ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 89.

An Act for enlarging the Term and Powers of several Acts of His late and present Majesty, for repairing the Road from *Ternhill* to *Newport*, in the County of *Salop*. [5th *May* 1812.]

WHEREAS by an Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Road from the Bars at* Boughton, *in the Liberties of the City of* Chester, *to* Whitchurch, *and from thence to* Newport, *in the County of* Salop, *to* Ivetsey Bank, *in the County of* Stafford, *and from thence to* Castle Bromwich *and* Stone Bridge, *in the Parish of* Hampton-on-Arden, *in the County of* Warwick; *and from* Castle Bromwich *to* Birmingham, *in the same County*, the said several Roads were divided into Four Districts, One of which Districts consisted of the said Road leading from *Whitchurch* to *Newport* aforesaid, and is therein called "The Second District:" And whereas another Act was passed in the Eighteenth Year of the Reign of His present Majesty, intituled, *An Act to enlarge the Term and Powers of an Act, passed in the Thirty-third Year of King* George *the Second, for repairing and widening the Road from the Bars at* Boughton, *within the Liberties of the City of* Chester, *to* Whitchurch, *and from thence to* Newport, *in the County of* Salop, *and other Roads in the said Act mentioned; and for making a Road of Communication from the said Road between* Whitchurch *and* Newport, *to the present Turnpike Road from* Newport *aforesaid to* Eccleshall, *in the County of* Stafford: 33 G. 3. c. 51. 18 G. 3. c. 86.

41 G. 3. c. 98.

And whereas another Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers of Two Acts, passed in the Thirty-third Year of the Reign of His late Majesty King* George *the Second, and in the Eighteenth Year of the Reign of His present Majesty, for repairing and widening the Road from the Bars at* Boughton, *within the Liberties of the City of* Chester, *to* Whitchurch, *and from thence to* Newport, *in the County of* Salop, *and several other Roads therein mentioned, so far as the said Acts relate to the Road leading from* Whitchurch *aforesaid, through* Ternhill *to* Newport *aforesaid, being the Second District of Roads in the said Acts mentioned:* And whereas by the said last recited Act the said Second District of Road, being the Road leading from *Whitchurch* to *Newport* aforesaid, was divided into Two distinct and separate Divisions, the First of which Divisions is therein described to extend from the Town of *Whitchurch* aforesaid, to an Inn or Public House situate at a certain Place there called *Ternhill*, known by the Sign of the *Queen's Head*, then in the Occupation of *John Swinchatt*, and is called the *Whitchurch* Division of the said District of Road; and the Second Division of the said District is therein described to extend from the said Inn or Public House at *Ternhill* aforesaid, to the Town of *Newport* aforesaid, and is called the "*Newport* Division" of the said District of Road: And whereas the Trustees appointed in or by virtue of the said recited Acts, acting for the said *Newport* Division of Road, have proceeded in the Execution thereof within the said Division, and have expended more than the Tolls granted by the said several Acts have amounted to; and there is now a considerable Sum charged upon, and due and owing from the Tolls arising within the said *Newport* Division: And whereas by reason of the great and heavy Carriage upon the said Division of Road, great Part whereof contributes nothing, and other Part little to the Support of the said Road, the Distance of Materials fit or proper for the Repair thereof, and the Inadequacy of the Tolls granted by, and the Insufficiency of the Powers and Provisions contained in the said recited Acts, the said Road is in several Parts so deep and miry as to be unsafe to the Public, and the said Debt cannot be paid off, nor the said Road effectually amended and kept in Repair, unless the Term granted by the said recited Acts is further continued, the Tolls increased, and the Powers and Provisions of the said recited Acts, so far as relate to the *Newport* Division of the said Second District of Road are altered and enlarged: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters and Things therein contained (except such as relate to Exemptions from Stamp Duties, and such as are hereby varied, altered or repealed), so far as the same relate to the *Newport* Division of the said Second District of Road, shall be and continue in full Force, and be executed for and during the Term hereinafter mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations and Amendments herein contained; and that this Act, and the additional Term hereby

Second District divided into Two Divisions.

