Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing and widening the Road from the Cross at *Broken Cross* in *Macclesfield*, in the County of *Chester*, through *Macclesfield Forest*, to the present Turnpike Road at the South End of the Township of *Buxton*, in the County of *Derby*.

WHEREAS the Road leading from the Cross at Broken Cross in Macclesfield, in the County of Chester, through Macclesfield Forest, to the present Turnpike Road at the South End of the Township of Buxton, in the County of Derby, is in a very ruinous Condition, narrow, and incommodious, in many Places, and dangerous to Travellers, and the same cannot be effectually repaired and widened by the present Methods prescribed by Law; May it therefore please Your Majesty, that Preamble.

it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable George Cavendish, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish, commonly called Lord John Cavendish; the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable George Cholmondeley, commonly called Lord Malpas; the Right Honourable Thomas Bellasis, commonly called Lord Bellasis; the Honourable James Cholmondeley, John Arden, John Archer, Richard Arderne, Esquires; John Acton, Rowland Atkinson, Gentlemen; the Honourable Richard Barry, the Honourable John Smith Barry, Peter Brooke, Peter Brooke junior, Samuel Bagshaw, Richard Bagshaw, William Bagshaw, John Bagshaw, Henry Bridgman, John Birtles, Esquires; the Reverend Edward Bagshaw, John Burscoe, Clerks; John Brescie, John Brocklehurst, Alexander Barker, John Barker, John Bagnall, William Bootle, John Bootle, Gentlemen; Sir Nathanael Curzon Baronet, Thomas Cholmondeley, Robert Clowes, Esquires; Samuel Cooper, Joseph Comberbach, Gentlemen; Richard Davenport, John Davenport, John Downes, John Dickenson senior, John Dickenson junior, Esquires; John Dixon Gentleman, Samuel Egerton, Philip Egerton, Rowland Eyre, Henry Eyre, Esquires; the Reverend George Everard, William Fitzherbert, Richard Fitzherbert, Robert Freeman, Thomas Froggat, Esquires; Samuel Foxlow, William Fallows, Gentlemen; Sir Richard Grosvenor Baronet, Thomas Grosvenor, John Glegg, John Gisburn, Philip Gell, Esquires; Samuel Glover, William Greaves, George Greaves, Samuel Huxley, John Hulley, Jasper Hulley, John Hooley, William Harper, George Hoard, Joseph Hobson, Bryan Hodgson, Micah Hall, Gentlemen; the Reverend Simon Jacson, John Kirkby, William Kelsall, Gentlemen; Sir Peter Leycester Baronet, Peter Legh of Lime, Charles Leigh, Thomas Leigh, George Legh, Ralph Leicester, Peter Legh of Booths, Esquires; Samuel Lankford, Richard Lunt, Bernabas Low, Thomas Leigh of Macclesfield, Gentlemen; Sir Henry Manwaring, Sir William Meredith, Baronets; Theophilus Meredith, Roger Manwaring, Esquires; the Reverend Peter Mayers, Nathanael Mayers, John Macom, Mathew Mottershead, Gentlemen; Robert Newton Esquire, William Norton,

Trustees Names.

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Norton, Francis Nicholson, Daniel Nixon, Gentlemen; John Pimlott, John Parker, Strelley Pegg, Esquires; Charles Potts Gentleman, the Reverend Legh Richmond, James Roe, Clerks; Charles Roe, John Robinson, Gentlemen; Sir John Thomas Stanley Baronet, Thomas Swettenham, Edmund Swettenham, Esquires; the Reverend John Simpson, Thomas Seaward, Thomas Savage, Clerks; John Stafford Gentleman, Edward Swann, Rowland Swann, Edward Stafford, John Stonehewer, Joseph Stokes, Nathan Sutton, George Statham, Joseph Street, Charles Styles, Gentlemen; William Tatton, Thomas Tatton, Henshaw Thornycroft, Henry Thornhill, Nicholas Twigg, John Twigg, Esquires; Sir Peter Warburton Baronet, George Warren, William Wright, Henry Offley Wright, Thomas Wright, John Wright, Thomas Wright of Eyam, Esquires; the Reverend Joseph Ward, Samuel Wright, Thomas Warburton, William Young, Gentlemen; shall be, and they and their Successors, to be elected in Manner herein after-mentioned, are hereby appointed Trustees for surveying, ordering, amending, and keeping in Repair, the said Road, and also for putting this Act in Execution; and they the said Trustees, or any Five or more of them, are hereby impowered to cause to be erected and set up a Turnpike or Turnpikes upon or across any Part or Parts of the said Road, and also a Toll-house at or near each of the Places where such Turnpike or Turnpikes shall be erected; and the Tolls following shall be paid at every such Turnpike to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses;

and appoint Persons to take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Curricle, Hearse, Calash, or Chaise Marine, drawn by Six Horses, or other Beasts, the Sum of Two Shillings; and drawn by Four Horses, or other Beasts, One Shilling and Six Pence; and drawn by Two Horses, or other Beasts, Six Pence.

For every Chaise or Chair drawn by One Horse, or other Beast, the Sum of Three Pence.

