the Case may happen*] do
‘ hereby assign and transfer this Mortgage Security, with all my Right
‘ and Title to the Principal Money thereby secured, and all Interest now
‘ due and hereafter to grow due upon the same, unto *E. F.* of
‘ his Executors, Administrators, and Assigns. Dated this
‘ Day of One thousand eight hundred
‘ Witness to the signing }
‘ hereof }
.’

Which Transfer shall be produced and notified to the said Clerk, within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his or her Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof.

No Priority amongst Mortgagees.

XLV. Provided always, and be it enacted, That all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted upon the respective Districts of the said Roads, upon which such Mortgages or Assignments respectively shall be made, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of the respective Securities, save and except such Sum or Sums of Money which the said Trustees shall deem expedient to borrow upon either of the said Districts of Roads, for the Purpose of liquidating and discharging the Costs and Expences incurred by the obtaining of this Act, or for the paying or discharging, to any Person or Persons, any Demand or Balance

of his, her, or their Account or Accounts, which shall, on the passing of this Act, be due and owing to any such Person or Persons respectively, and which Sum or Sums (if any) so to be borrowed for the Purpose last aforesaid, and the Security or Securities upon which the same are held, shall have Priority, and be first paid and discharged, from and out of the Tolls arising out of the District of Road on the Credit of which such Money shall be borrowed or taken up; any thing herein contained to the contrary notwithstanding.

Ejectment may be supported by One Mortgagee.

XLVI. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings on any of the said Districts of Road, 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.

Application of Money on each District. Minsterley District.

XLVII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced upon the said District of Road called the *Minsterley District*, and which shall be undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable upon the same District, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act upon the same District, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the First Place, in Payment of Seven Parts in Thirty of the Whole of the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, and in discharging the Balance (if any) which shall be due to the Treasurer or Treasurers of the same District, or other Person or Persons as aforesaid, with lawful Interest for the same during the Forbearance thereof; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by this Act upon the said District; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and of repairing the same, and of altering, turning, repairing, and improving the same District of Road, and purchasing Lands or Hereditaments for these Purposes, and of executing the several other Powers, Purposes, and Trusts of this Act; and lastly, in reducing, paying off, and discharging such several Principal Sums as aforesaid.

XLVIII. And

Westbury District.

XLVIII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced upon the said District of Road called the *Westbury District*, and which shall be undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable upon the same District, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act upon the same District, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the First Place in Payment of Five Parts in Thirty of the whole Costs, Charges, and Expences incident to orattending the obtaining and passing of this Act, and in discharging the Balance (if any) which shall be due to the Treasurer or Treasurers of the same District, or other Person or Persons as aforesaid, with lawful Interest for the same during the Forbearance thereof; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by this Act upon the same District; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of altering, widening, turning, repairing, and improving the said District of Road, and purchasing Lands or Hereditaments for those Purposes, and of executing the several other Powers, Purposes, and Trusts of this Act; and lastly, in reducing, paying off, and discharging such several Principal Sums as aforesaid.

Shelton District.

XLIX. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced upon the said District of Road called the *Shelton District*, and which shall be undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable upon the same District, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act upon the same District, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the First Place, in Payment of Ten Parts in Thirty of the whole Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, and in discharging the Balance (if any) which shall be due to the Treasurer or Treasurers of the same District, or other Person or Persons as aforesaid, with lawful Interest for the same during the Forbearance thereof; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing upon Mortgage or Security of the Tolls granted by this Act upon the same District; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of altering, widening, turning, repairing, and improving the said District of Road, and purchasing Lands or Hereditaments for those Purposes, and of executing the several other Powers, Purposes,

poses, and Trusts of this Act; and lastly, in reducing, paying off, and discharging such several Principal Sums as aforesaid.

Pool District.

L. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced upon the said District of Road called the *Pool District*, and which shall be undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by or from the Tolls granted or made payable upon the same District, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act upon the same District, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the First Place, in Payment of Four Parts in Thirty of the whole Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, and in discharging the Balance (if any) which shall be due to the Treasurer or Treasurers of the same District, or other Person or Persons as aforesaid, with lawful Interest for the same during the Forbearance thereof; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by this Act upon the same District; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of altering, widening, turning, repairing, and improving the said District of Road, and purchasing Lands or Hereditaments for those Purposes, and of executing the several other Powers, Purposes, and Trusts of this Act; and lastly, in reducing, paying off, and discharging such several Principal Sums as aforesaid.

Baschurch District.