Acts further continued.

hereby granted, ſhall be ſubject and liable to the Payment of all Sums of Money now due on the Credit or on account of the ſaid recited Acts, or either of them, with reſpect to the ſaid *Newport* Diviſion of Road, or which ſhall be borrowed on the Credit of the ſaid Acts and this Act, on account of the ſaid *Newport* Diviſion of Road, and all Intereſt due and to grow due for the ſame reſpectively.

Truſtees. II. And be it further enacted, That from and after the paſſing of this Act, *John Fenton Boughey*, *Thomas Borrow*, *Richard Bayley Marſh*, *John Dryden Pigott*, Clerk; *Thomas Stonehewer Bright*, Clerk; *John Langley*, Clerk; *Richard Wingfield*, Clerk; *Stephen Hartley*, Clerk; *Edward Scott Dickenſon*, Clerk; *Edward Hayward*, *Creſwell Tayleur*, *Charles Morris*, *Thomas William Morris*, *John Wedge*, *Robert Hughes*, *Robert Higgins*, *Thomas Bernard Baddeley*, *Robert Blakemore*, *John Bayley*, of the Bridge; *John Adams*, of *Anſeller Houſe*; *Thomas Boultbee*, *Thomas Parſons*, *Thomas Parſons* the Younger, *Eli Peake*, *Samuel Braine*, *Robert Maſefield*, and *William Jellicorſe*, and their Succeſſors (being qualified according to the Directions of the ſaid firſt recited Act) ſhall be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Acts for putting the ſame and this Act in execution, with reſpect to the ſaid *Newport* Diviſion of the ſaid Second Diſtrict of Road, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees in or by virtue of the ſaid recited Acts, or any of them.

Additional Toll Gates may be erected, III. And whereas by the ſaid firſt recited Act the Truſtees are reſtrained from erecting any Turnpike nearer than Six Miles from the Town of *Newport* aforeſaid, on the North Side thereof, which Diſtance, by the ſaid laſt recited Act, is reduced to Five Miles; but, foraſmuch as great Numbers of Horſes, Cattle, and Carriages, enter into and paſs along the ſaid Turnpike Road within the ſaid *Newport* Diviſion, on the Southerly Side of the preſent Turnpike Gate, and within the Diſtance of Five Miles from the Town of *Newport* aforeſaid, whereby a very conſiderable Extent of the ſaid Road is much worn and injured, without any Contribution in reſpect of ſuch Horſes, Cattle and Carriages, towards the Repairs thereof; for Remedy whereof, be it enacted, That from and after the paſſing of this Act, it ſhall be lawful for the ſaid Truſtees for the ſaid *Newport* Diviſion of Road, or any Five or more of them, to ſet up and erect, or cauſe to be ſet up and erected, One or more Turnpike or Turnpikes acroſs the ſaid Road within the ſaid Diviſion, at ſuch Place or Places as the ſaid Truſtees, or any Five or more of them, ſhall think proper, or on the Side or Sides of the ſaid Road, upon or acroſs any Lane or Way leading into the ſaid Road, and alſo to erect and provide a Toll Houſe or Toll Houſes, with other neceſſary Buildings and Conveniences, at or near to ſuch Turnpike or Turnpikes; and to cauſe to be demanded, collected and received, in like Manner as the Tolls granted by the ſaid ſeveral recited Acts, or any of them, are authorized to be demanded, collected and received, the ſeveral and reſpective Tolls following, (that is to ſay);

and certain Tolls taken. For every Horſe, Mare, Gelding or Mule drawing any Carriage, of whatever Name or Deſcription, having the Sole or Bottom of the Wheels of the Breadth of Six Inches or upwards, the Sum of Fourpence Halfpenny:

For

For every Horſe, Mare, Gelding or Mule, drawing any Carriage, of whatever Name or Deſcription, having the Sole or Bottom of the Wheels of leſs Breadth than Six Inches, the Sum of Sixpence:

For every Ox, Steer or Bull, drawing ſingly, and not in Pairs or abreaſt, any Carriage of whatever Name or Deſcription, having the Sole or Bottom of the Wheels of the Breadth of Six Inches or upwards, the Sum of Four-pence Halfpenny:

For every Ox, Steer or Bull, drawing ſingly, and not in Pairs or abreaſt, having the Sole or Bottom of the Wheels of leſs Breadth than Six Inches, the Sum of Sixpence:

For every Ox, Steer or Bull, drawing in Pairs or abreaſt, any Carriage of whatever Deſcription, having the Sole or Bottom of the Wheels of the Breadth of Six Inches or upwards, the Sum of Three-pence:

For every Ox, Steer or Bull, drawing in Pairs or abreaſt, any Carriage of whatever Deſcription, having the Sole or Bottom of the Wheels of leſs Breadth than Six Inches, the Sum of Four-pence Halfpenny:

For every Aſs drawing any Carriage, of whatever Name or Deſcription, the Sum of One Penny Halfpenny:

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

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

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

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Ten-pence per Score; and ſo in proportion for any greater or leſs Number.