For every Waggon, Wain, Cart, or other Carriage, not loaden with, or going for, or returning unloaden after having delivered, any Lime or Coals, drawn by Four or more Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses, or other

Beasts of Draught, Nine Pence; and drawn by Two Horses, or other Beasts of Draught, Six Pence; and drawn by One Horse, or other Beast of Draught, Three Pence.

For every Waggon, Wain, Cart, or other Carriage, going unloaden for, or being loaden with, or returning unloaden, after having delivered, any Lime or Coals, drawn by Four or more Horses, or other Beasts of Draught, the Sum of Eight Pence; and drawn by Three Horses, or other Beasts of Draught, Six Pence; and drawn by Two Horses, or other Beasts of Draught, Four Pence; and drawn by One Horse, or other Beast of Draught, Two Pence.

For every Horse, Mare, Gelding, Mule, or Ass, or other Beast, unladen, going to fetch Lime or Coals, or which shall be laden with Lime or Coals, or returning unladen, having delivered such Loading, the Sum of One Halfpenny.

For every other Horse, Mare, Gelding, Mule, or Ass, or other Beast, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or lesser Number.

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or lesser Number.

Tolls vested in the Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and all the said Tolls shall be and are hereby vested in the said Trustees, and shall be paid, applied, disposed of, or assigned, to and for the several Uses and Purposes, and in such Manner as is herein after mentioned; and the Right and Property of all the said Turnpikes and Toll-houses, which shall be erected by virtue of this Act, and the Materials for building the same, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring or cause to be brought any Action or Actions, in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer or cause to be preferred Bills of Indictment against any Person or Persons who shall disturb or injure them in the Possession thereof; 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

Tolls may be levied by Distress and Sale.

son or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, upon which such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so refusing or neglecting to pay the same; and if such Tolls and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Cattle or Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, and also of such Sale, shall be deducted. Distress may be sold after 5 Days.

And be it further enacted by the Authority aforesaid, That the said Tolls, and the Monies to be borrowed on the Credit thereof, shall be applied in the First Place in discharging all the Expences and Charges incident to, and occasioned by, the obtaining of this Act, and the Remainder of such Tolls and Money shall be, from time to time, applied in erecting Turnpikes and Toll-houses, and repairing, widening, turning, and amending, the said Road, and paying the Principal and Interest of the Monies to be borrowed, and defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever. Application of the Monies.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse or other Cattle, Coach, Waggon, or other Carriage, pass through any Land, Ground, Gate, Passage, or private Way, adjoining to, or lying near any Turnpike to be by virtue of this Act erected; or if any Owner or Occupier of any Ground, Land, Gate, Passage, or private Way, which shall adjoin or lie near to any such Turnpike, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse or other Cattle, or any Coach, Waggon, or other Carriage, to pass through the same, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof; 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 by the Collectors of the said Tolls, whereby the Payment of any of the said Tolls, or any Part thereof shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike, with any Horse or other Cattle, without Payment of Toll, Penalty on Persons permitting, or going through, private Passage, or giving or receiving Tickets,

or

or unloading Goods, or taking off Horses, &c. to avoid Payment of the Tolls.

or unload, or cause to be unloaded, any Sort of Goods; or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof; or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, or other Cattle, with such Intent as aforesaid, every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty 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 directed to be applied.

Toll to be paid but Once a Day, save only for Cattle and Carriages loaden with Lime, &c.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once, for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage (Cattle and Carriages loaden with Lime, as is herein after mentioned, excepted,) through all or any of the Turnpikes to be erected by virtue of this Act, but that all and every such Person and Persons, after having paid Toll Once, and producing a Note or Ticket denoting the Payment of such Toll, shall afterwards pass with such Cattle or Carriage, Toll-free, during the Remainder of the Day in which such Toll is paid; and that all Cattle and Carriages which shall pass loaden with Lime, or shall pass loaden with any other Commodity, or empty, and return loaden with Lime in the same Day, through all or any of the said Turnpikes, shall, after the Payment of One Toll for such passing, be permitted to return Toll-free, in case such Return shall be on the same Day on which such Toll is paid, upon producing and delivering to the Collector of such Tolls a Note or Ticket denoting the Payment of the Toll; and every such Cattle and Carriage shall be subject to the Payment of One Toll for every Time such Cattle or Carriage shall pass, after having passed and returned as aforesaid, it being the true Intent and Meaning of this Act that no such Cattle or Carriage shall pass and return more than Once for the Payment of One Toll; all which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on the Receipt of the Toll.

Trustees may erect Sidegates,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Turnpike or Turnpikes on the Side or Sides of the

the said Road, and cross any Lane or Way leading into the same; and to cause such Tolls to be collected and levied thereat as are appointed by this Act to be taken, so as the same do not extend to a Double Charge, in case of passing through any other of the Turnpikes to be erected across the said Road. and take Tolls thereat.

Provided always, That no Turnpike shall be erected by virtue of this Act, across, or upon the Side of, or across any Lane or Way leading into that Part of the said Road which lies between the Cross at Broken Cross and the East Side of the Town of Macclesfield. No Turnpike to be erected on or across any Lane between *Broken Cross* and *Macclesfield*.