LI. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced upon the said District of Road called the *Baschurch District*, and which shall be undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable upon the same District, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act upon the same District, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied, in the First Place, in Payment of Four Parts in Thirty of the Whole of the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, and in discharging the Balance (if any) which shall be due to the Treasurer or Treasurers of the same District, or other Person or Persons as aforesaid, with lawful Interest for the same during the Forbearance thereof; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by this Act upon the said District; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and of repairing the same, and of altering, turning, repairing, and improving the same District of Road,

Road, and purchasing Lands or Hereditaments for those Purposes, and of executing the several other Powers, Purposes, and Trusts of this Act; and lastly, in reducing, paying off, and discharging such several Principal Sums as aforesaid.

Trustees may widen, turn, or alter the Road.

LII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, to make, repair, widen, alter, shorten, or turn the Course or Path of any Part or Parts of the said Roads, upon, over, or through any private Lands, Grounds, or Hereditaments, and lay into the said Roads any Lands, Grounds or Hereditaments of any Person or Persons, not being a House or other Building, or Part of any Curtilage, Garden, or Yard adjoining to any House, or any Orchard, Park, Paddock, Lawn, Shrubbery, Nursery, planted Walk or Avenue to a House, except as by this Act is directed or authorized, not exceeding Forty Feet in Width, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby, and on such Alteration being made, effectually fencing the same; and also through any Commons, waste Grounds, or uncultivated Lands, and by, over, and along any ancient Highways or Roads, without making any Satisfaction for such Commons, waste Grounds, or uncultivated Lands, Highways, or Roads; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor, and Workmen, from Time to Time, to enter upon the Lands and Premises through which or whereupon such Roads or Alterations are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Roads or Alterations in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Action, Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall wilfully and knowingly pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, nor less than Forty Shillings, to be recovered, levied, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Deviations not to exceed One hundred Yards without Consent.

LIII. Provided always, and be it further enacted, That the said Trustees, in diverting, turning, altering, or improving any Part of the said Roads, under the Powers of this Act, shall not deviate more than One hundred Yards from the present Line thereof respectively, without the Consent and Approbation in Writing, of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made (except as by this Act is directed or authorized).

Trustees may purchase Lands.

LIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, from Time to Time to treat, contract, and agree with the Owners of and Persons interested in any private Lands or Hereditaments, to be taken or made use of by virtue of this Act, for the Purchase or Exchange thereof, or by way of annual Rent or otherwise, or for the Loss or Damage such Owners or Persons may

may sustain by making, widening, turning, improving, or altering the said Roads, or any Part thereof, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, or Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right or entitled to Dower, and to and for all other Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to treat, contract, and agree with the Trustees for executing this Act, or any Three or more of them, for the Satisfaction to be made for such Damages as aforesaid, or sell and convey, or let and demise unto the said Trustees, or any Three or more of them, any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances, or other Assurances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

Corporations, &c. empowered to sell.

On Neglect to treat, Jury to be summoned.

LV. And be it further enacted, That if such Owners, Proprietors, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to the said Roads, and through which any Part of such Road is to be made, varied, diverted, turned, or altered, shall for the Space of Ten Days next after such Notice given or left as aforesaid, neglect or refuse to treat for the absolute Sale, if required, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such case the said Trustees, or any Three or more of them, shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County where the Lands or Hereditaments are situate; and in order thereto the Trustees for executing this Act, or any Three or more of them, are hereby empowered and required from Time to Time, as occasion shall be or require, to summon or call before such Jury, and examine upon Oath, any Person or Persons whomsoever, (which Oath any One or more of the said Trustees is and are hereby empowered to administer,) and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own Information as for the Information of the said Jury, in the Premises;

and after the said Jury shall have inquired of, ascertained, and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs or Successors, as well absent as present, Executors, Administrators, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all other Persons whatsoever; and for the summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants, under the Hands of any Three or more of them the said Trustees, to the Sheriff of the County in which such Lands or Hereditaments lie, or to his Deputy or Deputies, requiring him or them to impannel, summon, and return Twenty-four honest and indifferent Men, qualified to serve on Juries, to appear before the said Trustee, or any Three or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Three or more of them, shall and they are hereby empowered and required to swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, without shewing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Charges and Expences, without any reasonable and sufficient Excuse, or appearing shall refuse to be sworn or examined, or give Evidence, so that no such Fine be more than Twenty Pounds upon any Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person, for One Offence: Provided always, that no Person or Persons, Bodies Politic or Corporate, or others, shall by virtue of this Act be compelled or compellable to accept any annual Rent or Equivalent by way of Exchange, or to treat with the said Trustees otherwise

To assess the Damage.

otherwise than for the absolute Sale of any such Lands or Hereditaments as aforesaid.

