ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 40.

An Act for amending, and keeping in Repair, the Road from the *Dudley* Turnpike Road, near the Houſe called *The Swan Inn*, in the Pariſh of *Weſt Bromwich*, in the County of *Stafford*, to the Houſe called *The Horſe and Jockey*, in the Pariſh of *Sutton Coldfield*, in the County of *Warwick*.

[16th *May* 1804.]

WHEREAS the Road leading from the Turnpike Road which leads from the Town of *Dudley*, in the County of *Worceſter*, to the Town of *Birmingham*, in the County of *Warwick*, at or near a Dwelling Houſe called or known by the Name or Sign of *The Swan Inn*, ſituate in the Pariſh of *Weſt Bromwich*, in the County of *Stafford*, through the ſaid Pariſh of *Weſt Bromwich*, and the Pariſhes of *Aldridge* and *Handſworth* in the ſaid County of *Stafford*, and the Pariſh of *Sutton Coldfield*, in the ſaid County of *Warwick*, that communicates with the King's Highway, which leads from the ſaid Town of *Birmingham* to the ſaid Town of *Sutton Coldfield*, at or near a Dwelling Houſe called or known by the Name or Sign of *The Horſe and Jockey* ſituate in *Maney*, in the Pariſh of *Sutton Coldfield* aforeſaid, is much out of Repair, narrow, and incommodious, and cannot be properly amended, widened, turned, improved, and kept in Repair, by the ordinary Courſe of Law: And whereas it would be

be of great Convenience to the Neighbourhood, and of publick Utility, if the ſaid Road was amended, widened, altered, turned, improved, and kept in Repair; but the ſame cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Charles Bowyer Adderley*, *John Adams*, *James Adams*, *William Adams*, *Charles Adams*, *John Adams* the younger, *Richard Adams*, *Thomas Adams*, *Samuel Adams*, *Samuel Addiſon*, *Thomas Archer*, *John Arnold*, *George Birch*, the Reverend *Luke Booker*, *Thomas Biggs*, the Reverend *James Bouſquet*, *James Bourne*, *Joſeph Green Bourne*, *Samuel Bennett*, *William Bennett*, *Thomas Blakemore*, the Reverend *Blackham*, *Edward Banniſter*, *Henry Bell* the younger, *James Blakſhaw*, *Joſeph Barns*, *William S. Bullock*, *William Bullock* the younger, *James Bullock*, *Walter Brinton*, *John Brinton*, *Edward Bridgewater*, *Stephen Barber*, *Richard Barber*, *William Bedford*, *Thomas Brettell*, *John Badeley*, *George Briſcoe*, *Dudley Bagley*, the Reverend *John Bradley*, *William Bothams*, *William Bothams* the younger, *Thomas Barrs*, *William Barrs*, *John Beaumont*, *Vaughan Barber*, *Nathaniel Goodwin Clarke*, the Reverend *Joſeph Cartwright*, *Cornelius Cartwright*, *Waſtel Cliff*, *Joſeph Cooper*, *Cornelius Cartwright* the younger, *Edward Crowther*, *Joſeph Curtis*, *Joſeph Curtis* the younger, *Edward Crexall* the younger, the Reverend *William Blow Collis*, *Curzon*, *Richard Court*, *John Cox*, the Honourable *Legge*, commonly called *Lord Lewiſham*, *John Daniel*, *Thomas Dudley*, the Reverend *John Dudley*, *Iſaac Dixon*, *Dixon*, *Walter Day*, *Thomas Dutton*, *Edward Dixon*, *Edward Dixon* the younger, *Joſeph Dixon*, *John Davies*, *Edward Davies*, *David Davies*, *William Davis*, *Richard Dudley*, the Reverend *John Darwell*, *Edward Darwell*, *Edward Ellwell*, *William Elwell*, *William Elwell* the younger, *Joſeph Embrey*, *William Fletcher*, the Reverend *Thomas Lane Freer*, *James Fiſher*, *Edward Fiſher*, *Charles Forſter*, *Daniel Fiſher*, *William Fellows*, *John Fereday*, *Samuel Fereday*, the Right Honourable *George Harry Grey*, commonly called *Lord Grey*, *John Gough*, *Benjamin Gibbons*, *Thomas Gibbons* the younger, *Edward Gueſt*, *Joſeph Green*, *Michael Goodall*, *Francis Goodall*, *Gilbert Haughton*, *Roger Gem*, *Thomas Gem* the younger, *John Granger*, *Arthur Gilbert*, *Abel Grove*, *Charles Grove*, Sir *Edmund Cradock Hartopp* Baronet, *William Hicks*, *Thomas Homfray*, the Reverend *Alexander Bunn Haden*, *Andrew Hackett*, *John Hackett*, *Thomas Holbeche*, *William Homer*, *John Harriſon*, *Thomas Hodgkins*, *Thomas Hipkins*, *William Hipkins*, *Joſeph Haden*, *Thomas Homer*, *Richard Homer*, *Joſeph Hateley*, *Joſeph Hill*, *Timothy Hill*, *Daniel Hill*, *Mark Hughes*, *Joſeph Hodgetts*, *Booth Hodgetts*, *Benjamin Hughes*, *Iſaac Hadley*, *Joſeph Hadley*, *Thomas Horton*, *Richard Hawkes*, *Hallam* Doctor in Divinity, *Henry Hallam*, *John Hipkiſs*, *William Hughes*, *William Haynes*, *Henry Halford*, *Joſeph Halford*, *Gilbert Haughton*, the Reverend *Thomas Shaw Hellier*, *Thomas Hawkes* the younger, *George Wright Hawkes*, *Roger Wright Hawkes*, *William Hunt*, *Thomas Hawe*, *Hila Holden*, *John Hawkins*, *Jervois Clarke Jervois*, *Thomas Clarke Jervois*, the Reverend *Samuel Clarke Jervois*, *Richard Jeſſon* of *Weſt Bromwich*, *Edward Jeſſop*, *Joſeph Jeſſon*, *Thomas Jeſſon*, the Reverend *William Jeſſe*, *Thomas Izon*, *William Izon*, *George Jones*, *Benjamin Jacob*, *Archibald Kendrick*, *William Kendrick*, *James Kier*, Sir *Edward Lyttleton* Baronet, Sir *Robert Lawley* Baronet, *Thomas Loynes*, the Reverend *James Lomax*, *Joſeph Maullin*, *Richard Moore*, *John Mayne*, *John Mayne* the younger, *William*

Truſtees.

liam Mayne, Joseph Moore, John Mills, William Osborne, Shirley Farnier Steele Perkins, Daniel Parsons, Richard Powell, Benjamin Parker, Edward Parker, William Penn, James Pitman, John Reed, Joseph Robins, Thomas Robins, Samuel Read, Robinson, John Rawlins, the Honourable *Washington Shirley, Benjamin Spenser* Doctor in Divinity, *Joseph Scott, Edward Dolman Scott, Thomas Spurrier, William Spurrier, Joseph Spurrier, Walter Spurrier, Joseph Stubbs* of *Walsall, Joseph Stubbs* of *Birmingham, John Stubbs, John Simcox, William Smith, William Scott, John Scott, Joseph Shelton, Henry Tibbatts, Thomas Terry, William Terry, Thomas Undrill, Henry Vernon, William Villiers, James Villiers,* the Right Honourable *John William Ward,* Sir *John Wrottesley* Baronet, the Reverend *John Wylde, John Wall, Joseph Wainwright, Thomas Wainwright, Richard Wright, William Webb, Joseph Wright, William Whyley, Abraham Whitehouse, William Whitehouse, Christopher Wren, William Whateley, John Wakeman, William Wakeman, James Wakeman, Henry Clements Whateley, Samuel Wilson, Joseph Wight, Charles Windle.* and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, altering, turning, improving, and keeping in Repair, the Road herein-before mentioned and described, and for otherwise putting this Act in Execution.

For electing new Trustees.