Provided also, and it is hereby declared, That no Toll shall be demanded or taken for any Carriage, Horse, or Cattle, loaden with, or passing empty, or unloaden for, or returning the same Day empty or unloaden, after having been loaden with Gravel, Stone, or other Materials, for repairing the said Road, or any other Road in any of the Townships in which the Road hereby directed to be repaired, or any Part thereof, doth lie, or in any of the next adjoining Townships; nor for any Carriage loaden with, or passing empty, or unloaden for, or returning on the same Day empty or unloaden, after having been loaden with Grass, Hay, Straw, Corn in the Straw only, or Turves, Heath, or Furze, for Fuel, to be laid up in the Houses, Barns, or Out-houses, or to be set or stacked upon any Part of the Lands or Premisses of the respective Inhabitants, Land-owners, or Land-holders, in any of the said Townships, such Turves, Heath, or Furze, being for their own private Use and Consumption, in the Township where any such Turnpike shall be erected, or in any of the next adjoining Townships; or for any Ploughs, Harrows, or Implements of Husbandry; or for any Carriage loaden with, or passing empty, or unloaden for, or returning on the same Day empty or unloaden, after having been loaden with any Mould, Marl, or Dung, for manuring and improving of Lands in the said several Townships; or any Stone, Slate, Flag, or Timber, to be used and employed in building or repairing of any Houses, Out-houses, Buildings, or Fences, in such Townships; nor for any Horse, or other Cattle or Sheep, going to or from Water, Pasture, or Plough, or other Tillage or Work in Husbandry, upon or in any of the Lands within any such Township; nor for any Cattle or Carriages belonging to the Inhabitants of such Townships passing to the Smith's Shop, in order to be shod or repaired; or for the Return of such Cattle Persons and Things exempted from Tolls.

or Carriages; or for any such Cattle or Carriages going or returning to or from the Corn Mill, with Corn, Grain, Meal, or Flour; nor from any Persons going to, or returning from, any Election of a Member or Members to serve in Parliament for the County of Chester or Derby, during the Time of, or on the Day before or Day after, such Election shall begin or be concluded; nor for any Post-horse carrying the Mail or Packet; or for the Horses of Soldiers passing, who are upon their March; or for Waggons, Wains, Carts, or Carriages, attending them; or for Horses or Carriages travelling with Vagrants sent by lawful Passes, or Prisoners sent to Gaol or House of Correction, or returning after having been so employed.

Penalty on making illegal Claims, not being intitled thereto.

Provided always, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person, for every such Offence, shall forfeit and pay the Sum of Forty Shillings.

No Toll to be taken for crossing the Road only.

Provided also, That no Toll shall be taken at any Toll-gate or Turnpike to be erected by virtue of this Act on the Side of any Part of the said Road hereby directed to be repaired, for any Horse, Cattle, or Carriage, which shall only cross the said Road.

Persons chargeable to the Highways to continue so.

And be it further enacted by the Authority aforesaid, That the Inhabitants of the several Townships in which the said Roads lie, who by Law are or shall be liable to the Repair of the Highways, commonly called Statute-work, shall, and are hereby required to do and perform such and so many Days Works, not exceeding Three Days for any One Person or Team in any One Year, in such Part of the said Roads lying within such Townships, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall, by Writing under their Hands, appoint; and that every Inhabitant of the said Townships who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed to keep a Team, and shall do such Work, towards repairing of the said Roads, as Persons keeping Teams are obliged by Law to do.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

And be it further enacted, That the Surveyors of the Highways of each and every of the said Townships, shall, and they are hereby required, on Seven Days Notice given them, by the Surveyor of the Roads within each of the respective Townships, Once in every Year, to return

turn and deliver unto the Trustees, at their Meetings to be by them held, or to the Collector or Collectors of the Tolls, true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Townships respectively, who are liable to do their Statute-work in and upon the said Highways; and shall in such Lists, and every of them, distinguish which of such Inhabitants do, and by this Act shall be deemed, to keep a Team or Teams, and which of them are Labourers only.

Penalty on Surveyors neglecting to deliver in such Lists, &c.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for any Township, shall not deliver in any such List as aforesaid, by such Times, and in such Manner, as by this Act is required, every such Surveyor shall, for every such Default, forfeit and pay the Sum of Forty Shillings; and

Penalty on Persons not performing Statute-work.

if any or either of the Inhabitants of the said several Townships shall not do such Statute-work in or upon the said Roads, at such Times and Places, and in such Manner, within their respective Townships, as shall by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, be directed, every such Inhabitant shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant who shall keep, or by virtue of this Act be deemed to keep a Team, for every Day's Default, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or by virtue of this Act not deemed to keep a Team, for every Day's Default, the Sum of One Shilling and Six Pence; and if any

Persons found idle to be turned off.