Expences of Jury.

LVI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons, in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by or on Behalf of the said Trustees, before the impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the said Trustees, out of the Money to arise by virtue of this Act, and such Costs and Expences shall be settled and determined by any One Justice of the Peace for the said County of *Salop* or County of *Montgomery*, or Town and Liberties of *Shrewsbury* or *Welsh Pool*, within their respective Jurisdictions, not interested in the Matter in question (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered, by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Salop*, or County of *Montgomery*, or Town and Liberties of *Shrewsbury* or *Welsh Pool*, within their respective Jurisdictions; which Warrant any such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose, by the Party or Persons entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by or on Behalf of the said Trustees, before the impannelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace, as herein-before directed (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees, by such Ways and Means as are herein-

herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees, out of the Money to be raised or received under or by virtue of this Act.

Purchase Money how to be paid or tendered.

LVII. And be it further enacted, That all and every Sum and Sums of Money, Consideration, Recompence or Satisfaction, to be agreed for, or ascertained or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, either into the Bank of *England*, as herein-after mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons or their Agents, it shall be lawful for the said Trustees, their Surveyors, Workmen or Agents, to make, widen, divert, turn, improve, and alter such Roads, through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things, with relation to such Lands or Hereditaments, as the said Trustees, or any Three or more of them, shall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which shall be made a Part or Parts of any Road, by virtue of this Act, shall be sufficiently ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes, be deemed a common Highway, and shall be repaired and kept in repair by the said Trustees, by the same Ways and Means as any other Highway is or ought by Law to be kept in repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and the Land constituting Part or Parts of any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor or Waste Ground, or to some Village, Town, Hamlet or Place, to which the new Road does not lead, shall be vested in the said Trustees, and sold as herein-after mentioned, or shall and may be shut up and discontinued, or left unrepaired.

Old Roads to be sold or shut up.

Power to sell surplus Grounds or old Roads.

LVIII. And whereas by reason of the Purchases which the said Trustees are empowered and authorized 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 over and above what are or shall be necessary for effecting the Purposes of this Act, or of some Piece or Pieces of old Roads as aforesaid; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of overplus Ground, or of such Pieces or Parcels of old Road (not being Common or Waste Land), as aforesaid, either together or in Parcels, either by public Sale or private Contract, as they shall think fit, and to convey the same for the best Price that can or may be reasonably had or gotten for the same, 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 Parcel of overplus Ground or old Roads as aforesaid, shall first offer such overplus Ground for Sale to the Person or Persons of whom the same shall have been purchased, or to the Person or Persons whose Lands or Premises shall adjoin thereto; and if any Person or Persons respectively shall then and thereupon refuse, or shall not agree (except

cept with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master Ordinary or Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Salop* or County of *Montgomery*, or Town and Liberties of *Shrewsbury* or *Welsh Pool*, within their respective Jurisdictions, who are hereby respectively empowered to take such Affidavit, by some Person or Persons no way interested in the Premises, stating that such Offer was made by and on Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of overplus Ground or old Road, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of overplus Ground or old Road shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and every Conveyance of such Piece or Pieces of overplus Ground, being executed by any Three or more of the said Trustees, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof, in any Manner they may think proper, and the same shall be held by such Purchaser or Purchasers by or under the same Tenure as the same was held before the Purchase thereof by the said Trustees for the Purposes of this Act, or as the same would or might have been held if this Act had not been passed; and all Conveyances of such Pieces of old Road, being executed by any Three or more of the said Trustees, and enrolled with the Clerk of the Peace for the said County of *Salop* or County of *Montgomery* (as the Case may require), shall be good and effectual in Law, to all Intents and Purposes.

Application of Compensation for settled Estates if amounting to 200*l.*

LIX. And be it further enacted, That all the Principal Monies which shall be agreed or settled, or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, or any Seven or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would

would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments), in the Purchase of the Land Tax, or in or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement was made.

Where less than 200*l.* and amounting to 20*l.*

LX. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purpose aforesaid, and belonging to any Body Politic, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner 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 any Seven or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the same shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

LXI. Pro-

Not exceeding 20*l.*

LXI. Provided also, and be it further enacted, That where such Money so agreed or award to be paid as herein-before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Lunacy, or other Incapacity, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Purchase Monies to be paid into the Bank of England in certain Cases;

LXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so awarded or assessed, for any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the Sum or Sums of Money so awarded or assessed as aforesaid to 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, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

subject to the Order of the Court of Chancery.