Reduction of Tolls on paſſing through Woodſeaves Gate.

IV. Provided always, and be it further enacted, That no Perſon or Perſons with any Horſe, Cattle or Beaſt, as hereinafter mentioned, that ſhall paſs or repaſs on the *Audlem* and *Woore* Turnpike Road, through the Turnpike Gate thereon called *Woodſeaves Gate*, and pay Toll thereat, and ſhall afterwards, on the ſame Day, paſs or repaſs through any Turnpike Gate hereafter to be erected on the ſaid *Newport* Diviſion of Road, ſhall, upon Production of a Note or Ticket from the Gate Keeper of the ſaid Turnpike Gate called *Woodſeaves Gate*, denoting ſuch Payment, be ſubject or liable to pay any further or greater Toll than hereinafter mentioned, (that is to ſay);

For every Horſe or other Beaſt drawing any Carriage (except a Waggon, Cart, or Tumbril), the Sum of Sixpence:

For every Horſe or other Beaſt drawing any Waggon, Cart or Tumbril, the Sum of Three-pence:

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

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

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

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Ten-pence per Score; and ſo in proportion for any greater or leſs Number; any Thing in the ſaid recited Acts, or in this Act, contained to the contrary notwithſtanding:

And

And that double the respective Tolls to be taken upon the said *Newport* Division of the said Roads shall be demanded, taken and received on every *Sunday* in the Year. Double Toll on Sunday.

V. Provided always nevertheless, and be it further enacted, That the Sum of One Penny only for every Horse or other Beast employed in the Carriage or Conveyance of any Lime to be used as Manure for the Improvement of Land, where the Sole or Bottom of the Wheels of such Carriage or Conveyance shall be of the Breadth of Six Inches or upwards, and the Sum of One Penny Halfpenny only for every Horse or other Beast so employed, where the Sole or Bottom of the Wheels of such Carriage or Conveyance shall be of less Breadth than Six Inches, shall be demanded, collected or received, by virtue of this Act; and the same are hereby authorized to be demanded, collected and received accordingly; any Thing in the said recited Acts, or in this Act contained to the contrary notwithstanding. Reduction of Toll for Manure and for Lime, &c. to be used as such.

VI. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any of the said Toll Gates erected or set up, by virtue of the said recited Acts or this Act, such Person shall, upon producing a Note or Ticket, denoting the Payment thereof on that Day at the same Toll Gate (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver *gratis*, on Demand, to every Person paying the said Tolls) be permitted to pass Toll free with the same Horse, Cattle, Beast, or Carriage through the same Toll Gate, or any other Toll Gate or Toll Gates to be erected upon the said *Newport* Division of Road, at any Time or Times during the same Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the next succeeding Night. Tolls to be paid but once a Day.

VII. And be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriages employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stone, Brick, Gravel, or other Materials for repairing the said Road, or for repairing the Highways in any Parish or Place through which any Part of the said Road leads, or laden only with Dung, Marl, Soil, or other Manure, except Lime to be used for Manure for the Improvement of Land, (for which certain Tolls are herein-before specially made payable) or with any Grass, Hay, Saintfoin, Fodder, Straw, or Corn in the Straw, to be laid up in any of the Houses, Out-houses, Barns, Yards, or Premises of the respective Inhabitants or Occupiers of Land within the said respective Parishes, Hamlets or Places, being the Growth and Produce of Land held and occupied by the respective Inhabitants and Occupiers within such respective Parish, Hamlet, or Place, and carried for their own private Use and Consumption only, and not for Sale; nor for any Cattle or Carriage going for or returning laden only with Hedgewood, which shall be grown, cut, and used in any of the said Parishes, Hamlets, and Places; nor for any Cattle drawing or going with or going empty, or returning empty after being laden only with any Ploughs, Harrows, or other Implements of Husbandry belonging to any such Inhabitant or Occupier; Exemptions from Toll. Materials for repairing Roads. Manure. Grass, Hay, &c., the Property of the Grower. Horses employed in Husbandry.