Person or Persons who shall come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done, in such Case, the same Surveyor or Surveyors may, and is, and are hereby impowered and required, to turn him or them off, who shall be found idle or negligent as aforesaid; and it shall be esteemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they, shall be subject or liable to the respective Forfeitures and Payments abovementioned, as if he, she, or they, had neglected or refused to do or perform the said respective Day's Work so ordered and appointed as aforesaid.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of

of them, or their Surveyor or Surveyors, being authorized so to do by the said Trustees, or any Five or more of them, by Writing under their Hands, may, and are hereby impowered to compound with any Person or Persons, or with the Inhabitants of the several Townships, or any of them, for the Statute-work to be by him, her, or them, respectively done upon the said Road, for such Sums of Money, by the Day or otherwise, as they the said Trustees, or any Five or more of them, shall think proper; which said Money shall be instantly paid to the said Trustees, or according to their Appointment, and applied in repairing the Road within such respective Township.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees shall hold their First Meeting at the House of William Hilton, known by the Sign of the Angel in Macclesfield aforesaid, upon the Twenty eighth Day after the Day of the passing of this Act; and at their First or any subsequent Meeting, any Seven or more of them, shall and may, by Writing under their Hands and Seals, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act; and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Seven or more of them, shall think fit; and also a Surveyor or Surveyors to view the Condition of the said Road, and see that the same be repaired, and that the Money to arise by virtue of this Act be duly applied, and also such other Officers as they the said Trustees, or any Seven or more them, shall think proper; and also may, from time to time, remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as the said Trustees, or any Seven or more of them, shall see Occasion; and shall and may, in like Manner, appoint new ones, in case of Death, or such Removal; and the said Trustees, or any Seven or more of them, shall and may, out of the Money arising by the said Tolls, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, or other Officers, so appointed, for and in Consideration of their Care and Pains respectively taken in the Execution of their respective Offices; and to such other Persons who shall be assisting in and about procuring the said Road to be amended and repaired, by advancing, lending, or laying out, any Monies, or otherwise relating thereto, as to them

and remove them, and appoint others.

Trustees to allow Officers Salaries.

them shall seem good: And the Treasurer and Treasurers, and all other Persons appointed as aforesaid, and employed in the Receipt or Expenditure of any of the Monies to arise by virtue of this Act, shall, on the First Tuesday in August, yearly, or oftener, if thereunto required by the said Trustees, or any Five or more of them, produce and give up to such Trustees, full, true, and fair Accounts, in Writing, of all the Monies which shall have been by them respectively had, collected, or received, or how, to whom, and for what Purposes, such Monies, and every Part thereof, have or hath been disposed of or applied, together with proper Receipts and Vouchers of such Payments; and shall and are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Five or more of them, shall direct and appoint; and that all and every the said Officers and Persons, so accounting as aforesaid, shall, if required by the said Trustees, or any Five or more of them, upon their several Oaths (which said Oaths the said Trustees, or any Five or more of them, are hereby impowered to administer) verify his and their said Accounts, and the particular Items and Articles thereof: And if any such Officer or Person, being required so to do, shall refuse or neglect to render and give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his Oath, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his Hands; then, and in any or either of the said Cases, it shall be lawful, upon the Complaint of any Five or more of the said Trustees, for any One Justice of the Peace for the County where such Officer or Person shall be or reside, and such Justice is hereby required to make Enquiry concerning such Default, as well by Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice is hereby impowered and required to administer, without any Reward) and, upon Conviction, such Justice shall commit every such Officer or other Person so convicted, to the Common Gaol of the County, Division, or Place; there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify the same, as aforesaid, and make such Payment as aforesaid; or hath compounded for the same,

Officers to account upon Oath.

Officers not accounting, to be committed.

same, and paid such Composition-money to such Trustees, or their Treasurer; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make.

No Victualler, &c. shall hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or menial Servant to any of the said Trustees appointed, or to be appointed, to put this Act in Execution, shall be capable of holding any Office or Employment under or by virtue of this Act.

Collectors to gain no Settlement by their Office.

Provided also, and be it further enacted, That no Collector of the Tolls to be appointed by virtue of this Act, shall gain any Settlement in the Parish or Place where he shall collect any of the said Tolls, by reason of his being appointed such Collector.

Surveyors may dig Gravel, &c. from Waste Grounds,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors to be appointed by virtue of this Act, and such Person and Persons as he or they shall employ, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, and other Materials, for Repair of the said Road, out of any Waste or Common Lands, Rivers, or Brooks, of or in any Parish, Town, Village, or Hamlet, in or near which the said Road, or any Part thereof, doth lie (except Stones from Quarries open and in working) without paying any thing for the same; but levelling and filling up, or fencing about, the Holes and Pits made by getting such Gravel, Stones, and other Materials, in such Manner as the said Trustees, or any Five or more of them, shall judge reasonable; and it shall also be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, in Writing, to dig or gather any such Materials in or upon the several Grounds of any Person or Persons (not being a Garden, Park, Orchard, Yard, Nursery, planted Walk or Walks, or Avenue to a House) and, from time to time, to carry any Materials which shall have been digged or gathered, by virtue of this Act, over or through any such private Grounds as aforesaid, paying such Rates for such Materials to the Owner or Occupier of the Ground where such Materials shall be digged or gathered, and through or over which the same shall be conveyed, as the said Trustees, or any Five or more of them, shall judge reasonable: And in case of any Difference between such Owner or Occupier and the said Trustees, touching such Damages, the Justices of the Peace, at any General Quarter Session to be holden within the Space of Six Months after such Difference

without paying for the same;

levelling the Pits;

if sufficient Materials cannot be had there, they may be taken from Private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

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ference shall arise, in and for the County where such Materials have been got or carried away, may and shall adjudge, assess, and finally determine the same.