II. And be it further enacted, That when any Trustee shall die or shall signify his Intention not to act, by Writing under his Hand delivered to the Clerk to the said Trustees, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time, to elect One other Person to be a Trustee in the Room and Place of every Trustee so deceased, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be affixed upon all the Turnpike Gates erected or to be erected by virtue of this Act, at least Ten Days before every such Meeting; and all Persons who shall be so elected are hereby invested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were invested with.

Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, above Reprizes, or shall be possessed of or entitled unto a Personal Estate of the Value of Eight hundred Pounds, or shall be Heir apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds.

Trustees to take an Oath.

IV. Provided also, That every Trustee, before he acts as such (not being Heir apparent as aforesaid) shall take and subscribe an Oath before any Two or more of the said Trustees, who are hereby empowered to administer the same, in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear, That I am truly and *bonâ fide* seised or possessed of 'in my own Right [*or*, in Right of my Wife] and in the actual Pos-'session and Receipt of the Rents and Profits of Lands, Tenements, or 'Hereditaments, of the yearly Value of Forty Pounds, above Reprizes,

'or

'or am poſſeſſed of or entitled to a Perſonal Eſtate of the Amount or 'Value of Eight hundred Pounds; and that I will truly and faithfully 'execute the Truſts repoſed in me as a Truſtee, by virtue of an Act 'paſſed in the Forty-fourth Year of the Reign of King *George* the Third, 'intituled, [*here inſert the Title of this Act*] according to the beſt of my 'Skill and Judgement, and without any Favour or Affection to any Per-'ſon or Perſons whomſoever.

'So help me GOD.'

Penalty on Perſons acting if not qualified.

And if any Perſon, not being ſo qualified, ſhall preſume to act as a Truſtee in the Execution of this Act, except in adminiſtering ſuch Oath as aforeſaid, or being ſo qualified, ſhall act as ſuch Truſtee before he hath taken and ſubſcribed the ſaid Oath (except as aforeſaid) every ſuch Perſon ſo offending in all or any of the Premiſes, ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered, with full Coſt of Suit, in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecution than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; and that no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted during the Time he ſhall hold any Place of Profit under this Act; nor ſhall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee, be capable of holding any Place of Profit under this Act.

First and ſubſequent Meetings.

V. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe of *William Wight*, known by the Name or Sign of *The Sun Dial* in *Great Barr*, in the Pariſh of *Aldridge* aforeſaid, on the Third *Monday* next after the paſſing of this Act, between the Hours of Eleven of the Clock in the Forenoon, and Three of the Clock in the Afternoon, and ſhall proceed to carry this Act into Execution; and that the ſaid Truſtees ſhall then, and from Time to Time afterwards, adjourn themſelves, to meet at ſuch Time and Place in or near the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall think proper, and that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees, ſhall from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in Writing to be affixed upon all the Turnpike Gates which ſhall then be erected upon the ſaid Road, or by Advertiſement to be inſerted in ſome Newſpaper circulated in the ſaid Counties, or either of them, at leaſt Ten Days before the next Meeting, appointing the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held on the Day Three Weeks next after the Day for which ſuch laſt Meeting was appointed; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences; and that all Orders and Determinations of the ſaid Truſtees, in the Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, except as herein-after is excepted; and that no ſuch Order or Determination ſhall be made,

Truſtees to pay their own Expences. Determinations at Meetings to be by the Majority preſent.

made, unleſs the Majority of the Truſtees preſent at a Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by this Act authorized to make any ſuch Order or Determination.

Meetings on Emergencies.

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

How Orders may be revoked or altered.

VII. Provided always, and be it further enacted, That no Order made by any Five or more of the ſaid Truſtees, ſhall be revoked or altered, unleſs Nine Truſtees at the leaſt ſhall be then preſent, and Six or more of them ſhall concur therein, and unleſs Notice ſhall have been given by Five Truſtees to the Clerk, of their Deſire to have a Meeting for the Purpoſe of taking into Conſideration the ſaid Order, with a View to revoke or alter the ſame; and in ſuch Caſe, Notice ſhall be given by the ſaid Clerk, Ten Days at the leaſt before ſuch Meeting to ſuch Truſtees as were preſent when ſuch Order was made, of the Intention to revoke or alter any ſuch Order.

Truſtees not to be concerned in Contracts.

VIII. And be it further enacted, That in caſe any Truſtee ſhall directly or indirectly be concerned in any Contract for any Work or other Thing to be done by virtue of this Act, ſuch Perſon ſhall not only be incapable of acting as a Truſtee in the Execution of this Act, but ſhall alſo forfeit and pay any Sum not exceeding Twenty Pounds, to be recovered with full Coſts of Suit, in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

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

IX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk; and that no Action to be brought or commenced by or againſt the ſaid Truſtees, or any of them, by virtue or on account of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of ſuch Clerk without the Conſent of the ſaid Truſtees, but the Clerk for the Time being to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe ſhall be: Provided always, that every ſuch Clerk in whoſe Name any ſuch Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put to or become chargeable with by Reaſon of his being ſo made Plaintiff or Defendant therein.

For appointing Officers

X. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may from Time to Time appoint a Clerk or Clerks, Treaſurer or Treaſurers, Surveyors or Collectors, or ſuch other Officers and Perſons as they ſhall think neceſſary to be employed in the Execution of this Act; and may from Time to Time remove ſuch Officers and other Perſons, and appoint others in their Stead, and out of the Monies to ariſe by virtue of this Act, make ſuch Allowances to the ſaid Officers and Perſons, as to them the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable; and all ſuch Officers and Perſons ſhall under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct, deliver to ſuch Truſtees, or to ſuch other Perſon or Perſons as they, or any Five or more of them, ſhall appoint, true and perfect Accounts in Writing, of all the Monies which ſhall have been by ſuch Officers and Perſons reſpectively received by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them (which Oath the ſaid Truſtees, or any Five or more of them, are hereby empowered to adminiſter) verify their ſaid Accounts; and if any ſuch Officer or Perſon ſhall not make and render, or refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Truſtees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of ſuch Truſtees, all the Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, then in each, any, or either of the ſaid Caſes, any One or more Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Officer or Perſon ſhall be or reſide, ſhall, upon Application being made to him or them by the ſaid Truſtees, or any Five or more of them, make Enquiry concerning ſuch Default, either by Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward); and if any ſuch Officer or Officers, or Perſon or Perſons, ſhall be convicted of any or either of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the Common Gaol for ſuch County or Place, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees, or any Five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make) or until he or they ſhall have delivered up ſuch Books, Papers, and Writings, as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them.

Officers to account on Oath, if required..

Treaſurers and Receivers to give Security.

XI. And be it further enacted, That the ſaid Truſtees or any Five or more of them, ſhall take ſuch ſufficient Security from their Treaſurer or Treaſurers, Receiver and Receivers, Collector and Collectors, for the due Execution of his or their Office or Offices, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper.

XII. And

Truſtees to appoint temporary Collectors.

XII. And be it further enacted, That upon the Death, Incapacity, Abſconding, or Abſence of any Collector or Receiver of the ſaid Tolls, any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting of the ſaid Truſtees appointed by virtue of this Act, ſhall and lawfully may nominate and appoint ſome other proper Perſon to be a Collector or Receiver of the ſaid Tolls, to continue until the next Meeting of the ſaid Truſtees, in the Stead of ſuch Collector or Receiver ſo dying, incapacitated, abſconding, or abſenting, which Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all Reſpects, as the Perſon ſo dying, becoming incapable, abſconding, or abſenting, would have had or been ſubject to; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Widow, or any of the Children, Family, or other Repreſentative of any Collector or Receiver who ſhall abſcond, abſent himſelf, or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building to be erected or ſet up by virtue of this Act, for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Five or more of the ſaid Truſtees, or by their Clerk or Treaſurer, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the County or Place where ſuch Toll Houſe or Building ſhall be, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and to put the ſaid Truſtees, or any Five or more of them, or their new appointed Officer, into the Poſſeſſion thereof.

Collectors to deliver up Turnpikes and Toll Houſes when demanded.

Gates to be erected, and Tolls to be taken.

XIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or ſuch other Perſon or Perſons as they or any Five or more of them ſhall appoint, ſhall and may erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or acroſs ſuch Part or Parts of the ſaid Road as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and alſo a Toll Houſe or Toll Houſes, with ſuitable Outbuildings thereto, near to the ſaid Gates or Turnpikes, and from Time to Time to take down any ſuch Gate or Gates, Turnpike or Turnpikes, Toll Houſe or Toll Houſes, or other Buildings, and remove the ſame to any other Part or Parts of the ſaid Road as they the ſaid Truſtees, or any Five or more of them, ſhall judge proper; and the Tolls following ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time appoint to receive the ſame, before any Horſe, Cattle, Beaſt, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; (that is to ſay,)

Tolls.

For every Coach, Berlin, Landau, Phaeton, Chariot, Chaiſe, Calaſh, Hearſe, Chair, Caravan, or other ſuch like Carriage, drawn by Five or Six Horſes, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Three or Four Horſes, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Sixpence:

For

For every Chaiſe or other ſuch like Carriage with Four Wheels, drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence, and with Two Wheels, the Sum of Four-pence:

For every Waggon, Wain, Cart, or other ſuch like Carriage, drawn by One Horſe, Mare, Gelding, Mule, Ox, Aſs, or other Beaſt of Draught, the ſum of Four-pence:

For every Waggon, Wain, Cart, or other ſuch like Carriage, drawn by Two or more Horſes, Mares, Geldings, Muſes, Oxen, Aſſes, or other Beaſts, the Sum of Three-pence, for each and every ſuch Horſe, Mare, Gelding, Mule, Ox, Aſs, or other Beaſt drawing the ſame:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One-penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score; and ſo in Proportion for any greater or leſs Number: And

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll: And if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid for collecting ſuch Tolls, to diſtrain any Horſe, Cattle, or Beaſt, or any Carriage, upon which any Toll is by this Act impoſed; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, and of keeping the ſame, ſhall not be paid within the Space of Five Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe, Cattle, Beaſt, or Carriage, ſo diſtrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges attending ſuch Diſtreſs and Sale, ſhall be deducted; and all the Tolls collected or levied by virtue of this Act ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be levied, recovered, paid, and applied, and may be aſſigned, in ſuch Manner as is hereinafter mentioned.

If any Diſpute ſhall ariſe, touching the Amount of the Toll to be paid, the Collector diſtraining may keep the Diſtreſs till the Matter ſhall be ſettled.

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

Toll Bar Keepers competent Witneſſes.

XV. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation, ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons

Perſons acting by or under the Authority of the ſaid Truſtees, or any Five or more of them, ſhall be and are hereby declared not to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of their being ſo appointed to collect the ſaid Tolls.

Side Gates may be erected.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to erect or cauſe to be erected one or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the ſaid Road, and upon, in, or acroſs any Lane or Way leading into the ſame, and at ſuch Gate or Gates, Turnpike or Turnpikes, to receive and take ſuch Tolls as are by this Act granted and made payable at any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue thereof, ſo that the ſame do not extend to a Double Charge upon any Perſon or Perſons paſſing the ſame through any other of the Gates or Turnpikes to be erected by virtue of this Act.

No Gate to be ſet up in the Pariſh of *Weſt Bromwich*.

XVII. Provided always, and be it enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Truſtees to erect or ſet up any Turnpike or Side Gate within the Pariſh of *Weſt Bromwich* aforeſaid.

To pay only Half Toll.

XVIII. Provided always, and be it further enacted, That no more than Half Toll ſhall be demanded and taken for the Paſſage of any Cattle or Carriage loaded with, or being employed in carrying Coals or Sleck to be uſed in burning of Lime only; and if any Perſon or Perſons ſhall take the Benefit of ſuch Exemption from Half Toll, not being entitled thereto, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Toll Houſes, *etc.* veſted in Truſtees.

XIX. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houſes to be erected or provided by virtue of this Act, and of the Materials for building the ſame, and alſo of all Materials which ſhall be got or collected for repairing the ſaid Road, ſhall be and are hereby veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby empowered to bring or cauſe to be brought any Action or Actions, or to prefer or order the preferring any Bill or Bills of Indictment, againſt any Perſon or Perſons who ſhall ſteal, take away, injure, or diſturb them in the Poſſeſſion thereof.

Application of Money.

XX. And be it further enacted, That out of the Monies which ſhall be collected at the Turnpikes or Toll Gates to be erected as aforeſaid, or that ſhall be ſubſcribed, raiſed, or borrowed, on the Credit of this Act, all the Coſts, Charges, and Expences, incident to and attending the obtaining and paſſing of this Act, ſhall in the firſt place be paid, and the Reſidue of ſuch Money ſhall be applied in erecting Toll Houſes and Turnpike Gates, and in making, repairing, widening, diverting, turning, and keeping in Repair the ſaid Road.

Tolls may be leſſened,

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time aſſembled at any Meeting or Meetings to be held for that Purpoſe, to leſſen or reduce all or any of the Tolls by this Act granted, ſo that the ſame, or any Part thereof, be not reduced more than One Half, and for ſuch Time or Times

and raiſed again.

Times as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and may afterwards from Time to Time advance all or any of the Tolls ſo leſſened to any Sum or Sums of Money not exceeding the reſpective Rates herein-before mentioned; and ſuch reduced Tolls ſhall and may be demanded, collected, recovered, paid, applied, and aſſigned in ſuch and the ſame Manner as the ſaid Tolls are directed to be demanded, collected, recovered, paid, applied, and aſſigned; but no ſuch Reduction ſhall be made unleſs the Perſon or Perſons who ſhall be entitled to Five-Sixth Parts of the Money which ſhall have been lent on the Credit of the Tolls intended to be reduced, ſhall be conſenting thereto; and no ſuch Meeting ſhall be held for the Purpoſe of ſuch Reduction, unleſs Ten Days previous Notice at the leaſt ſhall be given thereof in Writing, to be affixed on all the Turnpikes which ſhall be then erected by virtue of this Act.

Toll to be paid but Once a Day.

XXII. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than Once for paſſing and repaſſing at any Time in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night) with the ſame Horſes, Cattle, Beaſts, and Carriages, through all or any of the Turnpikes to be erected by virtue of this Act; but that all and every Perſon or Perſons, after having paid Toll Once as aforeſaid, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of ſuch Toll (which Notes or Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll) ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle, Beaſts, or Carriages, Toll-free upon ſuch Day through the ſame Gate or Turnpike, where ſuch Toll was paid, and alſo through all other Gates or Turnpikes to be erected by virtue of this Act.

Tolls may be leaſed.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, to leaſe the ſaid Tolls, or any Part or Parts thereof, unto any Perſon or Perſons from Year to Year, or for any Term of Years not exceeding Two Years, for the beſt Rent that can be got for the ſame, payable at ſuch Time, and under ſuch Covenants, and to ſuch Perſon or Perſons as they the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint, and the Monies ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

Truſtees empowered to compound for Tolls.

XXIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby empowered from Time to Time as they ſhall ſee convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Perſon or Perſons for any Horſes, Cattle, Beaſts, or Carriages, paſſing through any of the Turnpikes or Toll Gates, ſo that no ſuch Compoſition ſhall be made for any Cattle or Carriages travelling for Hire; and all ſuch Compoſition Money ſhall be paid One Year in Advance, otherwiſe ſuch Compoſition ſhall be void.

Penalty on evading Tolls.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Land, Ground, or Hereditament, lying near any Turnpike or Toll Gate, which ſhall

ſhall be erected by virtue of this Act (the ſame not being a publick Highway), or if any Owner or Occupier of any ſuch Ground, Land, or Hereditament ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through the ſame; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſons ſhall forcibly paſs through any ſuch Turnpike or Toll Gate with any Horſe or other Cattle or Beaſt, or ſhall take off or cauſe to be taken off any Horſe or other Cattle from any Carriage, or ſhall leave or cauſe to be left upon or near to any Part of the ſaid Road any Carriage, Horſe, Cattle, or Beaſt, with Intent to avoid the Payment of any of the ſaid Tolls, or of any Part thereof, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, One Moiety whereof ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein-after directed to be applied.