Horſes, &c. to and from Water or Paſture.

nor for any Horſe or Horſes, or other Cattle going to or from Water, Paſture, Plough, or other Work in Huſbandry, upon or in any of the Lands within any of the ſaid ſeveral Pariſhes, Hamlets, or Places, or going to be or returning from being ſhoed or farried; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; or of or from any Perſon or Perſons in any of the ſaid Pariſhes or Places for paſſing through any of the ſaid Toll Gates or Turnpikes on *Sundays*, or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated, to or from his, her, or their reſpective Pariſh Church, or other uſual Place of religious Worſhip, licenſed according to Law, for the Purpoſe of attending, or after having attended Divine Service thereat; or for any Cattle or Carriage conveying the Corpſe, or attending the Funeral of any Perſon to be interred in any of the ſaid Pariſhes or Places; or for any Horſes or Carriages, of whatever Deſcription, employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſtmaſter-General, or in returning back from conveying or guarding the ſame; or for the Horſes of Soldiers upon their March or upon Duty, or for Horſes, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for Horſes or Carriages travelling with Vagrants ſent by legal Paſſes; or for any Coaches, Berlins, Landaus, Sociables, Chariots, Curricles, Calaſhes, Chaiſes, Phaetons, Whiſkies, Chairs, or other Carriages, or Paſſengers on Horſeback going to or returning from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the County of *Salop*, during ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe, Mare or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them, in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption as aforeſaid; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner whatſoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Perſons attending Places of Worſhip.

Funerals.

Mails.

Soldiers.

Vagrants.

Elections.

Yeomanry.

Owners or Drivers of Waggons employed in the Service of His Majeſty's Forces

VIII. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any

any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes in any ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding. not to be ſubject to Penalties for Overweight, &c.

IX. And be it further enacted, That the ſeveral Tolls hereby authorized to be taken ſhall be and the ſame are hereby veſted in the ſaid Truſtees of the ſaid *Newport* Diviſion and their Succeſſors, and the ſame and every Part thereof ſhall be collected, recovered, levied, paid, applied, aſſigned, reduced, varied, and diſpoſed of, for the Benefit and in reſpect of the ſaid *Newport* Diviſion of Road, in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, and with ſuch Remedies for Non-payment or Evaſion thereof, and with ſuch Powers, Proviſions, Exemptions, and Reſtrictions, as are contained in the ſaid recited Acts, or any of them, reſpecting the Tolls thereby reſpectively authorized to be taken, ſubject nevertheleſs to the Proviſions of this Act. Recovery and Application of the Tolls.

X. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace, ſhall and may in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace, in the Execution of this and the ſaid recited Acts, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted. Truſtees may act as Juſtices, except where perſonally intereſted.

XI. And be it further enacted, That in the Caſe of any Adjournment or Adjournments being irregularly made, or if after any regular Adjournment of the ſaid Truſtees or their Clerk, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch laſt-mentioned Adjournment, then, and in either of the ſaid Caſes, the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the ſaid Truſtees, although not aſſembled at a Meeting, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof by Writing to be affixed on all the Turnpike Gates then erected upon the ſaid *Newport* Diviſion of Road, at leaſt Seven Days previous to the ſaid intended Meeting, and ſuch Meeting ſhall and may be held according to the ſaid Notice, and all the Proceedings of the Truſtees laſt mentioned at ſuch Meeting, ſhall be as valid and effectual as they would have been in caſe the ſame Meeting had been held in purſuance of and in conformity with any regular Adjournment. Meetings on Emergencies.

XII. And be it further enacted, That no Order, Appointment or Proceeding, made at any Meeting of the Truſtees holden in purſuance of this, or the ſaid recited Acts, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice ſpecifying the Revocation or Alteration intended to be made, ſigned by the Clerk to the ſaid Truſtees, be affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid *Newport* Diviſion of Road, No Order to be revoked, unleſs at a Meeting for that Purpoſe, nor unleſs Two-thirds of the Truſtees preſent concur.