Surveyors to get Materials out of Quarries.

Provided always, and be it further enacted by the Authority aforesaid, That in case the Owner of the Soil, or Occupier of the Ground, where such Materials shall be digged or gathered, or any other Person or Persons, shall, at any Time, take or carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any such Surveyor or Surveyors, or Person or Persons employed by him or them, hath or have got, gathered, or digged out of any Waste or Common Land, River, or Brook, or private Grounds, for the Purpose of repairing the said Road, or any Part thereof, or shall dig, gather, get, take, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made or opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor or his Workmen shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days, except the Owner or Occupier of such private Ground, for his own private Use, and Persons by him lawfully authorized to get Materials therein, for the proper Use of such Owner or Occupier only, and not for Sale, every Person and Persons so offending, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he or they shall appoint from time to time (such Surveyor or Surveyors having an Order in Writing from the said Trustees, or any Five or more of them, for that Purpose) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn or convey any Watercourses, Sinks, or Drains, running into, along, or out of the same, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think proper and necessary; and to cut down, lop or top any Trees or Bushes, growing in the said Road, or in the Hedges or Banks adjoining thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to cut down and carry away such Trees or Bushes as aforesaid, or to open,

turn Watercourses,

scour Ditches,

and cut down Trees, &c.

the Owners neglecting to do the same after Notice;

open, scour, or cleanse, such Watercourses or Ditches, or remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

the Charges to be reimbursed to the Surveyors.

Penalty of a Second Offence.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall be lawful for such Surveyor or Surveyors, by the Order of the said Trustees, or any Five or more of them, in Writing, and any Person or Persons employed by such Surveyor or Surveyors, to make Causeways and Drains in the said Road, and through any Grounds lying contiguous thereto, and to erect and keep in Repair Arches of Brick, Timber, or Stone thereupon, and to divert and turn the said Road, or any Part or Parts thereof, over any Part of the Woods or Waste Grounds contiguous and adjoining thereto, or through which the said Road does now pass; and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as the said Trustees, or any Five or more of them, shall adjudge necessary, for the better amending and keeping the said Road in good Repair; and also to make a Road through the Grounds adjoining on any narrow or ruinous Part or Parts of the said Road (not being the Ground whereon any House or Building stands, Garden, Orchard, Yard, or Avenue to a House, Plantation, or Nursery of Trees) to be made use of by all Passengers with Horses, Cattle, and Carriages, or otherwise, as a publick Highway, whilst the old adjacent Road is repairing or widening, and until the same shall be convenient and safe for Passengers and Carriages; making such reasonable Satisfaction to the Owner or Occupier of such Ground, through which any such Ditch, Drain, Trench, Arch, Bridge, or such occasional Road shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference concerning the same, the Justices of the Peace, at any General Quarter Session, to be holden within the Space of Six Calendar Months

erect Bridges,

and make a temporary Road;

making Satisfaction to the Owners.

Justices to determine Differences.

Months after such Difference shall arise, for the said County, wherein such Damage shall or may happen, shall and may adjudge, assess, and finally determine the same.

If the Way over any Moor shall be turned, the Inhabitants not liable to repair such former Road.

Provided always, That in case the former Way over any Moor or Waste Ground shall, by virtue of this Act, be turned or diverted, the Inhabitants of the Township or Townships wherein the former Road shall lie, shall not be obliged to repair such former Road, unless the same leads to some other Village, Town, or Place, which the new Road doth not lead unto.

Trustees may contract for the Purchase of Lands to be taken into the Roads.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall think proper to widen, turn, or alter any Part of the said Road, it shall and may be lawful for such Trustees, or any Seven or more of them, from time to time, to purchase any Lands or Hereditaments, lying contiguous or near to any Part of the said Road, and out of the said Tolls, or out of any Money to be borrowed on the Credit of such Tolls, to pay for such Lands or Hereditaments, and all the Charges attending such Purchase; and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, 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 Seven or more of them, for the Purchase of such Lands 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 any wise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, &c. may contract for the Sale of Lands,

And be it further enacted by the Authority aforesaid, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments, intended

to be taken in, and added to any Part of the said Road, or through which any Part of the said Road shall be intended to be turned 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 Premisses, or by reason of Absence shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any Seven 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, liable to serve upon Juries, wherein such Lands or Hereditaments are situate (which Oaths any Two or more of the said Trustees, are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners or Proprietors, or other Person or Persons interested for, or upon account of the taking of such Lands or Hereditaments into the said Road, or of turning such Road, or any Part thereof, through the same; and in order thereunto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, to summon before the said Jury, and examine, upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer;) and they the said Trustees, or any Seven 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 said Jury's better Information in the Premisses; and the said Trustees, or any Seven or more of them, 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 of, or other Person or Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement, Order, or Determination, shall be final and binding to all Parties and Persons whatsoever, claiming, or to claim in Possession, Reversion, Remainer, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, 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 Seven or more of them, are hereby impowered to issue out their Warrant or Warrants

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

to

to the Sheriff of the County respectively wherein such Lands or Hereditaments are situate, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty four Persons liable to serve upon Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Seven or more of them, acting in the Premisses, 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 Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury; or being sworn, and 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 Premisses, 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 the Penalties and Forfeitures are herein after directed to be levied and disposed of, so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, upon any One Person for One Offence.