General Exemptions.

XXVI. And be it further enacted, That no Toll ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horſes 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 Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Road doth lie; or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes, or on the Lands of the Owners thereof; or for any Waggons, Wains, Carts, Carriages, or Horſes employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure, employed in Huſbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horſes or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed; or from any Perſon going to or returning from his proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſes, Cattle, 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, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſes, Carts, or Waggons attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horſes, Carts, or Waggons employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Horſe, Cattle,

Cattle, or Beaſt drawing any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or Paſſenger on Horſeback going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid Counties of *Stafford* or *Warwick* on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Borrowing Money. XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to borrow and take up at Intereſt on the Credit of the Tolls by this Act granted, ſuch Sum or Sums of Money as they, or any Five or more of them, ſhall think fit; and they are hereby authorized and empowered to demiſe or mortgage the ſaid Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houſes for collecting the ſame (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls), as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance ſuch Sum or Sums of Money; and that ſuch Mortgage or Mortgages may be in the Form following, or in ſuch other Form as the Truſtees making the ſame ſhall think proper; (that is to ſay),

Form of Mortgage.

‘ BY virtue of an Act, paſſed in the Forty-fourth Year of the Reign ‘ of His Majeſty King *George* the Third, intituled, [*here inſert the Title* ‘ *of this Act*] We of the Truſtees, in Conſideration of the ‘ Sum of to the Treaſurer of the ſaid ‘ Road in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* ‘ his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the ‘ Tolls ariſing upon the ſaid Road, and of the Turnpikes and Toll ‘ Houſes for collecting the ſame, as the ſaid Sum of ‘ doth or ſhall bear to the whole Sum due and owing on the ‘ Credit thereof, to be had and holden from this Day of ‘ in the Year of our Lord ‘ for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of ‘ with Intereſt, at the Rate of ‘ *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. In Witneſs ‘ whereof we have hereunto ſet our Hands and Seals this ‘ Day of .’

Mortgages 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 or Treaſurer to the ſaid Truſtees; and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected, without Fee or Reward; but no Money ſhall be borrowed on the Credit of the ſaid Tolls after the Firſt Meeting of the ſaid Truſtees, unleſs Notice be for that Purpoſe affixed in Writing upon all the Turnpike Gates then erected upon the ſaid Road, at leaſt Ten Days before the borrowing thereof; and all Perſons to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time transfer his, her, or their Right, Title, Intereſt, or Benefit to the ſaid Mortgage, and the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by

by indorſing on the Back of ſuch Security, before One credible Witneſs, the following Words, or Words to the like Effect; (that is to ſay),

Form of Transfer.

'I DO transfer this Mortgage, with all my Right and Title to the Principal thereby ſecured, and to all Intereſt now due and to become due upon the ſame, unto his [*or*, her] Executors, Adminiſtrators, and Aſſigns. Dated this Day of

A. B.'

Transfer to be entered.

Which Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer, within Thirty Days after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof in the before mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred; for which the ſaid Clerk or Treaſurer ſhall be paid ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Sixpence, and ſuch Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment of the Principal and Intereſt thereby ſecured; and ſuch Aſſignee may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; but in caſe any Sum or Sums of Money ſo to be transferred, ſhall not exceed the Sum of Fifty Pounds, it ſhall be lawful for the reſpective Perſons entitled thereto, by an Indorſement of his, her, or their Name or Names, without Witneſs, to transfer his, her, or their Property therein to any other Perſon or Perſons, without an Entry made thereof in Manner aforeſaid; and it ſhall not be in the Power of any Perſon or Perſons (except ſuch to whom the ſame ſhall be laſt transferred), to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof; and all Perſons to whom any Mortgage or Transfer ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of any Monies advanced.

Surveyors may take Gravel, Sand, &c. filling up Pits, &c.

XXVIII. And be it further enacted, That the Surveyor or Surveyors of the ſaid Road, and ſuch other Perſon or Perſons as ſhall be employed by him or them for that Purpoſe, to get, take, and carry away Furze, Heath, Stones, Chalk, Flint, Gravel, Clay, Sand, or other Materials, proper for the repairing of the ſaid Road, from any Waſte Grounds or Commons, Rivers or Brooks, in any Pariſh, Townſhip, or Place, wherein any Part of the ſaid Road lies, or in any neighbouring Pariſh, Townſhip, or Place, without paying any Thing for the ſame, ſuch Surveyor or other Perſons filling up the Pits, and levelling the Ground from whence ſuch Materials ſhall be taken or railing or fencing ſuch Pits, ſo as that the ſame ſhall not be dangerous to Paſſengers or Cattle; and alſo, by Order of the ſaid Truſtees, or any Five or more of them, but under ſuch Reſtrictions as herein mentioned, to get, take, and carry away ſuch Materials, in, upon, and out of, through, from, and over the Lands of any Perſon or Perſons whomſoever, the ſame not 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, after paying or tendering to the Owners or Occupiers of ſuch Lands ſuch a Sum by Way of Recompence for the Damage to be ſuſtained, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe the Owners or Occupiers of ſuch Lands ſhall refuſe

ſuſe to accept the Sum offered, the Juſtices of the Peace for the ſaid reſpective Counties, at their reſpective next General Quarter Seſſions to be holden for the ſaid Counties, ſhall and may aſſeſs, adjudge, and finally determine the ſame.

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

XXIX. And be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons, under the Authority of this Act, to dig, gather, take, or carry away Materials for making or repairing the ſaid Road out of or from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Two or more Juſtices of the Peace acting for the County or Place where ſuch Premiſes ſhall lie, to ſhew cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor or other Perſon or Perſons, to dig, gather, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall refuſe or neglect to appear by himſelf or his Agent, the ſaid Truſtees or Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Penalty on taking away Materials.

XXX. Provided always, and be it further enacted, That if the Owner or Occupier of any Ground or Soil, or any Perſon whomſoever, ſhall take away any Materials which ſhall have been dug or gathered in any Ground, River, or Brook, for the Purpoſe of repairing the ſaid Road, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting the ſaid Materials, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground for his private Uſe, and Perſons authorized by him to get Materials therein for his proper Uſe only, and not for Sale) every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds nor leſs than Forty Shillings, the ſame to be recovered, levied, and applied, in Manner hereinafter mentioned.

Surveyors may remove Annoyances.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint from Time to Time (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the ſaid Road, by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and convert the ſame to his and their own Uſe and Uſes, and to turn any Watercourſes, Sinks, or Drains, running along, into, or out of the ſaid Road, to the Prejudice thereof, and to open, ſcour, cleanſe, widen, or make deeper any Watercourſes or Ditches adjoining thereto, and to make the ſame as deep and as large as he or they ſhall think neceſſary, and to cut down, lop, or top any Trees, Shrubs, or Buſhes, growing or to grow on the ſaid Road, or in the Hedges or Banks adjacent thereto reſpectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a Houſe), and to take and carry away the ſame in

caſe the Owners or Occupiers of the Premiſes ſhall for the Space of Ten Days next after Notice in Writing given for that Purpoſe by ſuch Surveyor or Surveyors, neglect to top, lop, cut down, or remove ſuch Trees, Shrubs, or Buſhes, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or remove ſuch other Annoyances in ſuch Manner as the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors ſhall require, the Charges whereof, to be ſettled by the ſaid Truſtees or any Five or more of them, ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures impoſed by this Act are herein directed to be recovered and applied; and if after removing any of the ſaid Annoyances any Perſon ſhall again offend in like Manner, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Penalties on obſtructing Surveyor.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Perſon or Perſons, by them or any of them, or by the ſaid Truſtees, or any Five or more of them, employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Truſtees may make Cauſeways.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make or cauſe to be made any Cauſeway or Cauſeways for the Uſe of Foot Paſſengers, along any Part of the ſaid Road, in ſuch Manner as they ſhall ſee convenient, and alſo Ditches or Drains in and upon the ſaid Road and alſo through any Ground lying contiguous thereto; and erect, rebuild, and keep in Repair, Bridges and Arches upon the ſaid Road, or acroſs any ſuch Ditches or Drains where neceſſary; and alſo to make or cauſe to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the ſaid Road (ſuch Grounds reſpectively not being the Ground whereon any Houſe ſtands, 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 publick Highway, whilſt ſuch ruinous or narrow Part of the ſaid Road be repairing or widening, and until it ſhall be convenient for Paſſengers or Carriages to paſs along the ſame, making ſuch Recompence to the Owners and Occupiers of ſuch private Grounds reſpectively for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them; and in caſe of any Difference concerning the ſame between ſuch Owners and Occupiers and the ſaid Truſtees, that then it ſhall be lawful for the Juſtices of the Peace, or the major Part of them, aſſembled at the next General Quarter Seſſions of the Peace for the County or Place in which ſuch Premiſes ſhall lie, or at their Second Quarter Seſſions of the Peace at the fartheſt, to ſettle, adjudge, and finally determine what Recompence ſhall be made to ſuch Owners and Occupiers, for the Damages they ſhall have ſuſtained

as aforesaid, which Determination shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

Penalties on riding and driving Cattle on Footways.