Road, at leaſt Seven Days before ſuch ſubſequent Meeting, nor unleſs Two-thirds of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in favour of ſuch Revocation or Alteration.

Collectors of Tolls, &c. not to be incompetent to give Evidence.

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

Truſtees may ſue and be ſued in the Names of their Treaſurer or Clerk.

XIV. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act in the Name of their Treaſurer or Clerk for the Time being of the ſaid *Newport* Diviſion; and that no Action or Suit to be brought or commenced by the Direction of, or againſt the ſaid Truſtees, by virtue of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued, by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the Truſtees, or any Five or more of them, but that the Treaſurer or Clerk for the Time being of the ſaid Truſtees ſhall be deemed to be a Plaintiff or Defendant (as the Caſe may be) in every ſuch Action or Suit: Provided always, That every ſuch Treaſurer or Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted or defended in purſuance of this, or the ſaid recited Acts, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of this Act all ſuch Coſts, Charges, Damages and Expences, as by the Event, or in conſequence of ſuch Action or Proceedings, he ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Treaſurer and Clerk to be reimburſed Expences.

Penalty on Perſons riding or driving on Foot Roads.

XV. Provided always, and be it further enacted, That every Perſon who ſhall wilfully ride or drive any Horſe, Mule, Aſs, Cattle, Sheep, or Pigs, or any other Beaſt, upon any Cauſeway or Path, made or to be made upon the ſaid Road for the Accommodation of Perſons travelling on Foot, and ſhall be convicted thereof, by his or her own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace acting for the ſaid County of *Salop*, every ſuch Perſon ſo offending ſhall forfeit and pay ſuch Sum of Money as ſuch Juſtice or Juſtices ſhall adjudge, not exceeding Twenty Shillings, the ſame to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal or Hands and Seals of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made, ſuch Forfeitures to be applied in recompenſing the Informer, according to the Diſcretion of ſuch Juſtice or Juſtices, and in repairing ſuch Foot-Road or Way, and the Overplus (if any) ſhall be paid to the Treaſurer of the ſaid *Newport* Diviſion of Road, in aid of the Tolls to ariſe by virtue of this Act; and in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels within the Juriſdiction of ſuch Juſtice or Juſtices, it ſhall be lawful for the ſaid Juſtice or Juſtices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit ſuch Perſon or Perſons to the Common

Recovery.

Common Gaol of the ſaid County of *Salop*, for the Space of One Calendar Month, unleſs the Penalty impoſed by ſuch Conviction ſhall be ſooner paid, upon the Payment whereof ſuch Perſon or Perſons ſhall be diſcharged.

Penalties on Perſons for diſpoſing of Tickets, or receiving Tickets, to avoid Payment.

XVI. And, for preventing the committing of Frauds and Abuſes in the ſaid Tolls or Duties hereby granted, be it further enacted, That if any Perſon or Perſons having in his Poſſeſſion any Note or Ticket, Notes or Tickets, delivered out by the Renter or Collector of the ſaid Duties or Tolls hereby granted, or by the Renter or Collector of the Tolls payable at the ſaid Turnpike Gate, called *Woodſeaves Gate*, ſignifying the Payment of any of the ſaid Duties or Tolls reſpectively, ſhall give or diſpoſe of the ſame to any Perſon or Perſons, in order to avoid the Payment of any of the Tolls or Duties hereby granted, every ſuch Perſon giving or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and alſo the Perſon receiving or making uſe of the ſame, being thereof reſpectively convicted upon Oath before the ſaid Truſtees, or any Five or more of them, or before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Salop*, ſhall reſpectively forfeit and pay any Sum, not exceeding Three Pounds, to be levied, recovered, and diſpoſed of, as any other Penalty is hereby directed to be levied, recovered, and diſpoſed of.

Application of Compenſation Money, when amounting to 200l.