Persons in Possession shall be deemed well entitled, unless the contrary be shewn.

LXIII. Provided always, and be it further enacted, That when 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 High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right, Title, or Interest to any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or

Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary be shown to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

For getting Materials to repair the Roads.

LXV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Districts of Road respectively, or for any Person or Persons who shall, pursuant to the Powers of this Act, contract for the Repair of the same, or any Part thereof, and all such Persons as he or they shall appoint to search for, dig, gather, get, and take away any Furze, Heath, Stones, Gravel, Sand, Earth, Soil or other Materials, for amending, altering, turning, widening, improving, and keeping in repair the said Roads, or any Part thereof, and any Footways and Paths on the Sides thereof, or for building or rebuilding, or repairing any Toll House or Toll Houses, Fence, Wall or Walls, on or by the Sides thereof, or any Bridge or Bridges, or Culvert or Culverts thereon, adjoining or belonging thereto respectively, out of any Waste or Common, or out of any common River or Brook, in any Parish, Town, Village, Hamlet, or Place, in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Town, Village, Hamlet, or Place, without paying any thing for the same, such Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials, proper in the Judgment of the said Trustees for the Repairs of the said Roads, cannot be conveniently had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case, the Surveyor or Surveyors, Contractor or Contractors, or other Persons as aforesaid, may by Order of any Two Justices of the Peace for the County or Place in which the Lands or Grounds shall lie or be situate (as the Case may be), search for, dig, gather, get, and take away any such Materials, in, upon, or out of, from and over the Lands or

Grounds of any Person or Persons, Bodies Politic or Corporate, in any Parish, Hamlet, Township, or Place, in which any Part of the said Roads shall lie or be situate (not being a Yard, Garden, Orchard, Park, Paddock, or Plantation, or a Nursery for Trees), making or tendering such Satisfaction for the Damage done to the Owners and Occupiers of any such Lands or Grounds from whence the same shall be dug, gathered, and carried away, or over which the same, or any other Materials for amending, altering, improving, or repairing the said Roads, shall be carried, as shall be agreed upon between them, and such Owners or Occupiers; or in case of their not agreeing, then it shall be lawful for any Two Justices of the Peace, acting for the County or Place where the Lands or Grounds shall be situate, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and adjudge such Satisfaction and Damages: Provided also, that no such Stone or other Materials as aforesaid, shall be gotten, dug for, or taken away, within the Distance of One hundred Yards of any Bridge, Mill, Mill-weir, or Dam, nor to injure any Building or Highway, on any Account or Pretence whatsoever.

Notice to be given before Materials taken.

LXVI. And be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Stone or other Materials for making or repairing the said Roads, or any Bridges, Culverts, Walls or Fences (without the Consent of the Owner or Occupier thereof), out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor or Contractor, at least Seven Days previous thereto, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the last or usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace acting for the County or Place wherein such Premises shall lie, to show Cause why such Materials shall not be had from such Land or Ground; and in case such Owner or Occupier, or his or her Agent, shall not attend pursuant to such Notice, or shall attend, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices may, upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer, make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

For Purchase of Lands for getting Materials.

LXVII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees 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 Land or Ground for the Purpose of digging Stones, Gravel, and Materials therefrom, for the Repair or Use of the said Roads, and at any Time afterwards to sell the Land or Ground so purchased by public Auction or Auctions; provided also, 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.

LXVIII. And

Penalty on taking Materials got by Surveyor.

LXVIII. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owners or Occupiers of any private Lands or Grounds, and the Person or Persons authorized by such Owners or Occupiers, and who may get Materials therein for their own Use only, and not for the Use of any other Highway, or for Sale), every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, in addition to the Value of such Materials (to be ascertained by such Justice or Justices) so taken or carried away.

Surveyor may remove Obstructions,

turn and open Watercourses,

crop Trees, &c.

and cut Hedges:

LXIX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent any Nuisances and Annoyances made on any Part or Parts of the said Roads, by Timber, Wood, Stone, Carriages, Sawpits or other Pits, Hovels, Trees, Ashes, Dung, Filth, Rubbish, Straw, or other Matter or Thing whatsoever; and to turn or divert any Watercourses, Gutters, Sinks, Conduits, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads, or any Part or Parts thereof, and to make the same as deep and large as such Surveyor or Surveyors shall deem necessary; and also to prune, cut, or lop, at proper Seasons of the Year, any Shrubs or Bushes, or Branches of Trees, growing on the said Roads, or in the Hedges, Fences, or Banks adjacent thereto, within Twenty Feet of the Centre thereof (unless the same be an Ornament or Shelter to any House or other Building, or be in any Garden, Orchard, planted Walk, Avenue to a House, or Nursery for Trees), and to take and carry away the Prunings or Lopping thereof; and to cut and reduce all such Hedges to the Heighth of Four Feet, in case the Persons occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Ten Days after receiving Notice from the Surveyor so to do, either personally or in Writing, to be left at the Dwelling House of the Party; or in case the Owner or Occupiers of the Lands shall neglect to turn, divert, open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to prune, cut, or lop such Shrubs, Bushes, or Branches, or to remove such Prunings, Cuttings or Loppings, or to reduce such Hedges in such Manner as the Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for those respective Purposes, under the Hand or Hands of such Surveyor or Surveyors, or so near to such Time as the proper Season will allow for such reducing of Hedges, or cutting or lopping of Branches; the Charges whereof (to be settled by any Justice of the Peace of the County, Division, Liberty, or Place where the same shall occur, by Writing under their or his Hands or Hand) shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen,

On Neglect Justice may order Relief.

or

or enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune, cut, or lop such Shrubs, Bushes, or Branches, or to cut or reduce such Hedges, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid, and who shall also forfeit the Penalty or Penalties for such Neglect or Refusal as are mentioned and set forth for the like Offences in and by the General Highway Act; which Penalties, together with the aforesaid Charges, shall be recovered, levied, apportioned, applied, and disposed of in such Manner as the Penalties, Forfeitures, and Fines are by this Act directed to be recovered, applied, and apportioned: Provided always, that where by reason of diverting any such Watercourse or Watercourses, the Water whereof shall have been theretofore used for the Purposes of Irrigation, or shall have contributed to the Supply of any Mill, any Damage shall accrue to the Owner or Occupier of any Land adjacent so irrigated, or of any such Mill, then and in such Case, upon Complaint made within One Month by the Party or Parties aggrieved, to any One or more Justices of the Peace of or for the County, Division, Liberty, or Place where the same shall occur, it shall be lawful for such Justice or Justices, upon Proof of the Premises upon Oath, by any Writing under his or their Hands, to direct the said Trustees, or their Treasurer for the Time being, to make such Compensation to the Party or Parties so aggrieved as shall to him or them seem just or reasonable.

Penalty for erecting Encroachments on the Side of Roads.

LXX. And be it further enacted, That if any Person shall, from and after the passing of this Act, encroach, by making or causing to be made any Dwelling House or other Building, Wall, Hedge, Ditch, or other Fence on any Part of such Roads (except Turnpike Houses and Appurtenances thereto erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence any Sum not exceeding the Sum of Five Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, by Order under their Hands, made at a public Meeting or some Adjournment thereof, directed to their Surveyor, to cause such Dwelling Houses or Buildings, Walls, Hedges, Ditches, or other Fences, to be pulled down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace in and for the said Counties of *Salop* or *Montgomery*, or Town and Liberties of *Shrewsbury* or *Welsh Pool*, within their respective Jurisdictions, as the Case may require, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as 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 to open inwards.

LXXI. And be it further enacted, That from and after the passing of this Act, no Gate of any Park, Paddock, Field, or Inclosure whatsoever, now standing or hereafter to be made, shall remain placed or be placed so as to open or swing into or towards any Part of the said Roads, except the respective Hanging Posts thereof shall be so far removed from the Centre of the said Roads as that no Part of such Gate respectively, when opened, shall swing or hang over any Part of the said Roads, or any Footpath

Footpath belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure having any Gate opening outwards, contrary to the Meaning of this Act, shall within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, and left at his or her Dwelling House, by or from any Surveyor of the said Road, cause such Gate to be hung in such a Manner as that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in case of the Neglect or Default of any Occupier or Occupiers, then the Surveyor of the said Roads shall and may and he is hereby authorized to cause the Gate and Hanging Posts to be removed, and to be placed and hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County, Division, Liberty, or Place where the Gate shall be situate, and upon Conviction upon the Oath of One credible Witness of the giving of such Notice, and of such Neglect or Default, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration, and hanging such Gate; and shall also forfeit and pay a further Sum, not exceeding Five Pounds, for his, her, or their Neglect or Default therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made; and such Penalties shall be recovered, levied, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties.

Power to make Causeways and Drains.