Jurors may be challenged.

Trustees may impose a Fine on the Sheriff, &c. making Default in the Premisses.

Fine not to exceed 10*l.*

And be it further enacted by the Authority aforesaid, That all and every Sum or Sums of Money or Recompence to be agreed for, or ascertained as aforesaid, shall be, and is and are hereby charged upon the Tolls by this Act granted, or out of the Monies to be borrowed upon the Credit of such Tolls, and shall be paid accordingly to

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

the Persons respectively intitled thereto, or to their Agents, and that upon Payment or Tender thereof to such Persons, or their Agents, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks for the time being, for the Use of such Person, and after Thirty Days Notice thereof given to such Persons, or left with the Occupier or Occupiers of the Premisses, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, or add to such Road, such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and such Lands 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 Road hereby appointed to be repaired and widened is, by this or any other Law, to be repaired; and after such new Road shall be completed, the Lands and Grounds constituting the former Road, unless the same leads to some other Village, Town, or Place, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven 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 said Road are directed to be applied.

Lands when purchased to be deemed a Publick Highway.

Old Road may be sold.

Owners of Land adjoining to have the Preference at such Sale, &c.

Provided always, That in case the Owner or Owners of any Lands adjoining to the Lands constituting the former Road, shall signify in Writing to any Five or more of the said Trustees, before the new Road shall be completed, his, her, or their Desire to purchase so much of the said former Road as shall adjoin to his, her, or their Lands, such Owner or Owners shall be allowed to purchase the same, in preference to any other Person; and if the said Trustees, or any Seven or more of them, and the said respective Owners, shall not agree touching the Money to be paid for the Purchase of such Lands, the Value thereof shall be ascertained and settled by a Jury, in such Manner as is herein before directed, with respect to the Valuation of Lands intended to be laid into, or made Part of the said Road.

Provided always, That nothing herein contained shall extend, or be construed to extend, to intitle the Owners or Proprietors of any Woods, Wastes, or Common Lands,

Lands, to any Satisfaction or Recompence whatsoever, for or in respect of the diverting or turning the said Road, or any Part thereof, over any such Woods, Wastes, or Common Lands, or to impower the said Trustees, or any of them, to sell the old or any former Road over such Woods, Wastes, or Common Lands, but that the same old or former Road shall be deemed and considered as Waste and Common, and belong to the Owners and Proprietors of such Waste or Common Lands, in lieu of the new Road; any thing herein before contained to the contrary notwithstanding.

On inclosing Commons, &c. a Space of 40 Feet to be left between the Fences, for a Road.

And whereas many Parts of the said Roads lie over Commons, Woods, and Waste Grounds; be it further enacted, That when any of the said Commons, Woods, Waste Grounds, and Pastures, shall be inclosed, there shall be left at the least Forty Feet betwixt the Fences which inclose any Part of the said Roads, which Space shall be deemed to be Part of the said Roads.

Buildings, &c. not to be injured.

Provided also, That nothing herein contained shall authorize the Trustees to take down any Dwelling-house, or to take into the said Road any Part of any Garden, Park, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, without the Owner's Consent.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, at any Meeting to be held in pursuance of this Act, from time to time, to assign over or mortgage the said Tolls arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls) as a Security for any Sum or Sums of Money to be borrowed, with Interest for the same, to such Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words for that Purpose.

Form of Assignment.

" BY virtue of an Act made in the Thirty second Year " of the Reign of His Majesty King *George* the Second, " for repairing and widening the Road from the Cross at " *Broken Cross* in *Macclesfield*, in the County of *Chester*, " through *Macclesfield Forest*, to the present Turnpike Road " at the South End of the Township of *Buxton*, in the " County of *Derby*, We of the Trustees do assign " unto *A. B.* his Executors, Administrators, or Assigns, " in Consideration of the Sum of from this " Day of in the Year of our " Lord until the said Sum of

with Interest at the Rate of [illegible] per Centum per Annum shall be repaid, such Proportion of all the Tolls arising by virtue of the said Act as the said Sum of [illegible] shall bear to the whole Sum advanced on the Credit of the same.

All Creditors to be deemed equal in Degree.

And all and every Person or Persons to whom the said Trustees, or any Seven or more of them, shall, at any Time, make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Tolls, according to the respective Sums in such Assignment mentioned to be advanced to secure the Repayment thereof, with Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever; and the Money so borrowed shall be applied in the First Place, in discharging the Expences incurred in, and in relation to, the obtaining of this Act; and afterwards in such Manner as the Tolls are directed to be applied, and to no other Use or Purpose; and

Application of the Monies borrowed.

Assignments to be entered in a Book.

Entries or Memorials of every such Assignment or Assignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be perused at all reasonable Times, by all Persons whomsoever, without Fee or Reward; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured to any Person or Persons whatsoever endorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

Assignments may be transferred.

Form of Transfer.