XXXIV. And be it further enacted That if any Person or Persons shall ride upon any Causeway or Causeways, or other Way or Ways to be made upon the said Road for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, or Cattle or Swine, upon any such Causeway or Causeways, or shall cause any Injury or Damage to be done to the same every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Five Shillings; which said Penalties shall be applied towards the repairing of the said Road, and to or for no other Purpose whatsoever.

Power to turn and alter the Road.

XXXV. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of any Seven or more Trustees, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered, to widen, turn, or alter the Course or Path of any Part or Parts of the said Road, for the Accommodation of Passengers, through any private Lands, Grounds, or Hereditaments, under such Terms and Satisfaction as are herein-after mentioned; and also through any Commons or Waste Grounds, without making Satisfaction for such Commons or Waste Grounds; and also to erect, build, and keep in Repair any Bridges or Arches upon, over, or along the said Road where necessary; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, or Hereditaments, through which or whereupon the said Road hereby authorized to be made, widened, turned, or altered, is intended to pass, and to stake out and make the same in such Manner as the said Trustees or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such last mentioned Lands, Grounds, and Hereditaments respectively, for any the Purposes of this Act, first making and tendering Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may thereby sustain: Provided always, that nothing in this Act contained shall authorize or empower the said Trustees to alter or turn the said Road, so as to make the same pass through any of the Lands or Grounds belonging to *Jervoise Clarke Jervoise*, Esquire, lying on the South Side of the Parish Church of *West Bromwich* aforesaid.

Thirty Days Notice to be given of diverting Roads.

XXXVI. Provided always, and be it further enacted, That in case the said Trustees, or any Five or more of them, shall at any Meeting or Meetings to be convened under the Authority of this Act, signify by an Order in Writing under their Hands their Intention or Desire of diverting, turning, or altering, any Part or Parts of the said Road, then that Thirty Days Notice at least shall be previously given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Road, or by inserting the same in One of the Newspapers usually circulated in the

the ſaid Counties, of the Time and Place and Purpoſe of the ſaid Meeting.

Truſtees may purchaſe, and incapacitated Perſons ſell Lands and other Hereditaments wanted for the Purpoſes of this Act.

XXXVII. And be it further enacted, That for the Purpoſes aforeſaid it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to contract with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by making, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands, Grounds, or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by making, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands, Grounds, or Hereditaments, and to pay for the ſame by and out of the Tolls and other Monies to be raiſed by virtue of this Act; and it ſhall be lawful for all Bodies Politick and Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors and Adminiſtrators, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and all other Perſons whomſoever, to contract and agree with the ſaid Truſtees, or any Five or more of them, for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, or any Part thereof, or for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and require; and all Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in anywiſe notwithſtanding; and that all Perſons ſhall be and are hereby indemnified for what they ſhall do by virtue and in purſuance of this Act.

If Parties do not agree, the Value of the Premiſes to be ſettled by a Jury.

XXXVIII. And be it further enacted, That if any ſuch Bodies Politick or Corporate, Eccleſiaſtical or Civil, or any Perſon or Perſons as aforeſaid, intereſted in any ſuch Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Dwelling Houſes, or laſt Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, and Hereditaments intended to be taken in and added to any Part of the ſaid Road, and through which the ſame ſhall be intended to be made, diverted, turned, or altered as aforeſaid, ſhall, for the Space of Thirty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe it to be enquired into and aſcertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County or Place in which ſuch Lands, Grounds, or Hereditaments ſhall be (which Oaths any Two or more of the ſaid Truſtees are hereby empowered and required to adminiſter), what Damages ſhall be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Perſons as aforeſaid, for or on Account of the making, diverting, turning, or altering ſuch Road through ſuch Lands or Grounds; and in order thereto the

said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath all and every Person or Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer), and they the said Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement, Order, and Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whatsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Five or more of them, are hereby empowered to issue out a Warrant or Warrants to the Sheriff of such of the said Counties in which such Lands, Grounds, or Hereditaments shall be, thereby commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve.

Sheriff to summon a Jury.

Juries may be challenged, and Sheriffs fined for Default.

XXXIX. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn, or refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting 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 touching the Premises shall refuse or neglect to appear, or refuse to be examined and to give Evidence, and from Time to Time to levy and apply such Fine or Fines in such Manner as

as the Penalties and Forfeitures are herein-after directed to be levied and diſpoſed of, ſo that no ſuch Fine exceed the Sum of Five Pounds upon any One Perſon for One Offence.

Money allowed for Lands, *etc.* how to be charged and tendered.

XL. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or aſcertained as aforeſaid, ſhall be and is and are hereby charged upon the reſpective Tolls by this Act appropriated for the repairing the Road ſo to be made, widened, turned, varied, altered, improved, and kept in Repair, or on the Monies to be borrowed upon the Credit of ſuch reſpective Tolls, and ſhall be paid thereout accordingly to the Perſons entitled reſpectively thereto, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons or their Agents, and in caſe of Refuſal to take and accept of the ſame, upon leaving the ſame in the Hands of the Clerk or Clerks for the Time being to the Truſtees, for the Uſe of ſuch Perſons, and after Ten Days Notice thereof given to ſuch Perſons, or their Agents, to receive ſuch Money, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into Poſſeſſion of, and to lay ſuch Land or Ground into the ſaid Road, and to do all and every ſuch Act, Matter, and Thing with relation to ſuch Lands, Grounds, or Hereditaments as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the Lands, Grounds, or Hereditaments ſo taken into or made Part of the ſaid Road, ſhall be deemed and taken to be, and ſhall be, to all Intents and Purpoſes, a publick and common Highway, and ſhall be repaired and kept in Repair by ſuch Ways and Means as the ſaid Road is by this or any other Law to be repaired; and after any ſuch Road ſhall be completed, the Lands and Grounds conſtituting the former Road, unleſs leading over ſome Common or Waſte, or to ſome Town or Place to which ſuch new Road ſhall not lead, ſhall be veſted in, and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied in ſuch Manner as the Tolls hereby appropriated to the Repair of the Road ſo to be ſold as aforeſaid are directed to be applied; and all Deeds of Conveyances executed by the ſaid Truſtees, or any Five or more of them, and enrolled with the Clerk of the Peace for the County or Place in which ſuch Lands lie, ſhall be good and effectual in the Law to all Intents and Purpoſes.

How the Expences of Jury ſhall be paid.

XLI. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Rights, Intereſt, or Property of any Perſon or Perſons in any Lands, Grounds, or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict

or

or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of the ſaid Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining ſuch Difference, ſhall be paid and borne by the Perſon or Perſons with whom the ſaid Truſtees, or any Five or more of them, ſhall have ſuch Controverſy or Diſpute, which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the reſpective County or Place, not intereſted in the Matter in queſtion (who is hereby authorized and required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment 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 on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the Truſtees, in and by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

Application of Compenſation if amounting to 200*l.*

XLII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Grounds, or Hereditaments purchaſed, taken, or uſed, by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity as herein 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 ſaid Truſtees, 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, Grounds, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Grounds, or Hereditaments, or affecting other Lands, Grounds, or Hereditaments ſtanding ſettled therewith, to the ſame or the 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, Grounds, 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, Grounds, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General

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, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation if leſs than 200*l.* and exceeding 20*l.*

XLIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Grounds, 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 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, 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 Three or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compenſation, if leſs than 20*l.*

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

In caſe of not making out Titles, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery.