LXXII. And be it further enacted, That it shall and may be lawful for the said Trustees, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order in Writing for that Purpose, signed by Three or more of the said Trustees), to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways, Footpath or Footpaths for the Use of Foot Passengers along any Part of the said Roads, in such Manner as they shall think proper, and also to fill up the Ditches or Drains in or on the Side of the said Roads, and to make others in lieu thereof through any Ground lying contiguous thereto, making Compensation, to be ascertained as is herein-before directed respecting Purchases where any Dispute may arise (such Ground not being the Scite or Ground whereon any House or Houses stand, nor being at the Time used as a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains, where necessary; and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Site or Grounds whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages, as a public Highway, whilst such ruinous or narrow Part of the said Roads be repaired and widened, and until such Time as it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers

cupiers of such private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of *Salop*, or County of *Montgomery*, or Town and Liberties of *Shrewsbury* or *Welsh Pool*, within their respective Jurisdictions, on Ten Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid, which Determination shall be final and conclusive to all Parties.

Milestones, &c. to be erected.

LXXIII. And be it further enacted That the said Trustees shall cause Milestones or Posts to be set up, and from Time to Time renewed on the Sides of the said Roads, in proper Situations, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distances of Places, and also Direction Posts where any other Road or Roads lead out of or into the same Roads.

Penalty for damaging Milestones, &c. erected on Roads.

LXXIV. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, break, injure, or damage any of the Posts, Boards, Milestones, or Tables of Tolls, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lanthorn, set up or affixed by Order of the said Trustees, at or near to any of the said Turnpike Gates, or on any other Part or Parts of the said Roads, or shall cause or procure the same to be done; or if any Person or Persons shall wilfully pull up, remove, injure, or damage any Wall, Post, Rail, or Fence, now or at any Time hereafter to be placed or put by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said Trustees shall or may make or plant, or cause to be planted, for the Purposes of this Act, or which by virtue of this Act they are required or authorized to keep in good Order, or any other Fence whatsoever that may be set up by the said Trustees or under their Authority; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Tree or Piece of Timber which shall be conveyed upon a Wheel Carriage, to drag upon any Part of the said Roads, to the Prejudice thereof; or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift, or Soil, from off any Footway or Causeway, being Part of or adjoining the said Roads, or from any other Part of the said Roads; or if any Person or Persons shall ride upon or wilfully drive any Waggon, Cart, or other Carriage, upon, along, or

against such Footway or Causeway, or any other Way or Ways already made or to be made upon the said Roads for the Use of Foot Passengers, or shall wilfully lead or drive any Horse or other Cattle, Sheep, or any Swine, or any Cart or Carriage thereon, or shall willfully or carelessly cause any Damage to be done to any such Footways or Causeways; or if any Person shall turn loose any Horse, Ass, Beast, or Swine upon the said Roads, or suffer any Horse, Ass, Beast, or Swine to be turned loose, or to wander, or suffer to stray, or to be or remain upon the said Roads, to graze or depasture on the Sides thereof; or if any Person or Persons, driving any Swine, Sheep, or Cattle upon the said Roads, shall wilfully or negligently suffer the same to root up or damage the said Roads, or any Part thereof, or the Fences, Hedgings, Backings, or Copse on either Side thereof; or if any Person or Persons shall wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining to the said Roads; or shall, in or upon any Part of the same Roads, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or hang up or place (wholly or in part) any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, Buildings, Butcher's Shop or Shambles, into the said Roads; or burn, dress, or sweep any Piece or Pieces of Cork, or shall hoop, fire, cleanse, wash, or scald any Cask or Casks, on any Part or Parts of the said Roads, or in any exposed Situation near thereto; or shall hew, saw, cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber, or make, bind, or repair any Wheel or Carriage on any of the said Roads, or upon the Sides of any of the said Roads, or shall slack, mix, or wet any Lime or Mortar, or shall shoe, farry, or bleed any Horse, Mule, or Ass (except in Cases of Accidents), upon any Part of the said Roads; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or other Fireworks whatsoever upon the said Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game, upon any Part or Parts of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not, during such Time, be placed as near to the Side of the said Roads as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage, in going up a Hill or rising Ground, leave or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which any such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, or any of them, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the Road; or if the Driver of any such Carriage shall wilfully or carelessly pull up, break, or damage any Posts or Stones to be erected for the Security of any Footway or Causeway on or adjoining the said Roads, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay, place, or leave any Piece of Timber, or any Bricks, Tiles, Stones, Hay, Straw, Dung, Goods, or other Things, or shall lay and permit to remain any Manure, Soil, Ashes,