"I Do transfer this Assignment, with all my Right and Title to the Principal hereby secured, and to all the Interest now due to [illegible] his Executors, Administrators, or Assigns. Dated this [illegible] Day of [illegible]

"Witness, *G. H.* *A. B.*"

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names

Names of the Parties, and Sums of Money therein transferred, in the said Book or Books, to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees, or any Seven or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignees may, in like Manner, assign again; and so toties quoties: And in case any Sum so assigned shall not exceed the Sum of Fifty Pounds, it shall and may be lawful to and for the respective Person or Persons then intitled to such Assignment respectively, by an Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property in such Assignment or Assignments to any other Person or Persons, without any Entry to be made thereof in the said Book or Books to be kept for entering the said original Mortgages or Assignments; and all such Transfers and Assignments shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign or transfer the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment respectively, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof: But no Money shall be borrowed on the Credit of the said Tolls, unless Notice be for that Purpose first in Writing under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpikes to be erected by virtue of this Act, or upon the Market Cross in the Town of Macclesfield aforesaid, and inserted in some publick News Paper or News Papers, at least Fourteen Days before the borrowing of such Money.

Clerk's Fees

Notice to be given of borrowing Money.

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose; and, being so entered, shall be signed by Five or more of the Trustees assembled, as the Case shall require; and such Book or Books, and also the said Book or Books directed to be kept for registering the said Mortgages and Assignments, shall be admitted in Evidence in all Courts whatsoever.

Proceedings to be entered in a Book.

Books may be read in Evidence.

Provided

Trustees, with Consent of the Creditors, may lessen the Tolls, &c.

Provided always, and it is hereby further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, to vary the Tolls hereby granted, or any Part thereof, by lessening, reducing, or advancing such Tolls, after any such Reduction; and to order and direct such Tolls, so lessened and reduced, or advanced, to be collected, received, taken, and laid out and applied, for the Purposes of this Act, in such Manner as they shall think fit; so as Twenty Days Notice of the Meeting for that Purpose be given by Writing, under the Hand of the Clerk, to be fixed on all the Turnpike-gates erected by virtue of this Act, and on the Market Cross of Macclesfield aforesaid, and also in some publick News Paper; and so as such Reduction be with the Consent of the major Part in Number and Value of the Persons who shall have lent Money on the Credit of the said Tolls, or who, at the Time of such Reduction, shall have any Money secured thereby; and so as such advanced Tolls do not exceed the Tolls hereby before granted; any thing herein before contained to the contrary in any wise notwithstanding.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers herein contained, shall take Place from the passing of this Act, and shall continue for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, on Notice in Writing to be fixed on all the Turnpikes which shall be then erected, and at the Market Cross at Macclesfield aforesaid, of their Intent to let the said Tolls, or any Part, at least Twenty Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the said Tolls, or any Part or Parts thereof, to any Person or Persons, from Year to Year, or for any Term of Years, not exceeding Three, for the best Price that can be got for the same; payable at such Times, and under such Covenants, as they the said Trustees, or any Five or more of them, shall direct or appoint; which Monies so to be paid, shall be applied as the said Tolls are directed to be applied.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That all the said Trustees who are or shall be in the Commission of the Peace for the County of Chester or Derby, may act as Justices of the Peace within their several Jurisdictions,

risdictions, for the putting this Act in Execution, notwithstanding their being Trustees.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That upon the Death, or Refusal to act, of any Trustee hereby appointed, or hereafter to be elected, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, to elect and appoint a Person living in the County of Chester or Derby, to be a Trustee in the Room of every such Trustee so deceased, or refusing to act; Notice of the Time and Place of Meeting for such Election being given by the Clerk or Clerks to the said Trustees, to be affixed at or on all the Turnpike-gates that shall then be erected by virtue of this Act, and also on the Market-cross in Macclesfield, at least Fourteen Days before such Election; and all Persons so elected and appointed, shall and may and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if they had been named Trustees in this Act.

14 Days Notice of Election to be given.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the several Meetings of the Trustees for the Purposes of this Act shall be held at the Market Town of Macclesfield aforesaid; and the said Trustees, or any Five or more of them, may adjourn themselves from time to time, and meet as often as it shall be necessary, for putting this Act in Execution; and if it shall happen that there shall not appear a sufficient Number of Trustees to act at any such Meeting, and to adjourn to another Day, the Clerk to the said Trustees shall, from time to time, as often as such Case shall happen, by publick Notice in Writing, to be affixed on all the Turnpikes upon the said Road, and on the Market-cross in Macclesfield, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in Macclesfield aforesaid, on that Day Fortnight, from the Day on which such Meeting was appointed to have been held; and that the Trustees, at their Meetings, shall defray their own Charges.

In Default of a sufficient Number of Trustees to act,

10 Days Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee for putting this Act in Execution, during the Time of his holding any Place of Profit under this Act.

No Tfustee to accept of a Place of Profit arising from the Tolls.

Provided always, and be it further enacted, That no Trustee or Trustees, appointed in or by virtue of this Act, shall do any Act in the Execution of the Powers hereby

No Act of Trustees to be done, but at a publick Meeting.

hereby given, except it be at a Meeting to be held in pursuance of this Act, or by virtue of some Power or Powers to be delegated and committed to him or them by any Seven or more of the said Trustees, assembled at a Meeting to be held in pursuance of this Act.

Qualification of Trustees.