XLV. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees,

Truſtees, or any Five or more of them, to order the ſaid Sum or Sums ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands or Tenements [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court; 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 ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the publick Funds, or to order Diſtribution thereof, in 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 and Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, 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.

Where any Queſtion ſhall ariſe touching ſuch Money, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto.

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

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

XLVII. 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 or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, 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 ſaid Truſtees, or any Five or more of them,

them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees not to pull down Houses, *etc.* without Consent, *etc.*

XLVIII. Provided always, and it is hereby enacted and declared, That the Power and Authority by this Act given to the said Trustees, shall not extend to the pulling down any Dwelling House or other Building, or the taking in the Scite of any House or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof and Persons interested therein respectively, other than and except so much of the several Gardens herein-after mentioned; (that is to say), Three several Gardens, the Property of *Isaac Dixon*, One of which is in his own Occupation, and the other Two of them are in the respective Occupations of *Richard Turner* and *Francis Hughes*; One other Garden, the Property of *Ann Scott*, in the Occupation of *William Wight*; One other Garden, the Property of *Joseph Embrey*, in his own Occupation; One other Garden, the Property of *Ann Emery*, in her own Occupation; One other Garden, the Property of *John Gough* Esquire, in the Occupation of *William Hodgetts*; and One other Garden, the Property of *William Bennett*, and in his own Occupation, as shall be necessary for making the said Road in such respective Places of the Breadth of Twelve Yards; any Thing herein contained to the contrary in anywise notwithstanding.

Upon Payment of Purchase Money, Conveyances to be executed.

XLIX. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on, or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands, Grounds, or Hereditaments, or any Part thereof, the Person or Persons entitled thereto shall make and execute or procure to be made and executed proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint, of the said Premises, for which such Sum or Sums of Money was or were so awarded or adjudged to be paid, and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereunto; and such Conveyances, Surrenders, Assignments, and Assurances shall contain such usual and reasonable Covenants as shall on Behalf of the Trustees be required; and in case any Person or Persons to whom such Money shall be agreed, awarded, or adjudged to be paid as aforesaid, shall not evince a clear and perfect Title to the said Premises, and make or procure to be made, at the Expence of the said Trustees, proper and effectual Conveyances thereof, or shall refuse so to do being thereunto required, such Sum or Sums of Money so agreed or awarded, or adjudged to be paid as aforesaid, shall be paid into the Bank of *England*, in Manner herein-before mentioned; and when and so soon as the same shall be so paid into the Bank, all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand whatsoever, in Law and Equity, on all and every Person or Persons who shall be entitled to such Money, of, in, to, from, and out of the same Premises, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged

charged from all Claims, Demands, and Equity of Redemption whatsoever, either in Law or Equity, to all Intents and Purposes, as fully and effectually as if all and every Person and Persons having any Estate, Right, Title, Trust, Dower, Right or Title of Dower, and Equity of Redemption of, in, to, from and out of the same Premises, had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever.

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

L. And whereas by reason of the diverting, altering, or turning the Road herein-before mentioned and described, agreeably to the Power herein-before given for that Purpose, or by reason of the Purchases which the said Trustees, or any Five or more of them, are hereby empowered to make by virtue of this Act, the said Trustees may happen to be seised of the Ground or Soil which formed the Road to be diverted, altered, or turned by virtue of this Act, or some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Grounds or Soil, Piece or Pieces of Ground, together or in Parcels, either by publick Sale or private Contract, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons from whom such Grounds, &c. have been purchased to have the Preference,

LI. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Road to be diverted, altered, or turned by virtue of this Act, or such Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell (as the Case may happen to be), to the Person or Persons who shall be the Owner or Owners of the Lands and Hereditaments, lying on both Sides of such diverted Road, or the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground for the Purposes of this Act; and in case the Owner or Owners of the said Lands on both Sides of the said diverted Road, or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased for the Purposes of this Act, shall refuse to purchase or repurchase (as the Case may happen to be), any Affidavit, to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such diverted Road or Piece or Pieces of Ground shall be, by some Person or Persons no way interested in the said diverted Road, Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Road, or of repurchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the

Price

Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees, or any Five or more of them, in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, or any Five or more of them, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch diverted Road, Piece or Pieces of Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

Perſons liable to the Repair of the Roads, *etc.* to continue ſo.

LII. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, and Committees of any Lands, Tenements, and Hereditaments, and all other Perſon or Perſons liable to the amending or maintaining any Part or Parts of the ſaid Road, or any Bridge, Cauſeway, Drain, Arch, or Sewer, therein, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner as they were before the paſſing of this Act (ſubject nevertheleſs to the Regulations herein-after expreſſed concerning the ſame); and that all and every Perſon and Perſons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways in the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, through which the ſaid Road ſhall paſs, ſhall be liable to the Repair of the ſaid Road, and to perform their reſpective Works thereon in ſuch and the like Manner, in every Reſpect, as they are liable to the Repair of any other common Highway within ſuch Pariſh, Townſhip, Hamlet, Diſtrict, or Place reſpectively.

How the Statute Work ſhall be apportioned.

LIII. And, for aſcertaining and determining what Part of the Statute Work ought to be performed on the ſaid Road by the Inhabitants of the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, through which the ſaid Road may paſs; be it further enacted, That it ſhall be lawful for any Two of the ſaid Truſtees being acting Juſtices of the Peace for the ſaid County of *Stafford* or *Warwick*, from Time to Time to adjudge and order what Part of the Statute Work ſhall be done in or upon the ſaid Road hereby directed to be amended, widened, improved, and kept in Repair, and for what Space of Time, and in what Manner the ſame ſhall be done upon the ſaid Road by the Inhabitants of each or any of the Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, in or through which the ſaid Road ſhall paſs.

For regulating the Performance of Statute Work.

LIV. And be it further enacted, That the reſpective Surveyors of the Highways in all the Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, through which the ſaid Road ſhall paſs, ſhall yearly and every Year, within Ten Days after Demand made to them reſpectively in Writing, by the Surveyor, Clerk, or Treaſurer of the ſaid Road, in purſuance of an Order under the Hands of Two or more of the ſaid Truſtees, being acting Juſtices of the Peace for the ſaid reſpective Counties, give and deliver to the Perſon making ſuch Demand a true and exact Liſt or Account, in Writing under their reſpective Hands, of the Chriſtian and Surname

name of every Perſon in their reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, who are by Law chargeable towards repairing the ſaid Road in ſuch Pariſhes, Townſhips, Hamlets, Diſtricts, and Places, and ſhall ſet forth and ſpecify in ſuch Liſt what each Perſon is reſpectively chargeable with for and towards the ſame; and ſuch reſpective Pariſh or Townſhip Surveyor or Surveyors, ſhall (within Four Days after Notice to them given by the ſaid Turnpike Surveyor, of the Time or Times when and where, and how many of the Perſons ſo chargeable as aforeſaid are to perform their reſpective Statute or Days Works) ſummon or give Notice thereof in the Mode preſcribed by Law, to the Perſons ſo chargeable as aforeſaid; and if any ſuch Pariſh or Townſhip Surveyor or Surveyors ſhall neglect or refuſe to do as he and they is and are required and directed to do, or ſhall willfully return incorrect or imperfect Liſts, he and they ſhall reſpectively forfeit and pay any Sum not exceeding Five Pounds for every ſuch Refuſal or Neglect; and if any Perſon or Perſons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the ſaid Road, ſhall, after ſuch Summons or Notice as aforeſaid, neglect or refuſe to ſend their reſpective Teams, Draughts, Carts, or Wains, furniſhed with Labourers, Oxen, or Horſes, according to the Cuſtom of the Country, and proper Tools to do and perform ſuch their reſpective Days Works upon the ſaid Road, he, ſhe, or they ſo neglecting or refuſing ſhall forfeit and pay the Sum of Ten Shillings for every Day that each Team, Draught, Cart, or Wain, ſhall be wanting, or ſhall not be duly employed in that Service; and if any Perſon or Perſons who ſhall be ſent with any Team, Draught, Cart or Wain, to work on the ſaid Road, ſhall be found idle or negligent, it ſhall be deemed as if ſuch Team, Wain, Draught, or Cart, had not been ſent to work on the ſaid Road, and the ſame Sum ſhall be accordingly forfeited and paid; and if any Statute Work ſhall not be performed within the Year in which the ſame is due, the ſame ſhall be performed in the Courſe of the ſucceeding Year.