Ashes, Filth, Rubbish, Dirt, Dust, Earth, or other Nuisance or Annoyance on any Part of the said Roads, or on the Side or Sides thereof, or shall set, place, or expose to Sale any Goods, Wares, or Merchandizes in or upon the Footpaths or Causeways adjoining to such Roads, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or if any Person driving any Horse or other Beast on the said Roads, conveying Iron in Bars or Rods, or any Basket or Pannier, or any other Matter or Thing, shall place such Bars or Rods, Basket or Pannier, or other Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse or other Beast, or Carriage, travelling along the said Roads; or if any Hawker, Pedlar, Gipsy, 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 encamp upon or by the Side or Sides of the said Roads, or any Part thereof; 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 it becomes Twilight, bar and prevent the Light from such Shop shining into the said Roads, every such Person shall forfeit and pay (over and above the Damage, if any, occasioned) any Sum not exceeding Forty Shillings for every such Offence, to be levied, recovered, apportioned, and applied in manner herein-after provided for the Recovery, Apportionment, and Application of Penalties and Forfeitures; and such Offenders shall also pay to the said Trustees, or their Treasurer or Treasurers, or one of them, or to any Person damaged thereby, such Sum of Money as shall be a full Satisfaction for the Damage so done, which shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Cattle, &c. straying on Roads may be impounded.

LXXV. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying in, upon, or about the said Roads, or any Part or Parts thereof respectively, or by the Sides thereof (except on such Parts of the said Roads as lead or pass through or over any Commons or uninclosed Lands), it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Township, Tithing, or Place where the same shall be, or in such other Place 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 Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Five 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 Four Days after such impounding, it shall and may be lawful to and for the said Trustees, or any Five or more

more of them, to sell or cause to be sold (giving public Notice in One *Shrewsbury* Newspaper thereof), every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Overplus of the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, advertising, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall 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 or Levy so made, shall be discharged by due Course of Law, every Person so offending, shall upon Conviction thereof before 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.

For securing transient Offenders.

LXXVII. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Lessees of the Tolls, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Lessees, Surveyors, or Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said County of *Salop*, or County of *Montgomery*, or Town and Liberties of *Shrewsbury* or *Welshpool*, within their respective Jurisdictions, near to the Place where the Offence or Offences shall be committed, and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

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

LXXVIII. And be it further enacted, That where any particular Part of the said Roads, or any Bridge, Drain, or Sewer, being in and upon or on the Side of the said Roads, which had been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politic, Corporate, or Collegiate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by either of the said Counties, or any Township therein, every such Part of the said Roads, Bridge, Drain, or Sewer, so lying in or upon the said Roads, or the Sides thereof, shall from

Time to Time be maintained and kept in repair by such Person or Persons, Body Politic, Corporate, or Collegiate, County or Counties, Township or Townships, Parishes, Tithings, and Places, and in such Manner as the same were respectively maintained and kept in repair before the passing of this Act.

Trustees may compound for such Work.

LXXIX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time to compound and agree with all or any of the said Person or Persons, Bodies Politic, Corporate, or Collegiate, Township or Townships, Tithings or Places, who is, are, or shall be liable or chargeable for or towards repairing of any such particular Part of the said Roads, Bridges, Drains, or Sewers (except the Bridges liable to be repaired by the County, which shall continue to be respectively repaired as aforesaid), for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think fit, in lieu of such particular Works or Repairs to be done by such particular Person or Persons, Body Politic, Corporate, or Collegiate, Township or Townships, Tithings or Places as aforesaid.

Statute Labour.

LXXX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the County, Division, District, or Place in which the said Roads, or any Part thereof lie, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, or by any Person or Persons who shall contract for the Repair of the said several Districts of Roads, or any of them, or any Part thereof, by their Order), from Time to Time to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads, by the Inhabitants of the respective Parishes, Hamlets, Townships, Divisions, or Places in which the said Roads lie, and also what Proportion of Money received or receivable by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, Township, Division, or Place, for Contribution Money, or in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer, Surveyor, or Contractor, and such Adjudication, Determination, and Apportionment shall continue in force, till altered or rescinded by any future Adjudication, Determination or Apportionment made or to be made (in manner hereafter directed), either on the Application of the said Trustees, their Surveyor or Contractor, or by the Surveyor of the Highways of any Parish, Township, or Place affected by such former Adjudication and Apportionment; and in order thereunto, it shall be lawful for such Justices, from Time to Time to summon the Surveyor or Surveyors for every such Parish, Hamlet, Township, Division or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish, Hamlet, Township, Division, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money for Contribution, or in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams

or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads respectively, as the said Justices shall think reasonable, and the same shall be done on such Days and on such Times (not being Hay Time or Harvest), and on such Parts of the said respective Roads (lying within the Parish, Township or Place from which such Duty shall be required), as the said Trustees, or their Surveyor or Surveyors, by their Order, or their said Contractor or Contractors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money for Contribution, or in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof respectively, as the said Justices shall think proper, to the said Trustees or their Treasurer, or their Surveyor or Surveyors, Contractor or Contractors, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may, upon Complaint made by the said Trustees, or their Treasurer, or their Surveyor or Surveyors, or Contractor or Contractors, 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 herein-after directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, or the Contractor or Contractors for the Repair of any of the said Districts of Road respectively, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads to be by this Act repaired or amended, shall be found idle or negligent by any Surveyor or Contractor to the said Trustees, such last-mentioned Surveyor or Contractor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, Townships, Divisions, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such last-mentioned Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor

nor less than Forty Shillings, to be recovered, levied, apportioned, and applied, as other Penalties and Forfeitures imposed by this Act may be recovered, and are herein-after directed to be apportioned and applied: Provided always, that if any Surveyor or Surveyors of the said Trustees, or any Person or Persons who shall contract for the repairing of any of the said Districts of Road, shall upon any Pretence whatsoever employ, or cause, or knowingly permit and suffer to be employed, any Team, Draught, Horse, or Labourer so directed to perform any Statute Duty upon the said Districts, or any of them, in or upon their or any of their own private Work or Business, or the private Work or Business of any other Person or Persons whatsoever, every such Surveyor or Contractor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, to be recovered, levied, apportioned, and applied, as other Penalties and Forfeitures imposed by this Act may be recovered, and are herein-after directed to be apportioned and applied.

Trustees may compound for Statute Duty.

LXXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, or their Surveyor or Surveyors, Contractor or Contractors, and they are hereby severally authorized and empowered, to compound or agree by the Year, or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments, of or in any of the Parishes, Townships, Tythings, Hamlets, or Places in which the said Roads shall lie and be situated, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any such Parishes, Townships, Tythings, Hamlets, or Places, for the Whole or any Part of the Statute Work liable to be performed within the same respectively; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Township, or Place, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees, or to their Surveyor or Surveyors, Contractor or Contractors, in advance on or before the First Day of *March* in each and every Year, or otherwise the Inhabitants, Occupiers or Surveyors of such Parish, Township, Tything, Hamlet, or Place, shall not be permitted to compound for that Year; all which Composition Money shall be from Time to Time applied in repair of the said Roads.

Trustees may contract for repairing Roads.

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

the Party or Parties failing in the Execution of such Contracts or Agreements.

In case of Non-payment of Compensation for Materials, Damages or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods vested in the 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, upon 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 of the Peace 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 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 their Treasurer for the Time being, as the Case may be.

Recovery of Penalties and Forfeitures, and Application thereof.

LXXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby 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 One Justice of the Peace for the said County of *Salop*, or County of *Montgomery*, or Town and Liberties of *Shrewsbury* or *Welsh Pool*, within their respective Jurisdictions, either by the 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 by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (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 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, One Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of this Act on the respective Districts of Road; and in case such Penalties, Forfeitures, and Fines respectively, shall not

be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders, so convicted, to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County of *Salop*, or County of *Montgomery*, or Town of *Shrewsbury* or *Welsh Pool* (as the Case may require), there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Form of Conviction.

LXXXV. And for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall or may cause the Conviction to be drawn up in the Form, or in Words to the Effect following, *mutatis mutandis*, as the Case shall happen to be, (to wit):

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

Persons aggrieved may appeal to the Sessions.

LXXXVI. 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 appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place where the Cause of Appeal shall arise, and not elsewhere, and within Four Calendar Months after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice in Writing preceding such Sessions, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees, or other the Respondent or Respondents, and within Four Days after such Notice, entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be) with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order, 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 Justices may at such Sessions, or at any subsequent 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 for the said County of *Salop*, County of *Montgomery*, or Town of *Shrewsbury* or *Welsh Pool*, as the Case may require, for any Time not exceeding the Term of Three Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for want of Form.

LXXXVII. 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, set aside, or vacated 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 when 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 Proceeding 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 behalf of the Party distraining before such Action brought.

Limitations 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 Fourteen Days Notice thereof shall be given to the Clerk of the said Trustees, nor after sufficient Satisfaction or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his and their Election, plead specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that

General Issue.

the

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 Fourteen 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 or Place, 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.

Treble Costs.

Public Act.

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.

Commencement and Continuance of this Act.

XC. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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