XVII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts, or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid recited Acts mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account *ex parte*, the Truſtees for executing the ſaid recited Acts, or this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements and Hereditaments, in the Purchaſe of the Land-Tax, or towards the Diſcharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the ſaid Court ſhall authoriſe to be paid, affecting the ſame Lands, Tenements and Hereditaments, or affecting other Lands, Tenements and Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under 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 or Settlement, ſhall be exiſting, undetermined, and capable of taking effect; and in the mean time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid

ſaid Court of Chancery, upon Application thereunto, be inveſted by the ſaid Accountant-General in his Name, in the Purchaſe of Three Pounds *per Centum* conſolidated, or Three Pounds *per Centum* reduced Bank Annuities; and in the mean time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid conſolidated or reduced Bank Annuities, ſhall, from time to time, be paid, by Order of the ſaid Court, to the Perſon or Perſons who would, for the Time being, have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, by the ſaid recited Acts, or this Act, directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l. and amounting to 20l.

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

When leſs than 20l.

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

In caſe of defective Titles, or if Perſons entitled to Mo-

XX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid recited Acts, or this Act, ſhall refuſe to accept the ſame, or

ſhall

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

ney cannot be found, &c. ſame to be paid into the Bank of England.

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

Reſpecting diſputed Titles.

XXII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled

Court of Chancery may order

Payment of Expences.

entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of the ſaid recited Acts, or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements and Hereditaments to be ſettled to the like Uſes, in purſuance of the ſaid recited Acts, or this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes, from time to time, to be made in purſuance of the ſaid recited Acts, or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from time to time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Reſpecting Statute Work.

XXIII. Provided always, 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 Road, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to, and for any Two or more Juſtices of the Peace for the ſaid County of *Salop*, and they are hereby empowered and required, upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road, by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of Money, received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of, or as a Compoſition for ſuch Statute Work as aforeſaid ſhall be by him, her or them, paid to the ſaid Truſtees, or to their Treaſurer; and, in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices, from time to time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, 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 or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of, or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are or may be directed by any Law or Statute in force and effect, for Repair of the Public Highways; and out of ſuch Liſts ſuch Juſtices ſhall, and may alſo appoint and order ſuch and ſo many of the Perſons, who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year, upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days, and at ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall, from time to time, order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who, by ſuch Liſts, ſhall appear to be ſubject and liable to the Payment of any Money in lieu of, or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof, as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame

ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is, by the ſaid recited Act, authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to, or left for him, her or them, at his, her or their laſt or uſual Place or Places of Abode, for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees, ſhall, for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to, by any Law or Statute in force and effect, for the Repair of the public Highways; and if any Perſon, who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the Truſtees, ſuch Surveyor is hereby empowered to remove and turn off 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 and Draught had not been ſent to work on any Part of the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe, or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

For compounding for Satute Work.

XXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by them done on the ſaid Road, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of, and in all or any the Pariſhes or Places, in which the ſaid Roads are ſituate, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole, or of any Part of the Statute or other Work to be, by all or any of the ſaid Inhabitants and Occupiers, done on the ſaid Road; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees in advance, on or before the Tenth Day of *October* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

For paying the Expences of the Act.

XXV. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, with lawful Intereſt, from the Time ſuch Coſts, Charges and Expences ſhall reſpectively be incurred, ſhall be paid and defrayed out of the Firſt Monies to be borrowed, received or collected by virtue of this Act, and the Remainder of ſuch Monies ſhall, from time to time, be applied in repaying the Monies already charged upon or due, and owing from or in reſpect of, or hereafter to be charged upon, or becoming due and owing

from, or in respect of the Tolls collected, or to be collected on the said *Newport* Division of Road, by virtue of the said recited Acts, or any of them, or of this Act, and the Interest thereof respectively, and all other Costs, Charges, and Expences in, or attending the carrying of this and the said recited Acts into Execution.

The Expences of the Act of 41 G. 3. remaining unpaid to have Priority.

XXVI. Provided always nevertheless, and be it further enacted, That so much and such Part of the Costs, Charges and Expences of obtaining and passing the last recited Act as now remain unpaid, shall be entitled to Priority of Payment, as by the last mentioned Act is directed, in preference to, and before any of the Payments to be made by virtue of this Act.

Public Act.

XXVII. 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 the Act.

XXVIII. And be it further enacted, That the Term granted by the said recited Acts shall, on the passing of this Act, cease and determine, and the said recited Acts (subject to the Alterations, Variations, and Conditions hereinbefore contained), and this Act shall, so far as relates to the said *Newport* Division of Road, from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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