Truſtees may compel Surveyors of Highways to account for Compoſition Money.

LV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any of their Meetings, by Writing under their Hands, to ſummon all, every, or any of the Surveyor or Surveyors of the Highways of all, every, or any of the Pariſhes Townſhips, Hamlets, Diſtricts, or Places (the Inhabitants whereof are liable to perform Statute Work on the ſaid Road), to appear before the ſaid Truſtees at any of their ſubſequent Meetings, and then to deliver in to them a full, true, and juſt Account in Writing of all Sums of Money by them reſpectively received for, in lieu of, or by way of Compoſition for Statute Work in their ſeveral and reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, or Places (which Account ſhall be verified upon Oath, if the ſaid Truſtees ſhall require the ſame); and in caſe the Perſon or Perſons ſo ſummoned ſhall neglect to appear at the Time and Place therein appointed, or ſhall refuſe or neglect to deliver in ſuch Account as aforeſaid, or if required to verify the ſame upon Oath, or to pay to the Treaſurer of the ſaid Road, or as the ſaid Truſtees ſhall direct, within Five Days from the Time of producing the ſaid Account, or whereon the ſame ought to have been produced, ſuch proportionable Part of all ſuch Compoſition Money as ſuch Surveyor or Surveyors, or any of them, ſhall have received,

or

or without their wilful Neglect or Default, might have received, that then in all or any of the ſaid Caſes, the Perſon or Perſons ſo offending ſhall, for every ſeparate Offence, forfeit and pay a Sum not exceeding Twenty Shillings nor leſs than Five Shillings.

Truſtees may compond for Statute Work.

LVI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound and agree by the Year or otherwiſe with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, or of any Bridge, Arch, or Sewer, or with any Perſon or Perſons for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, or Places, by and with the Conſent of the Majority of the Inhabitants of ſuch Pariſhes, Townſhips, or Places, firſt had at any Veſtry or other Publick Meeting of ſuch Inhabitants, to compound and agree by the Year or otherwiſe with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part or Parts of the ſaid Road.

For recovering Compoſition Monies,

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

How Surveyors of Highways are to be reimburſed, and Compoſition Money paid by them.

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

Truſtees may contract for Repairs.

LIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize, delegate, or appoint, are hereby empowered to contract with

with any Perſon or Perſons for making, altering, widening, or repairing the ſaid Road, or any Part thereof, and for erecting Mile or Direction Stones or Poſts thereon, or for doing any other Work to be performed in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and that all Contracts or Agreements in Writing entered into purſuant to any Order of the ſaid Truſtees, or any Five or more of them, by their Clerk or Treaſurer, Surveyor or other Officer, with any Workmen or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties and Perſons as ſhall ſign the ſame, his, her, or their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid Truſtees, or any Five or more of them, in the Name or Names of their Clerk or Clerks, and in his or their Name or Names reſpectively, and Damages and Coſts recovered againſt the Party or Parties, or Perſon or Perſons failing in the Performance of ſuch Contracts or Agreements reſpectively; and ſuch Sum or Sums of Money as ſhall or may be requiſite for making or repairing the ſaid Road, or any other Matter or Thing to be done by virtue of this Act, and which by ſuch Contracts or Agreements reſpectively the Parties ought to have done, ſhall be the Meaſure of the Damages to be recovered in any Action or Suit againſt ſuch Party or Perſon or Perſons ſo as aforeſaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Uſage to the contrary in anywiſe notwithſtanding.

Perſons liable to repair old Road to continue liable to repair any new Road.

LX. And whereas certain Parts of the ſaid Road will be diverted in purſuance of this Act, in order to make the ſame nearer or more commodious to the Publick; and Doubts may ariſe whether the Inhabitants of any Pariſh, Townſhip, or Place, or any particular Perſon or Perſons liable to repair the old Road ſo deviated from, by Statute Duty, Tenure, or otherwiſe, ought to repair or contribute to the Repair of the Whole or ſome or what Part or Proportion of ſuch new Road; for obviating which Doubts, and preventing Diſputes about the ſame, be it further enacted, That the Inhabitants of every ſuch Pariſh, Townſhip, or Place, and Perſon or Perſons who was, were, or ſhall be liable as aforeſaid to the Repair of any ſuch old Road, which ſhall be ſo diverted and turned, ſhall reſpectively be and continue in the ſame Manner liable to the Repair of ſuch new Road, or ſo much thereof as ſhall be equal to the Burthen and Expence of repairing ſuch old Road, from which he, ſhe, or they ſhall be exonerated by turning the ſame as aforeſaid; and that if the ſeveral Parties intereſted cannot agree therein, the ſame ſhall be viewed by Two Juſtices of the Peace acting within the Limits where ſuch Road ſhall be, by whom the ſame ſhall be ſettled, adjuſted, and determined, in ſuch Manner as they ſhall think juſt and reaſonable; and from and after ſuch Determination of the Juſtices, the Inhabitants of the ſaid Pariſh, Townſhip, or Place, or the Perſon or Perſons liable to repair ſuch new Road as aforeſaid, ſhall bear all Charges and Expences of Indictments and Proſecutions for not repairing the ſame; and if it ſhall be found more convenient to fix a groſs Sum or annual Sum to be paid by any ſuch Inhabitants, or Perſon or Perſons, towards the Repair of ſuch new Road, inſtead of fixing the Part or Proportion of ſuch new Road to be repaired by him, her, or them, the ſaid Juſtices may with the Conſent of

of ſuch Perſon or Perſons, and alſo the major Part of the Inhabitants intereſted therein, obtained at a Veſtry or publick Meeting held for that Purpoſe, and alſo of the ſaid Truſtees, or any Five or more of them, at a publick Meeting, order and direct the ſame accordingly, which Order ſhall be and for ever after continue binding to all Perſons whomſoever; and that if any Perſon or Perſons who, by any Order of any ſuch Juſtices as aforeſaid, ſhall be made liable to the Repair of different Parts of the ſaid Road, or the future Occupiers of the Eſtates in reſpect of which they ſhall be ſo charged ſhall neglect to repair or amend ſo much and ſuch Parts thereof as are particularly ſet forth in the ſame Order, after Ten Days Notice in Writing ſhall have been given to them by the Clerk to the ſaid Truſtees to repair the ſame, ſuch Perſon or Perſons ſo neglecting ſhall forfeit the Sum of Five Shillings for every Seven Yards of ſuch Road ſo neglected to be repaired, and ſo in proportion for any greater or leſs Quantity, which Forfeiture ſhall be recovered and levied in ſuch and in the ſame Manner as the Penalties and Forfeitures for Offences againſt this Act are herein-after directed to be recovered and levied; and if the Perſon or Perſons who by the ſame Order ſhall be made liable to the Payment of different annual Sums of Money in lieu of repairing Part of the ſaid Road, or the future Occupiers of the Eſtates in reſpect of which they ſhall be ſo charged ſhall neglect to pay the ſeveral Sums of Money ſo ordered to be paid by them to the Treaſurer to the Truſtees of the ſaid Road for the Time being, after Ten Days Notice ſhall have been given to them by the Clerk to the ſaid Truſtees to pay the ſame, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to recover and levy ſuch ſeveral Sums of Money by Diſtreſs and Sale of the Perſon's Goods and Chattels, in ſuch and the ſame Manner as the Forfeitures and Penalties for Offences againſt this Act are herein-after directed to be recovered and levied.