Provided always, and it is further enacted by the Authority aforesaid, 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 and Enjoyment of Lands, Tenements, and Hereditaments, of the yearly Value of Forty Pounds, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds: And if any Person not being so qualified, shall presume to act contrary to the true Intent and Meaning hereof, every Person for such Offence, shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons that shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information; wherein no Essoin or Protection, Wager of Law, or more than One Imparlance shall be allowed: And the Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting, if not qualified.

Roads to be measured, and Mile-stones erected.

Provided also, and it is hereby further enacted by the Authority aforesaid, 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 erected and set up, in or near the Sides thereof, One Stone or Post to be placed at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person or Persons shall voluntarily or maliciously break, destroy, or prejudice, any of the said Stones or Posts, or any Part thereof, which shall be so erected and set up as aforesaid, or any Stone or Post for protecting any Horse or Foot Causeway, or for any other Purpose whatsoever, by virtue of this Act, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be inserted thereon, or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, in, upon, or over any Horse or Foot Causeway in the said Road, where the Carriage-way is passable for Wheel Carriages, every such

Penalty on defacing Mile-stones, &c.

Person

Person so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; and One Moiety of such Forfeiture shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are herein after directed to be applied.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures imposed by this Act, touching which no Provision is herein particulary made, shall be recovered and levied by Distress and Sale of the Goods and Chattles of the Offender and Offenders, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of One or more Justice or Justices of the Peace for the County wherein such Penalties and Forfeitures shall be incurred, or the Offender or Offenders shall reside; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant, on the Information of One or more credible Witness or Witnesses, upon Oath, and which Oath the said Justice or Justices is and are hereby impowered and required to administer; and the Penalties and Forfeitures, when recovered, shall be applied, in case the same are not herein particularly directed to be otherwise applied, for and towards the amending the said Road; and the Overplus raised by such Distress and Sale (if any shall be) shall, upon Demand, be returned to the Party whose Goods and Chattles shall be so distrained and sold, the reasonable Charges of such Distress and Sale (to be settled and allowed by the said Justice or Justices) being first deducted.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Act, Order, or Judgement of the said Trustees, or any of them, or of any Surveyor or Surveyors to be by them appointed, or of any Justice or Justices of the Peace, in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal, in all Cases, to the Justices, at the next General Quarter Session of the Peace for the County wherein the Cause of Appeal shall arise; every such Person so appealing, first causing Ten entire Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given unto the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be done, made, or awarded, and to some or One of the Collectors of the Tolls; which said Justices, at their Session, upon due Proof of such Notices being given as aforesaid, shall

Notice of Appeal to be given.

hear and determine the Causes and Matters of the said Appeals, and every of them; and shall give such Costs to the Parties appealing, or appealed against, as they, in their Discretion, shall think proper; and their Orders and Judgements therein shall be final and conclusive to all Parties concerned, and shall not be removed into any superior Court by Writ of Certiorari.

Writings to be without Stamps.

Provided always, and it is further enacted by the Authority aforesaid, That no Assignment, Mortgage, Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, in or relating to the Execution of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless 9 Trustees be present.

Provided also, and it is hereby enacted and declared, That no Order made by the said Trustees, or any Five or more of them, shall be repealed or altered by any subsequent Order of the Trustees, unless Nine Trustees at the least shall be present at the Time of repealing or altering such Order.

Convictions to be in the following Form.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted by the Authority aforesaid, That all and every the Justice and Justices of the Peace, Trustee or Trustees, 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, as the Case shall happen, or in any other Form of Words, to the same Effect:

County of *Chester*, or, County of *Derby*. } BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace, for the County aforesaid [or before us Trustees, nominated and appointed for putting in Execution the Powers contained in an Act of the Thirty second Year of the Reign of His Majesty King *George* the Second, for repairing and widening the Road from the Cross at *Broken Cross*, in *Macclesfield*, in the County of *Chester*, through *Macclesfield Forest*, to the present Turnpike Road at the South End of the Township of *Buxton*, in the County of *Derby*] of

[*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.*]

Given under Hand and Seal, or Hands and Seals, the Day and Year aforesaid.

Which

Which said Form and Conviction, or any other Proceeding or Proceedings, to be had touching the Conviction of any Defender or Offenders against this Act, or Order made touching any of the Matters aforesaid by virtue of this Act, shall not be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding. Proceedings not to be quash'd for want of Form, nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That all Contracts in Writing, entered into pursuant to any Order of the said Trustees, made at a Meeting of Five or more of them, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen, or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered, against the Parties failing in the Execution thereof; and the Sum of Money requisite for putting the said Road into such Condition and Repair, as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid making Default in fulfilling his said Contract; any Law or Usage to the contrary in any wise notwithstanding. All Contracts made by the Trustees, &c. deemed valid, &c.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining, be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover Satisfaction for the special Damage, in an Action upon the Case, provided that no Action or Suit shall be commenced against any Person or Persons, for any thing done or to be done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks, 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 the Distress not to be deemed unlawful for want of Form, nor the Party distraining deemed a Trespasser *ab initio*. Plaintiff not to recover, if Tender of Amends shall have been made. Limitation of Actions.

County where the Fact was committed, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may plead at his Election specially, or the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof 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 other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

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FINIS