Mile Stones to be ſet up.

LXI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſame at the Diſtance of One Mile from each other, denoting the Diſtance of every Stone or Poſt from any Town or Place; and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet; and if any Perſon ſhall wilfully pull up or damage any ſuch Poſts or Stones, or ſhall obliterate or deface any of the Letters, Figures, or Marks, which ſhall be inſcribed thereon; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheeled Carriages, or ſhall ſuffer any Part of any Tree, or Piece of Timber or Stone which ſhall be carried upon Wheeled Carriages to drag upon any Part of the ſaid Road, to the Prejudice thereof reſpectively; or ſhall lay any Hay, Straw, or other Matter or Thing upon any Part of the ſaid Road to be made into Manure, or ſhall ſcrape off the ſame any Mud, Soil, or other Matter or Thing, which ſhall be or lie upon any Part of the ſaid Road, with

Penalty on defacing them.

Dragging Timber or Stone;

nor lay Rubbiſh on the Cauſeway, nor ſcrape Cauſeway.

with an Iron Rake or other Inſtrument with ſharp Points; or ſhall pull or force up any Stones or other Part of the Pavement of the ſaid Road, whereby the ſaid Road ſhall be damaged; or ſhall lay down any Timber, Hay, Straw, Dung, or any other Matter or Thing whatſoever upon the ſaid Road, or any Part thereof, or ſhall otherwiſe obſtruct or impede the Paſſage upon the ſaid Road; or ſhall turn out any Horſes, Mares, Cows, or other Cattle, or Swine, upon the Road hereby authorized to be repaired, or any Part thereof, or in the Ditches adjoining the ſame, every Perſon ſo offending ſhall forfeit any Sum not exceeding Forty Shillings nor leſs than Ten Shillings, to be levied and recovered by ſuch Ways and Means as are herein directed with reſpect to other Penalties and Forfeitures hereby inflicted.

Compelling Subſcribers to pay Subſcriptions.

LXII. And be it further enacted, That if any Perſon or Perſons who is or are, or ſhall hereafter become or agree to be a Subſcriber or Subſcribers towards the Expence of obtaining this Act, or carrying the ſame into Execution, ſhall, after Twenty Days previous Notice in Writing under the Hand of the Treaſurer or Clerk to the ſaid Truſtees for that Purpoſe, to him, her, or them, given, or left at the Dwelling Houſe or uſual Place or Places of Abode of ſuch Perſon or Perſons, neglect or refuſe to make Payment of the reſpective Sums by him, her, or them ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to bring or cauſe to be brought, any Action or Actions of Debt, or on the Caſe, or Bill, Plaint, or Suit, againſt ſuch Perſon or Perſons ſo neglecting or refuſing as aforeſaid, in any of His Majeſty's Courts of Record, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, and after Proof of ſuch Perſon or Perſons having ſo ſubſcribed, or agreed to ſubſcribe, and ſuch Notice having been given as aforeſaid, ſuch Perſon or Perſons ſhall be compelled to pay the Sum or Sums of Money ſo by him, her, or them ſubſcribed or agreed to be ſubſcribed, or required as aforeſaid, together with full Coſts of Suit.

Recovery of Penalties.

LXIII. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be impoſed (the Manner of levying and recovering of which is not hereby otherwiſe particularly directed) ſhall be levied, by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of ſome One of His Majeſty's Juſtices of the Peace for the County or Place where ſuch Offence ſhall be committed, rendering the Overplus of ſuch Diſtreſs (if any there be) to the Party or Parties, after deducting the Charges of making the ſame; which Warrant ſuch Juſtice is hereby empowered and required to grant upon Conviction of the Offender, by Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes; and ſuch Penalties and Forfeitures, when ſo levied, ſhall be paid the One Half to the Informer and the other Half to the Surveyor of the ſaid Road, to be applied towards the Repair thereof, unleſs otherwiſe directed by this Act; but if the Surveyor ſhall be

be the Informer, then the Whole ſhall be applied towards the Repair of the ſaid Road; and in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction of the County or Place, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalty or Forfeiture ſhall be ſooner paid.

For ſecuring tranſient Offenders.

LXIV. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors, or other Officers, appointed to put this Act in Execution; be it therefore enacted, That it ſhall be lawful for any of the ſaid Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any other Warrant or Authority than this Act, to ſeize and detain any unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them, before any Juſtice of the Peace of the County or Place, or near to the Place where the Offence or Offences ſhall be committed; and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his or their Appearance at the next Petty Seſſion to be holden within and for the County or Diſtrict in which ſuch Offence or Offences ſhall have been committed, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch Petty Seſſion, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the ſaid Complaint in a ſummary Way, and upon Conviction of the Offender or Offenders, either by the Juſtice before whom he, ſhe, or they ſhall be firſt taken, or by the Juſtices at ſuch Petty Seſſion as aforeſaid, it ſhall be lawful for the ſaid Juſtice or Juſtices reſpectively to commit him, her, or them, to the Common Gaol or Houſe of Correction of the ſame County or Diſtrict, there to remain for any Time not exceeding Twenty-one Days, unleſs he, ſhe, or they ſhall ſooner pay the reſpective Penalties by him, her, or them incurred for ſuch Offence or Offences, together with the Coſts and Charges attending the Conviction and Commitment.

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

Form of Conviction.

‘ BE it remembered, That on Day of in the Year of our Lord
‘ *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the
‘ Peace for the County of [*or*, County of *as the Caſe*

'*Case may be*] [*specifying the Offence, and the Time and Place when and where*
'*the same was committed, as the Case shall be.*] Given under my Hand and
'Seal, the Day and Year first above written.'

Proceedings to be entered in a Book.

LXVI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, when entered, shall be signed by a competent Number of the said Trustees, or by their Clerk, and shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, and also the Book or Books herein directed to be kept for registering and entering Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Actions, Suits, and other Controversies, touching any Thing done in pursuance and by the Authority of this Act.

Proceedings not to be quashed for want of Form.

LXVII. And be it further enacted, That no Order or Proceeding to be made concerning any of the Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue hereof, shall be quashed, set aside, or vacated, for want of Form only, nor shall be removed or removable by Certiorari, or otherwise, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall be afterwards committed by any Person or Persons distraining, he, she, or they shall not on that account be deemed a Trespasser or Trespassers *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage sustained thereby, in an Action upon the Case.

Appeal.

LXVIII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at their General Quarter Sessions to be holden for the County or Place wherein the Fact touching such Penalties or Forfeitures are incurred or imposed, shall be committed, within Fourteen Days next after such Cause of Complaint shall arise, unless the same shall arise within Fourteen Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise; and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may

may ratify or confirm the ſame, with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and to levy by their Order or Warrant 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 to commit ſuch Perſon or Perſons to the Common Gaol for the County, or Place, where the Appeal ſhall have been heard and determined, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts: Provided always, that the Perſon or Perſons ſo appealing as aforeſaid ſhall, and is and are hereby required to give Notice in Writing to the Clerk to the Truſtees of the ſaid Road of ſuch his and their Intention of bringing and proſecuting an Appeal Eight Days before the ſaid Quarter Seſſions, and ſhall, before ſuch Notice given, enter into a ſufficient Recognizance before One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Appeal ſhall be intended to be brought, with Two ſufficient Sureties, with Condition to proſecute ſuch Appeal, and to pay all Coſts in caſe ſuch Appeal be determined againſt the Party or Parties ſo appealing.

Limitation of Actions.

LXIX. 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 or Clerks to the ſaid Truſtees, or after a ſufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid in either of the ſaid Counties of *Stafford* or *Warwick*, where ſuch Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before 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 ſhall be brought in any other County, Place, or Places, than where the Fact was committed, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be Nonſuited, or diſcontinue his, her, or their Action or Actions, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any Caſe by Law.

Publick Act.

LXX. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Commencement and Duration of the Act.

LXXI. And be it further enacted, That this Act shall commence and have Continuance from the passing thereof for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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